

Corporate Crisis Policy

Live from: xx xxxxx 2021

Live until: xx xxxxx 2024



Title	Corporate Crisis Policy		
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	Service area	Finance	
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Date	Created	20 August 2021	
	Submitted	Xx xxxx 2021	
	Approved	Xx xxxx 2021	
	Updating Frequency	3 years	
Status	Version: 0.4		
Contributor(s)	Head of Resident & Business Support,		
Subject	Crisis		
Type	Policy		
	Vital Record		EIR
Coverage	Middlesbrough Council		
Language	English		
Document Control			
Version	Date	Revision History	Reviser
0.1	20.08.21	First draft	M Symmonds / Martin Barker
0.2	02.09.21		Mark Symmonds, Emma Mchale / Kerrie Scraton / Ben Short / Maria Bache
0.3	21.09.21	Review of Draft	Janette Savage / M Symmonds
0.4	10.11.21	Review of draft	M Symmonds / Martin Barker
0.5			
0.6			
0.7			
0.8			
0.9			
Distribution List			
Version	Date	Name/Service area	Action
0.4			
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Summary

This policy forms part of the Council's Welfare Strategy which covers the Council's overall approach to the Welfare of Middlesbrough residents.

It sets out how the Council will support residents who are in a crisis situation, and gives guidance to staff about the specific types of support which are considered suitable and fund limits which can be offered.

Context

This policy is designed to complement and enhance the Council's social regeneration plans.

Purpose

The purpose of this new policy is to provide a corporate approach to the definition of crisis, what is considered to be a suitable crisis following which access to the supporting mechanisms can be made, and also covers what is not a crisis. The policy also defines how any support payments will be made.

This policy also supports the Corporate Debt Policy.

Every effort will be made to support residents who are in crisis. Service Areas will work together, where appropriate to do so, and also share data where appropriate to do so, to make informed decisions about what support can be offered. The overall decision and distribution of funds falls under Resident and Business services.

The policy will be reviewed as required to ensure processes remain fair and in line with legislation, best practices and local priorities.

The policy may be extended to include other forms of crisis situations experienced elsewhere within the council, but not specifically covered under the examples contained within this policy.

Objective

The Council's crisis policy has the following objectives:

- to promote a consistent and fair methodology to the council's approach to crisis, encouraging working together and the sharing of information,
- Enable those in crisis to access the funds and support they require,
- Provide a framework that sets the criteria for dealing with residents in crisis.

Outcome

The outcomes expected from this policy are:

- To ensure a quick, efficient and consistent process for residents in crisis, which leads to good decision making,
- Provide for consistency in the amount of awards both in terms of goods and funds,
- Standardise the procedures for considering crisis support requests,
- Avoid the use of subjective judgement and criteria when considering cases for crisis, by providing clear objective criteria and procedures
- Introduce effective performance management arrangements,
- Help focus resources on those who do fit the council's definition of crisis,
- Support the Council's other policies where those in crisis need follow up help.

Definitions

Crisis is defined as an urgent need for assistance as a consequence of an emergency, disaster, unforeseen circumstance or a pressing need that is significantly different to the pressures generally associated with managing a low income. It is also a situation(s) which poses an immediate risk to health or life and requires urgent intervention. Crisis support is intended to help with extreme and severe one-off situations. It is not intended to be a regular form of support.

Disaster is defined as an event of great or sudden misfortune such as major flooding, a gas explosion, chemical leak or house fire but not minor mishaps or damage.

Scope

This policy applies to all employees (both permanent and temporary), contractors and consultants of the Council who are given the authority to manage and collect debt and income which is owed to the Council, or will be due to be owed to the Council at a later date.

Legislative and regulatory framework

Key elements of the legislative and regulatory framework for debt management are set out below.

Local Government Acts 1992 (as amended)	Establishes requirements to manage the Council's financial affairs and the appointment of a section 151 officer.
Council Tax (Administration and Enforcement) Regulations 1992	Make provision for the administration and enforcement of Council Tax.

