

PART 1 - PUBLIC

Decision Maker:	EXECUTIVE For pre-decision scrutiny by the Executive, Resources and Contracts Policy, Development and Scrutiny Committee on 22 nd March 2023	
Date:	29th March 2023	
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.
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2. RECOMMENDATION(S)

Executive is requested to:

- 2.1 Note that Bromley Council's allocation for the Household Support Fund (HSF) is £3,735,765;
- 2.2 Approve the drawdown of this amount from the 2023/24 Central Contingency to the Operational Housing revenue budget;
- 2.3 Approve the full utilisation of this ringfenced grant, in 2023/24, as detailed in paragraph 3.9 of this report; and
- 2.4 Agree that any final or additional changes are delegated to the Director of Housing, Planning and Regeneration 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: £3,735,765
 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 21 February 2023, the Government announced that the Household Support Fund (HSF) would be extended from 01 April 2023 to 31 March 2024. £842 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 and who require crisis support. For the Cost of Living payments 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 and people who begin a claim or return to payment of a benefit after the relevant qualifying date. 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 Authorities 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, the 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. The Fund can additionally be used to support housing costs where existing housing support schemes do not meet this need.
- 3.4 DWP have recommended 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.
- 3.6 In addition, DWP have recommended consideration to people with caring responsibilities in their area. People with caring responsibilities may be facing acute challenges incurred through their fulfilling these responsibilities for vulnerable citizens due to the disproportionate impact that rising costs may bring for the additional services they need. For example, they may have additional heating, water or transport costs.
- 3.5 Authorities will be required to provide four management information (MI) returns outlining grant spend and the volume of awards:
- an interim MI return for the period 01 April 2023 to 30 June 2023 will be due 21 July 2023
 - an interim MI return for the period 01 April 2023 to 30 September 2023 will be due 20 October 2023
 - an interim MI return for the period 01 April 2023 to 31 December 2023 will be due 26 January 2024
 - a final MI return for the period 01 April 2023 to 31 March 2024 will be due 26 April 2024

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 households to be supported
- 3.7 The lead-in times to set up the necessary administrative processes, delivery mechanisms and delivery plan return due to DWP in May 2024 means that proposals have had to be developed at pace and an urgent decision is sought from the Executive.
- 3.8 It is proposed to make direct payments to eligible residents in the form of a payment card that can be used in the same way as a debit card, given the beneficiary the choice to use in how they use this. For those households that this is not suitable, for example they do not have an email account, then we are proposing to offer a supermarket voucher that can be used online or instore.
- 3.9 Therefore, following Member decision on the use of the Household Support Fund, suitable contract(s) will be awarded via a compliant framework for the voucher and payment card distribution mechanism under Officer delegated authority based on the value of the administration costs. A provider on the Crown Commercial Services has been identified that is able to provide food vouchers and payment 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	1,932
Care Leavers	100	20
Households with disabilities, domestic abuse, carers, large families, single income families, vulnerable households experiencing exceptional financial hardship	7,400	1,483
Administration costs including contingency	N/A	300
Total	16,700	3,735

- 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; £1,932k 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

3.13 Care Leavers: £20k has been set aside to support care leavers

3.14 DWP have advised that Local Authorities must offer application-based support throughout the duration of the fund, either continuously over the majority of the fund period or in regular intervals throughout the scheme. The remainder of the funding will be set aside for eligible households as detailed in Table 1 above, which follows DWP guidance that we should consider assisting groups that may not have been targeted before or who are vulnerable to rising prices for example large families or single-income families.

3.15 As part of our offer of support for households with disabilities. We are proposing to target support towards households with dementia, households experiencing domestic abuse and households with mental health conditions who are engaged with secondary care. We will be contacting organisations who are likely to be supporting these households and encouraging them to refer on behalf of their clients. However, we will also consider applications from residents with a vulnerability who are experiencing an exceptional hardship.

3.16 Funding will be kept under review throughout the term and in October 2023, if there is an underspend or if there is a change in need in the community, then the team will make recommendations to, and seek authorisation from the Chief Officer in consultation with the Portfolio Holders for Renewal, Recreation & Housing and Resources, Commissioning & Contracts Management to adjust the eligibility for the funding, but still in accordance with DWP guidance.

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

3.18 Administration: £280k has been identified for administration which is less than 7.5% of the overall funding.

4. SOCIAL VALUE AND LOCAL / NATIONAL PRIORITIES

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

5. PROCUREMENT AND PROJECT TIMESCALES AND GOVERNANCE ARRANGEMENTS

5.1 **Estimated Value of Proposed Action:** 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 pre-paid cards at a total value of £3,735,765.

5.2 **Other Associated Costs:** The administration costs of the arrangement will be between £50k to £75k

5.3 **Proposed Contract Period:** To support the grant allocated from 01 April to 31 March 2024

6. IMPACT ASSESSMENTS

6.1 As the fund has to be spent by April 2024 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, however the application process should assist, in part to address this.

