
Decision Maker:	EXECUTIVE For pre-decision scrutiny by the Executive, Resources and Contracts Policy, Development and Scrutiny Committee on 18 th October 2022
Date:	19 th October 2022
Decision Type:	Urgent Executive Key
Title:	BROMLEY HOUSEHOLD SUPPORT FUND
Contact Officer:	Tracey Wilson, Head of Compliance & Strategy Tel: 020 8313 4515 E-mail: Tracey.Wilson@bromley.gov.uk
Chief Officer:	Sara Bowrey, Director, Housing, Planning & Regeneration
Ward:	All Wards

1. REASON FOR REPORT

- 1.1 To note the Government announcement regarding the Household Support Fund (HSF) and to agree proposals for the allocation and distribution of the HSF.

2. RECOMMENDATION(S)

Executive is requested to:

- 2.1 Note that Bromley Council's allocation for the Household Support Fund (HSF) is £1,868k;
- 2.2 Approve the drawdown of this amount from the 2022/23 Central Contingency to the Operational Housing revenue budget;
- 2.3 Approve the full utilisation of this ringfenced grant, in 2022/23, as detailed in paragraph 3.9 of this report
- 2.3 Agree that any final changes are delegated to Chief Officer in consultation with the Portfolio Holders for Renewal, Recreation & Housing and Resources, Commissioning & Contracts Management.

Impact on Vulnerable Adults and Children

1. Summary of Impact: Recipients of the scheme are some of the most vulnerable members of the community with high representation from particular equality groups; in particular vulnerable due to age, disability, mental health, pregnancy or young children and people.
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Corporate Policy

1. Policy Status: Existing Policy – extension of previous funding
 2. BBB Priority: Children and Young People Quality Environment Supporting Independence
Healthy Bromley
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Financial

1. Cost of proposal: Estimated Cost: £1,868k
 2. Ongoing costs: Non-Recurring Cost
 3. Budget head/performance centre: Operational Housing
 4. Total current budget for this head: £7,262k
 5. Source of funding: Department for Work & Pensions
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Personnel

1. Number of staff (current and additional): N/A
 2. If from existing staff resources, number of staff hours:
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Legal

1. Legal Requirement: Non-Statutory - Government Guidance
 2. Call-in: Applicable
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Procurement

1. Summary of Procurement Implications:
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): 10,000 beneficiaries
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

- 3.1 On 26 August 2022, the Government announced that the Household Support Fund (HSF) would be extended from 01 October 2022 to 30 March 2023, with final guidance received at Local Authority level on 30 September 2022. £421 million has been made available to County Councils and Unitary Authorities in England to support those most in need to help with significantly rising living costs.
- 3.2 The expectation is that the fund should be used to support households in the most need; particularly those who may not be eligible for the other support government has recently made available but who are nevertheless in need. This may include, but is not limited to, people who are entitled to but not claiming qualifying benefits, people who are claiming Housing Benefit (HB) only, people who begin a claim or return to payment of a benefit after the relevant qualifying date as well as people who have fuel costs but who cannot access the £400 of energy support from the Energy Bill Support Scheme or the equivalence package confirmed on 29 July 2022. There may be groups who are vulnerable to rising prices even though they are supported through these schemes, for example large families or single-income families. It is important to stress that The Fund is intended to cover a wide range of low income households in need including families with children of all ages, pensioners, unpaid carers, care leavers and disabled people.
- 3.3 Energy bills may be of particular concern to low income households during the period of The Fund and LAs should prioritise supporting households with the cost of energy. Support which can make a quick but sustainable impact on energy costs is particularly encouraged; for example, insulation of hot water tanks, fitting draft excluders to a door, or replacing inefficient lightbulbs or white goods. The Fund can also be used to support households with the cost of food and water bills, essential costs related to energy, food and water, and with wider essential costs. In exceptional cases of genuine emergency, it can additionally be used to support housing costs where existing housing support schemes do not meet this exceptional need.
- 3.4 We have been asked to consider providing support to disabled people in the Borough. This is because disabled people in particular may be facing acute challenges due to the disproportionate impact that rising costs bring for the additional services they need in order to manage their conditions, remain independent and avoid becoming socially isolated. For example, some disabled people may have increased utility bills due to the usage of equipment, aids or adaptations associated with their disability. They may also have additional heating, water or transport costs.
- 3.5 Authorities will be required to provide two management information (MI) returns outlining their grant spend and the volume of awards:
- an interim MI return for the period 01 October 2022 to 31 December 2022 will be due 25 January 2023
 - a final MI return for the period 01 April 2022 to 31 March 2023 will be due 28 April 2023

Grant payments will be made to authorities in arrears on receipt of a fully completed and verified MI return.