Non-Domestic Rating (Collection and Enforcement)(Local Lists) Regulations 1989	Make provision for the collection and enforcement of non-domestic rates.
Debt Respite Scheme (Breathing Space Moratorium and Mental Health Crisis Moratorium) Regulations 2020	Establishes a debt respite scheme and establishes a breathing space moratorium and a mental health crisis moratorium.
Traffic Management Act 2004	Provide for the enforcement of parking, loading and waiting restrictions and processing of penalty charge notices.
Transport Act 2000	Provide for the enforcement of bus lane contraventions.
Data Protection Act 2018	Controls the lawful passing of personal data from one part of the Council to another.
The Housing Benefit General Regulations 1987 and 1992	Sets out the legislation that governs the payment of Housing Benefit, including Housing Benefit overpayments and their associated recovery
Social Security Contributions and Benefits Act 1992	The primary legislation for most benefits in the UK
Social Security Administration Act 1992	The primary legislation for most benefits in the UK
Taking Control of Goods Regulations 2013	Provides the legislation for the taking control of goods in the UK, including the use of enforcement agents
County Courts Act 1984,	Establishes a single county court and its jurisdiction
Civil Procedure Rules 1998	Establishes the rules of Civil Procedure used by various courts in the UK
Charging Orders Act 1979	An Act to make provision for imposing charges to secure payment of money due, or to become due, under judgments or orders of court; to provide for restraining and prohibiting dealings with, and the making of payments in respect of, certain securities; and for connected purposes.
Insolvency Act 1986	Consolidates enactments relating to company insolvency and winding up, and bankruptcy of individuals
Equality Act 2010.	Is an amalgamation of previous anti-discrimination laws. It is a law which protects from discrimination of unfair treatment on the basis of certain personal characteristics such as age
General Data Protection Regulation 2016 (GDPR) and Data Protection Act 2018 (DPA2018)	The GDPR/DPA2018 place a duty on the Council to comply with the data

	<p>protection principles relating to processing of personal data:</p> <p>(1)(a) Lawfulness, fairness and transparency;</p> <p>(1)(b) Purpose limitation;</p> <p>(1)(c) Data minimisation;</p> <p>(1)(d) Accuracy;</p> <p>(1)(e) Storage limitation;</p> <p>(1)(f) Integrity and confidentiality (security);</p> <p>(2) Accountability (including the rights of data subjects).</p>
Freedom of Information Act (FOIA) 2000	<p>Under the FOIA, the Council has a duty to make information available to the public upon request, unless specific exemption(s) apply. It is also obliged to proactively and routinely publish information that has been frequently requested in the past in its Publication Scheme. Information requests frequently include requests for information held in emails.</p>
Local Government Acts 1972, 1985, 1988 and 1992, Lord Chancellor's Code of Practice on Records Management (S46 Freedom of Information Act)	<p>Establishes requirements to manage records and information, and gives implied authority to share certain kinds of information with partners.</p>
Care Act 2014 and Statutory Guidance Annex D	<p>The Act by which the local authority is able to charge for social care support and the rules imposed on the local authority with regard to recovery of such debt.</p>
Family Law Act 1996	<p>An Act of Parliament governing divorce and marriage.</p>
Safeguarding Vulnerable Groups Act 2006	<p>An Act to make provision in connection with the protection of children and vulnerable adults.</p>
Modern Slavery Act 2015	<p>An Act designed to combat modern slavery in the UK.</p>
Tribunal Courts and Enforcement Act 2007	<p>An act which makes provision for tribunals and inquiries, particularly relating to the enforcement of judgments and debts.</p>
Taking Control of Goods Regulations 2014	<p>Make provision for recovery of fees and disbursements from debtors to enforcement agents in relation to the procedure for taking control of goods.</p>
Landlord and Tenant Act 1954	
Land and Property Act 1925	

Miscellaneous Provisions Act 1986	Contractual obligations under lease agreements for the payment of rent and other property charges.
Regulation of Investigatory Powers Act 2000 (RIPA)	Governs the use of covert surveillance by public bodies.
Children Act 1989 – Section 17	Social services have a general duty to safeguard and promote the welfare of children in need in their area

Roles and responsibilities

Head of Service – Residents and Business Services	Overall responsibility for the delivery of the Resident and Business Support Service and the Policy Owner.
Other Heads of Service	Where appropriate, Heads of Service have responsibility for ensuring strategic compliance with the policy.
Service Delivery Manager / Strategic Business Managers / Support Services Manager.	Where appropriate, responsibility for overseeing day-to-day compliance with this policy and the standards set out within it by their staff and other personnel they manage or commission.
All staff, contractors, consultants, interns and any other interim or third parties	Responsible for compliance with this policy.
Data Protection Officer	Responsible for provision of advice and guidance to the Council on its obligations in relation to data protection.