6.2 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.

7. POLICY CONSIDERATIONS

7.1 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

8. IT AND GDPR CONSIDERATIONS

8.1 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

8.2 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

8.3 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.

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

9. PROCUREMENT RULES

- 9.1 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 pre-paid cards at a total value of £3,735,765. The administration costs of the arrangement will be between £50k to £75k.
- 9.2 The relevant transparency notices will be published.
- 9.3 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.
- 9.4 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.

10. FINANCIAL CONSIDERATIONS

- 10.1 As set out in the report, the Council has been allocated a total of £3,735k 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 2023/24 Central Contingency to the Operational Housing revenue budget to be allocated as outlined below:

	£'000
Families eligible for free school meals during holiday periods	1,932
Care Leavers	20
Household with disabilities, domestic abuse, carers and large or single income families	1,483
Administration	280
Contingency	20
	3,735

- 10.2 With the exception of the £280k for administration costs, it is proposed that the entirety of this funding will be used to purchase pre-paid cards, or where this is not suitable, supermarket vouchers.
- 10.3 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.

11. LEGAL CONSIDERATIONS

- 11.1 The Executive previously agreed to receive HSF Grant and formulated a Scheme to allocate and distribute the grant at its meetings on the 25th of May 2022 and 19th October 2022.
- 11.2 The Government has announced that a further round of HSF Grant which will be available from 01 April 2023 to 31 March 2024. The Government have issued Guidance to Councils called '1 April 2023 to 31 March 2024: Household Support Fund guidance for county councils and unitary authorities in England' Updated 21 February 2023 which is reflected within the body of this report. The Guidance states the Government's 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 and who require crisis support. This includes the Cost of Living

Payments and the energy support the Government are providing for 2023/24 . The Guidance further states 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.The Guidance makes it clear that although the further round of HSF Grant is considered an extension to the previous HSF schemes, it is a new grant subject to its own grant conditions as is set out in the Grant Determination 2023 No 31/6496 letter.

- 11.3 The primary purpose of the grant is 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 who would otherwise struggle to buy food or pay essential utility bills or meet other essential living costs or housing costs (in exceptional cases of genuine emergency), to help them with significantly rising living costs.The award of the grant must be based on discretionary allocations which are made through a set application process in order to determine each award against agreed eligibility criteria.
- 11.4 Guidance provides that Authorities are required to complete a delivery plan to outline their intentions for The Fund, clearly setting out their priorities and approach for use of the Fund, and to demonstrate the ways in which they intend to allocate their funding which is required to be sent to DWP by 17 May 2023. Delivery plans must be signed off by the Section 151 Officer and responsible Cabinet Member before submission to DWP.
- 11.5 Authorities are required to appoint an appropriate Senior Responsible Officer who will be accountable for ensuring a strong delivery plan is developed and agreed through necessary decision-making mechanisms including engagement with the relevant Cabinet Member and ensuring compliance with and progress against their commitments in the delivery plan.
- 11.6 The Council is required to comply with grant conditions attached to the Grant and to also ensure that recipients comply in order to meet the requirements of proper use and accounting of the grant paid. The Government also reserves certain rights to investigate improper use and receipt of the Grant and to seek recovery. Given the nature of the payments the Council has designed a Scheme where its financial management reduced the possibility of fraud and improper use of the grant.
- 11.7 Guidance makes 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 rational is sound.
- 11.8 The Guidance sets out a non definitive list of the type of support that could be eligible for grant support. It would appear that the proposed Scheme as set out in this report will comply with legal decision-making in accordance with Administrative law.
- 11.9 Given the need to spend all grant this report is delegating all final and additional changes is delegated to the 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.
- 11.10 The Guidance states that Authorities have the ability to deliver the scheme through a variety of routes including providing vouchers or cash to households, making direct provision of food and

goods, or issuing grants to third parties. Every area must operate at least part of their scheme on an application basis - in other words, residents should have the opportunity to come forward to ask for support. The report explains at paragraph 3.3 that the Council proposes to utilise funding in the form of Energy Pre-Paid Cards and Supermarket Vouchers.

- 11.11 The Household Support Fund funding allocation includes reasonable administration costs to enable Authorities to deliver The Fund. Subject to complying with the Council's Contract Procedure Rules and the Public Contracts Regulations 2015 (the Regulations) (albeit that the value is 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 to deliver payments within timescales. Further details of compliance with the Council's CPR's are set out in the Procurement comments to this report
- 11.12 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 Council's Scheme.
- 11.13 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.
- 11.14 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 Council's standard complaints/grievance procedure.
- 11.15 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:	Market Considerations, Stakeholder Engagement, Strategic Property, Personnel Considerations
Background Documents: (Access via Contact Officer)	N/A