Summary of Business Case

- 3.6 The fund is large enough that all options have been incorporated or are under further discussion, and the flexibility of the scheme going forward will allow for a broad range of services and organisations to be supported.
- 3.7 The requirement to utilise the fund by the end of March 2023 and the lead-in times to set up the necessary administrative processes and delivery mechanisms means that proposals have had to be developed at pace and an urgent decision is sought from the Executive.
- 3.8 It is not proposed to make direct payments to the residents, as this increases the risk of fraud and also increases the risk that the payments will not be utilised for the intended purposes. Whilst the government have asked local authorities to seek to cover food and energy costs, the Council proposes to utilise funding in the form of Energy Pre-Paid Cards and Paypoint Vouchers.
- 3.9 A provider on the Crown Commercial Services has been identified that is able to provide energy cards with assurance that this can be set up within four weeks.

A summary of proposed spend is shown below:

Table 1

	Volume	£'000
Families eligible for free school meals during holiday periods	9,200	552
Housing Benefit & Council Tax Support	7,788	974
Adult & Children's Disability	2,176	272
Contingency	160	20
Administration	N/A	50
Total	19,324	1,868

- 3.10 The planned spend shown in Table 1 above is within the grant allocation, so there is no risk to the Council. It is a requirement of the grant conditions to submit regular claims of any costs incurred which will be reimbursed provided they are within the permitted spend in the guidance
- 3.11 Families Eligible for free school meals; £552k has been set aside this will cover school holidays, providing support to the following;
Eligibility Criteria
- All Pupil Premium children, namely:
 - children who claim free school meals
 - looked after or previously looked after children
 - Children eligible for the service premium, including pupils with a parent:
 - Serving in HM Forces
 - Retired on a pension from the MoD
 - Children in Need of help and protection, specifically:
 - Pupils with a Child in Need Plan
 - Pupils subject to a Child Protection Plan
 - Children Looked After
 - Care leavers
 - Pupils supported by Bromley Tackling Troubled Families
 - Privately fostered children
 - Disabled children
 - Ukrainian refugees placed in Bromley through the Family Placement or Homes for Ukraine

scheme.

- Children eligible for the 16-19 Bursary Fund, specifically looked after children or care leavers
those in receipt of Income Support or Universal Credit
those receiving Disability Living Allowance or Personal Independence Payments in their own right
and ESA/UC in their own right

3.12 Housing Benefit & Council Tax Support - £974k has been set aside for households in receipt of housing benefit only, this will include those living in temporary accommodation, those of state pension age and those in certain types of sheltered or supported housing

3.13 Adult & Childrens Disability Teams: £272k has been set aside to support disabled children and disabled adults who may be further impacted by rising costs due to the nature of their disability.

3.14 If there is an underspend in the Adults & Children's disability team, this will be reviewed in January and if required, partner agencies will be contacted so that they may assist their disabled cohort with applying for the scheme.

3.15 Contingency: £20k has been set aside in order to have some ability to use the funding flexibility and to address any new or exceptional circumstances as they arise

3.16 Administration: £50k has been identified for administration which is less than 3% of the overall funding.

3.17 DWP have recommended that at least part of the scheme should be application-led to allow residents to come forward for assistance. We will write to all 7,788 residents in receipt of Housing Benefit and Council Tax Support and invite them to apply online. The letter will include guidance on how people can access help to complete the form if they are unable to do this due to their circumstances, whether this is financial or due to disability/access issues. We will also write to adults and children supported by Social Care and invite them to apply online, but we recognise there could be barriers for people with disabilities for a number of reasons, so we will ask that social care staff assist with applications for these people or we will have two staff in the Household Support Fund team who can apply on residents' behalf.

4. MARKET CONSIDERATIONS

4.1 N/A

5. SOCIAL VALUE AND LOCAL / NATIONAL PRIORITIES

5.1 The Household Support Fund will be a fundamental and practical response to the issue of significant rising living costs.