Supporting policies, procedures and standards

The following policies, procedures and standards will be implemented across the Council to ensure that the Council's debts are managed effectively and securely.

Corporate Debt Management Policy	This provides a framework for the consistent management of all debt and income across the Council
Debt Write Off Policy	This provides a framework for the consistent management of uncollectable debts.
Welfare Strategy	This provides a framework (e.g. a number of policies – S13a, Crisis Support, Food poverty, etc.) for a joined up approach to a holistic welfare advice and support service for all relevant residents.

Data Protection Policy	This summarises the Data Protection Policy position of Middlesbrough Council and how it will comply with legislation, and associated codes of practice and official guidance in relation to the processing of personal data.
Records Retention Schedule	This defines how long different records should be retained to comply with legal, regulatory or other requirements and the proper arrangements for archiving and destruction.
Records Management Policy and supporting procedures	This provides a framework for ensuring that the Council's records are well kept and that the systems used to hold them are fit-for-purpose.
Information Security and Infrastructure Security Technical Policies	These set out policies and standards for the management and maintenance of the security of Council infrastructure and applications.
Vital Records Standards	This sets out how vital records will be identified and the steps to be taken to ensure their protection and preservation.
Vulnerability Policy	Intended for use by Middlesbrough Council employees when engaging with residents/customers where payment of a collectable debt is being considered.
Stop the Knock approach	A solution designed as a 'helping hand' to support customers who are experiencing difficulties in meeting payment obligations.

What is considered a crisis?

For those who have suffered a disaster or crisis as defined above, support will be provided if a Middlesbrough resident meets one or more of the following:

(a)

- where there has been an unexpected serious emergency or crisis, which includes COVID-19, and there is a significant risk of harm to the an adult or child if no assistance is given;
- where a vulnerable person in the community needs help with basic housing needs or food to prevent homelessness or hardship;
- where a resident requires emergency visits to hospital (i.e. to Accident and Emergency);
- If there has been a breakdown of the family unit (i.e. fleeing violence);
- If there has been major flooding, gas explosions or fire which affects the home (where insurance or utility companies are not liable);
- If families would suffer severe health and/or safety problems if remedial support were not provided;
- If a resident or child is a victim of any type of domestic abuse and they need help with things like moving away from an abuser;
- A grandparent or other relative who has taken over caring for a child, and are waiting on additional state benefits;
- Experiencing a gap in your normal income levels because of a redundancy or change in employment at work which means you have no money for food or utilities;
- If a crisis, such as illness, has affected your ability to manage day to day essential living expenses;
- Where an application is made for Crisis Support via a referral from Children's Services for a need affecting a child/care leaver, an award can be considered for any costs which the Community Support Officer feels would be appropriate to make an award in order to avoid a detrimental effect on the child/care leaver concerned;

- Where a family has a disabled child, an award can be considered for the cost of a specific piece of equipment essential to the child if this has been broken, damaged or stolen and the family have no access to other funds;
- Following the death of a parent, or a carer, or domestic violence incident, the provision of a telephone for a child with significant health issues

and

(b)

- Have a risk or perceived risk to the personal health and safety of themselves and/or a member of their household or those that are placed in care within the household.

General principles

The general principles adopted in this policy are as follows:

- To ensure a professional, consistent and timely approach to dealing with crisis and its associated support across all of the Council's functions,
- Where Data Protection legislation allows, promote a coordinated approach towards sharing information internally and managing multiple awards connected to crisis across the whole of the Council,
- To ensure that crisis is managed in accordance with legislative provisions and best practice,
- Ensure that any steps taken to deal with crisis in line with the Council's corporate policies on surveillance and data protection, and to ensure compliance with RIPA and GDPR legislation.

