

Welfare Support Policy For Residents in Financial Crisis

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1.0 Summary

1.1 This policy forms part of the Council's Welfare Strategy which has been designed to provide financial support to households who are experiencing financial problems.

1.2 The policy sets out how Middlesbrough Council will support residents who are in a crisis situation, i.e. where circumstances occur that are outside of a resident's control which impacts upon their financial situation and in turn creates an immediate risk to the resident or a member of their household. Crisis Support is intended to provide immediate short-term support, with longer term arrangements being considered through the Corporate Welfare Strategy.

2.0 Context

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

3.0 Purpose

3.1 The policy is reviewed periodically and subject to a full review every 3 years. This is necessary to ensure the policy is keeping pace, reflects any changes in legislation, and includes any necessary amendments or alterations. It is anticipated that further changes will be necessary to this Policy as the Council develops its approach to resolving poverty across the Town.

3.2 The policy sets out the corporate approach to the definition of crisis, what is considered to be a crisis to trigger the relevant support and how payments will be made. The policy also outlines what is not considered as a crisis.

3.3 The policy forms part of a wider package of support which is contained within the Corporate Welfare Strategy.

3.4 Service Areas via referrals, will work together, as and when appropriate to ensure the correct level of support is provided for residents of the Town.

3.5 The overall decision and distribution of funds will be administered and delivered by Resident and Business Support.

3.6 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.

4.0 Objective

4.1 The Council's Welfare Support for residents in financial crisis policy has the following objectives:

- To promote a consistent and fair approach to supporting residents in crisis, achieved through referrals, joining up and sharing appropriate information to ensure any immediate Crisis is responded to.
- Enable those in crisis to access the funds and support they require.

- Provide an approach and criteria for dealing with residents in crisis.

5.0 Outcomes

5.1 The outcomes expected from this policy are:

- To ensure a quick, efficient and consistent process for residents in crisis through sound and timely decision making.
- Provide consistency in terms of goods and funds;
- Standardise the procedures for considering crisis support requests;
- Provide a clear criteria including procedures when considering residents who are experiencing financial crisis.
- Provide comprehensive wider support through the Councils Welfare Support Strategy.

6.0 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 on 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.

For the purpose of **the policy 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.

7.0 Scope

7.1 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.

8.0 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 protection principles relating to processing of personal data: (1)(a) Lawfulness, fairness and transparency; (1)(b) Purpose limitation; (1)(c) Data minimisation; (1)(d) Accuracy; (1)(e) Storage limitation; (1)(f) Integrity and confidentiality (security);

	(2) Accountability (including the rights of data subjects).
Freedom of Information Act (FOIA) 2000	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.
Local Government Acts 1972, 1985, 1988 and 1992, Lord Chancellor's Code of Practice on Records Management (S46 Freedom of Information Act)	Establishes requirements to manage records and information, and gives implied authority to share certain kinds of information with partners.
Care Act 2014 and Statutory Guidance Annex D	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.
Family Law Act 1996	An Act of Parliament governing divorce and marriage.
Safeguarding Vulnerable Groups Act 2006	An Act to make provision in connection with the protection of children and vulnerable adults.
Modern Slavery Act 2015	An Act designed to combat modern slavery in the UK.
Tribunal Courts and Enforcement Act 2007	An act which makes provision for tribunals and inquiries, particularly relating to the enforcement of judgments and debts.
Taking Control of Goods Regulations 2014	Make provision for recovery of fees and disbursements from debtors to enforcement agents in relation to the procedure for taking control of goods.
Landlord and Tenant Act 1954	Contractual obligations under lease agreements for the payment of rent and other property charges.
Land and Property Act 1925	
Miscellaneous Provisions Act 1986	
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

9.0 Roles and responsibilities

Head of Service – Resident and Business Support	Overall responsibility for the delivery of the Resident and Business Support Service and the Policy Owner.
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Other Heads of Service	Where appropriate Heads of Service have responsibility for ensuring strategic compliance with the policy.
Strategic Business Managers / Operations Managers.	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.

10.0 Supporting policies, procedures and standards

10.1 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.

11.0 What is considered a crisis?

11.1 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:

- where there has been an unexpected serious emergency or crisis, and there is a significant risk of harm to an adult or child if no assistance is given;
- where a vulnerable person in the community requires help with basic housing needs or food to prevent homelessness or hardship;
- where a resident requires an emergency visit to a 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 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 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;
- the death of a parent, or a carer, or domestic violence incident,

AND

- 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.

12.0 General principles

12.1 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.

12.2 The Council's Community Support team will work in conjunction with 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.

12.3 This policy will be incorporated into Middlesbrough Council's working practices to ensure every client is treated fairly, with transparency and consistency throughout.

13.0 Ensuring a consistent approach

13.1 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 adjusted as required to ensure they fall in line with this policy.

14.0 What circumstances are not considered to be a crisis?

14.1 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.

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

15.1 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;
- the provision of a mobile telephone where there are significant health issues, particularly for children and there is no other support available to provide access to first responders in an emergency

16.0 How payments will be made

16.1 The Council 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.

16.2 Physical good such as household furniture and white goods will be provided through a specific retailer who will deliver the goods in line with the Council's contract.

16.3 The vast majority of awards will be made through electronic means such as PayPoint / OpenPay, E-voucher, Love to Reward, BACS payments to suppliers / residents. No cash will be awarded. Routinely, payments will be made as follows:

- E-vouchers, PayPoint or OpenPay for food
- PayPoint or OpenPay for gas and electricity
- PayPoint or OpenPay for essential clothing
- PayPoint or OpenPay for household linen and kitchenware
- Direct referrals to the local foodbank or similar organisations providing essential food and supplies

17.0 What needs are not covered

17.1 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.

18.0 Monitoring and review arrangements

18.1 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.

18.2 Any alterations to the policy will be subject to approval by Executive. This policy will be reviewed every three years unless there is a significant development that would require a more urgent review, such as a change in legislation.

19.0 Information sharing

19.1 The Welfare Reform Act 2012 and the Social Security Regulations 2012 (information sharing in relation to welfare services, etc.) enables the Council to access Department for Work and Pensions (DWP) data directly. The annual Memorandum of Understanding between DWP and the Council also confirms what data is allowed to be shared and if it can be, under what circumstances.

20.0 Data Protection

20.1 The collation and use of personal data will be managed in accordance with the Council's Data Protection Policy and the Resident and Business Support Privacy Notice – Community Support [Privacy notice - Community Support Scheme | Middlesbrough Council](#)

21.0 Evaluation

21.1 The policy will be evaluated annually by the Strategic Business Managers within Resident & Business Support. Should findings indicate that revisions to the policy are required, a detailed analysis will be provided to the Head of Resident and Business Support. Any proposed changes will be fully documented and passed through to Executive for consideration.

20.2 The policy provides clear guidance for all Council officers, partners and Middlesbrough residents on the Council's approach to ensure consistency, fairness and transparency.