6. STAKEHOLDER ENGAGEMENT

6.1 N/A

7. PROCUREMENT AND PROJECT TIMESCALES AND GOVERNANCE ARRANGEMENTS

7.1 **Estimated Value of Proposed Action: N/A**

7.2 **Other Associated Costs: N/A**

7.3 **Proposed Contract Period: N/A**

8. IMPACT ASSESSMENTS

8.1 As the fund has to be spent by April 2023 to meet immediate needs, a full means test cannot be established in the timescale. There is always a risk that help based around indicators of need doesn't reach everyone in hardship

8.2 Indicators of need follow established methodologies i.e. for free school meals (FSM). A mixed approach to the fund has been taken to capture as many households in need as possible.

9. POLICY CONSIDERATIONS

9.1 The key policy implications are to ensure that the funds are distributed in accordance with the funding criteria to avoid any monies being taken back or loss of funding. A clear record of both the decision making and the detail of the allocations will assist with this

10. IT AND GDPR CONSIDERATIONS

10.1 The Council is instructed to process information relating to the administering of the Household Support fund in a secure manner giving consideration to appropriate technical and organisational measures to comply with, but not exclusively;

- UK Data Protection Act 2018
- UK Data Protection Act – Part 3 Law Enforcement Processing
- General Data Protection Regulation 2016
- Freedom of Information Act 2000
- Re-use of Public Sector Information Regulations 2005
- Local Government Act 2000
- Computer misuse Act 1990
- Police and Criminal Evidence Act 1984
- Privacy and electronic Communications Regulations (PECR) 2003

10.2 All gathering, storing and use of information for the purposes of provisioning, and delivery Household Support Funding will be conducted in line with the principles of current UK DataProtection law and specifically Article 32, General Data Protection Regulation 2016

10.3 The Council shall ensure that all information processed for purposes of provisioning, and delivery of preventative services is necessary and proportionate to the activity and only retain information for a lawful amount of time as identified in the retention schedule.

10.5 Any requirements to engage IT for equipment or implementations of products and services must be done in a timely way.

11. STRATEGIC PROPERTY

11.1 N/A

12. PROCUREMENT RULES

12.1 This report seeks to award a contract to Blackhawk Network, and other providers as necessary, on the CCS RM 6255 Framework via direct award for provision of vouchers at a total value of £1,868k, with the total costs of using the arrangement included within the administrative costs identified.

12.2 The relevant transparency notices will be published.

12.3 The Council's Contract Procedure Rules require the following for authorising an award via a framework for a contract of this value; the Approval of the Budget Holder must be obtained. In accordance with CPR 2.1.2, Officers must take all necessary professional advice.

12.4 The actions identified in this report are provided for within the Council's Contract Procedure Rules, and the proposed actions can be completed in compliance with their content.

13. FINANCIAL CONSIDERATIONS

13.1 As set out in the report, the Council has been allocated a total of £1,868k by the Department for Work and Pensions for the extension of the Household Support Fund. It is proposed that this amount is drawn down from the 2022/23 Central Contingency to the Operational Housing revenue budget to be allocated as outlined below:

	£'000
Families eligible for free school meals during holiday periods	552
Housing Benefit & Council Tax Support	974
Adult & Children's Disability	272
Contingency	20
Administration	50
	1,868

13.2 With the exception of the £50k for administration costs, it is proposed that the entirety of this funding will be used to purchase Energy Pre-Paid Cards and Paypoint Vouchers which will be distributed to residents.

13.3 This is a ringfenced grant which the Department may withhold payment or require to be repaid if it is not utilised in accordance with the grant conditions summarised in paragraphs 3.2 to 3.5.