Delivering the policy

The Council's Community Support team will work in conjunction with the Children's Services or any other service to take referrals for Crisis Support where a child or member of their household has an urgent need for assistance which, if not provided, would affect the wellbeing of the child/care leaver/resident.

Delivering the policy involves a number of processes which are explained in more detail below:

- Ensuring a consistent approach
- What circumstances are not considered to be a crisis?
- Type of support that can be considered through crisis or a disaster
- How payments will be made?
- What needs are not covered?

Ensuring a consistent approach

In line with this policy, the council will have a consistent approach across all directorates in responding to crisis. Regular training will be delivered on the policy in general and internal processes will be reviewed to ensure they fall in line with this policy.

What circumstances are not considered to be a crisis?

Please note that **awards will not be made** to cover the following:

- If help is likely to be available from other funds or schemes, including if you have access to a short term benefit advance via Universal Credit
- If you've lost your money, unless this is supported with a crime reference number.
- if you're not responsible for paying rent or Council Tax in your own right (for example, if you live with your parents, you're 'sofa-surfing', or you have no permanent address)
- if your benefit has been sanctioned by the Department for Work and Pensions (DWP) although we may be able to help with a referral to a local foodbank or similar organisation
- if you've spent your money before your next payment is due and is purely a budgeting issue
- if you can apply for other income which may be available to you straight away
- Where the claim is from a person who has been deemed as having no recourse to public funds (NRPF), unless the claim includes dependent children.

Type of support that can be considered through crisis or a disaster

The following are areas considered as suitable or eligible for support where a resident is experiencing a crisis or a disaster. This list is not exhaustive and alternative scenarios may be considered.

- Daily living expenses such as food, toiletries and fuel
- To meet the cost of repaying emergency credit on a gas or electric prepayment meter so the supply of fuel can be maintained or restored
- Emergency accommodation charges when homeless - board and lodging or hostel
- Emergency travel expenses where the applicant is stranded away from home in a disaster
- Rent in advance payable to secure fresh accommodation where the landlord is not a local authority (but only in circumstances where an award for a Community Support Grant has been awarded)
- Essential clothing for adults or children
- Meals or items deemed as essential through either children's services or the community support team, up to agreed levels

- White goods, furniture, bedding and household items.

How payments will be made

The Council will provide a wide range of support in line with current procurement guidelines. The pricing of support items will be at the discretion of the Council. Internal guidance will be provided on an annual basis.

The vast majority of awards will be made through electronic means (Paypoint, Love to Reward, BACS payments to suppliers / residents). No cash will be awarded. Routinely, payments will be made as follows:

- Pay-Point vouchers for food
- Pay-Point vouchers for gas and electricity
- Pay-Point vouchers for essential clothing
- Pay-Point vouchers for household linen and kitchenware
- Direct awards with specific retailers for household furniture and white goods to agreed levels
- Direct referrals to the local foodbank or similar organisations providing essential food and supplies

What needs are not covered

Even where a resident fulfils the definition of crisis or disaster, the following needs are not covered under this policy, albeit this list is not exhaustive, there may be other needs that are not covered.

- An educational or training need including clothing, meals and travel
- Expenses in connection with court (legal proceedings) such as legal fees, court fees, fines, costs, damages, subsistence or travelling expenses
- Removal or storage charges if you are being rehoused following a compulsory purchase order, a redevelopment or closing order, a compulsory exchange of tenancies, or under homelessness legislation
- Domestic assistance and respite care
- Any repair to council property and any repair to properties that are the responsibility of housing associations
- A medical, surgical, optical, aural or dental item or service (needs under all of these headings can be provided free of charge by the National Health Service)
- Debts to government departments
- Investments
- Costs of purchasing, renting or installing a telephone and of any call charges
- Holidays
- Non-essential electrical goods.
- Any expense which the local authority has a statutory duty to meet
- costs of fuel consumption and any associated standing charges (except in an emergency/disaster)

- Housing costs, other than minor repairs and improvements
- Council tax, water charges or community water charges
- Daily living expenses, such as food and groceries, except in emergency/disaster situations

Monitoring and review arrangements

The implementation and effectiveness of this policy and its supporting procedures will be checked and monitored by the Head of Service and associated management team.

The policy for the first 12 months will be subject to quarterly review, followed by a full review every 3 years.





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