14. PERSONNEL CONSIDERATIONS

14.1 No staffing implications

15. LEGAL CONSIDERATIONS

- 15.1 The Government allocated to the Council a ring-fenced fund to provide a Household Support Fund (HSF) Grant for the period 1st April 2022 to 30th September 2022. This was to be allocated as the Council deemed necessary under a Scheme to provide support to households who would otherwise struggle to buy food or pay essential utility bills or meet other essential living costs or housing costs (in exceptional circumstances of genuine emergency). The Executive agreed to receive this HSF Grant and formulated a Scheme to allocate and distribute the grant at its meeting on the 25th of May 2022.
- 15.2 The Government has since announced at the end of September 2022 that a further round of HSF Grant which will be available from 1 October 2022 to 31 March 2023. The Council is waiting for the final details however the Government have issued draft Guidance to Councils which is reflected within the body of this report. The draft Guidance states the objective of the Fund is to provide support to vulnerable households in most need of support to help with significantly rising living costs. The draft guidance makes it clear that although the further round of HSF Grant is considered an extension to the previous two HSF schemes, it is a new grant subject to its own grant conditions as is set out in the Grant Determination letter.
- 15.3 The primary purpose of the grant for the previous rounds was to provide support to the Council for expenditure lawfully incurred or to be incurred by them in accordance with the HSF Grant Conditions to provide support to households, particularly those including children and pensioners, to help them with significantly rising living costs. The award of the grant was based on discretionary allocations which were made through a set application process in order to determine each award against agreed eligibility criteria.
- 15.4 The Council was required to comply with grant conditions attached to the Grant and to also ensure that recipients complied in order to meet the requirements of proper use and accounting of the grant paid. The Government also reserved certain rights to investigate improper use and receipt of the Grant and to seek recovery. Given the nature of the payments the Council designed a Scheme where its financial management reduced the possibility of fraud and improper use of the grant.
- 15.5 Previous relevant Guidance was issued by the Government which made it clear that the Council has a general legal duty, when exercising its discretion to have a clear rationale or documented Policy/Framework outlining its approach to allocation, including how eligibility is identified and the ways to apply for and access the payment. Accordingly, the Council must be able to demonstrate that their targeting rationale is sound.
- 15.6 In relation to the announcement of the next round of HSF grant, it would appear that the proposed Scheme as set out in this report will comply with legal decision-making in accordance with Administrative law. On this basis it is anticipated that the further HSF Grant Determination will be very similar to the previous HSF Grant, conditions of Grant and Guidance issued. The draft Guidance does indeed repeat the same relevant considerations and issues mentioned above. However, the scope is different in that it states that Authorities should ensure that they consider the needs of various households including families with children of all ages, pensioners, unpaid carers, care leavers and disabled people. The draft Guidance states that the expectation is that The Fund should be used to support households in the most need; particularly those who may not be eligible for the other support government has recently made available but who are nevertheless in need. The draft Guidance sets out a non definitive list of the type of support that could be eligible for grant support.

- 15.7 Given the obvious urgency in making actual grant determinations and payments to people and households, this report is delegating all final decision-making to each relevant Chief officer in consultation with the Portfolio Holders for Renewal, Recreation & Housing and Executive, Resources & Contracts. Officers must ensure that the any further decision-making is made accordance with the Grant and Administrative law.
- 15.8 The report explains that whilst the Government have asked local authorities to seek to cover food and energy costs, the Council proposes to utilise funding in the form of Energy Pre-Paid Cards and Paypoint Vouchers.
- 15.9 Subject to complying with the Councils Contract Procedure Rules and the Public Contracts Regulations 2015 (the Regulations) (albeit that the value is likely to be below the relevant threshold) a provider on the Crown Commercial Services Framework has been identified by officers that is able to provide energy cards with assurance that this can be set up within four weeks .This aligns with the urgency and priority considered by the Council to be necessary, in the allocation and distribution the grant.
- 15.10 The Council has the legal power to receive and distribute the Grant and to make discretionary grant determinations as permitted within the Conditions of Grant. In particular, the Council has power under Section 1 of the Localism Act 2011 to deliver grant funding to eligible persons as will be designated within the Councils Scheme.
- 15.11 In exercising its discretion to formulate and adopt the Scheme, the Council must have due regard to all relevant circumstances including government guidance and local need when deciding on discretionary allocations. The Council is also subject to its fiduciary duty to ensure the adopted Scheme and monies paid from the grant represent the best use of that money to award to those deemed eligible under the Grant Conditions.
- 15.12 As payments will be made to individuals and households it is considered that these payments will not amount to subsidy within the meaning of the Subsidy Control Act 2022. The previous Guidance recommended that Councils consider giving applicants the ability to review a decision. In this regard it is considered acceptable for such matters to be dealt with under the Councils standard complaints/grievance procedure.
- 15.13 Under section 149 of the Equality Act 2010 the Council must have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The protected characteristics are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

The content of this report shows that the officers have had regard to the Equality Act 2010 which must be always kept under review.

Non-Applicable Sections:	N/A
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Background Documents: (Access via Contact Officer)	N/A
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