



Derby City Council

# **Single Discretionary Award Policy from 1 January 2021**

## **V4.0 FINAL**

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<b>Date Issued</b>	<b>Version</b>	<b>Status</b>	<b>Reason for change</b>
August 2016	1.0	Final	New policy
July 2019	1.1	Draft	Removal of second awards for DHPs and general update of policy content
10 Sept 2019	1.2	Draft	Combined comments of Heads of Service – RBES & Customer Services
12 Sept 2019	1.3	Draft	Draft to Head of Customer Management for final review
12 Sept 2019	1.4	Draft	Draft version for consultation finalised
20 Sept 2019	1.5	Final for consultation	Updated definition for better off calculations
23 Oct 2019	1.6	First draft after EIA	1 Section 2 Eligibility Criteria -- Removal of second reference to DLA 2 Section 4 (m) – clarification on status of person with no access to public funds 3 Section 5 – removal of guarantee about the Policy continuing; updated with ongoing review process to be adopted.
8 Nov 2019	1.7	Draft after EIA feedback	1. Update to EIA assessment record 2. Update to Introduction 3. Section 2: corrections to "towards work" activity criteria 4. Update to Section 4 (m)
22 Nov 2019	2.0	Final – not used	Version for 15 January 2020 Cabinet – not used as DHP funding was increased for 2020/2021 so main change not needed

18 Feb 2020	3.0	Final – not used	Consolidates Policy content to re-insert second three-month award but retains the administrative updates that did not require consultation made in V2 to ensure the Policy is up to date for 2020/21 onwards.
16 April 2020	3.1	Draft	Amended in response to the Covid-19 CTH Fund
27 April 2020	3.2	Draft	Amended after input from HoS RBES
21 Oct 2020	3.3	Draft	Amended after input from Benefits Service re Covid-19 CTH
21 Oct 2020	3.4	Draft	Amended after further technical input from Benefits Service
10 Nov 2020	3.5	Draft	Further input from HoS RBES & Customer Management
19 Nov 2020	4.0	Final	Version for 9 December 2020 Cabinet

<b>Equality impact assessment record</b>	
Date of assessment	22 October 2019
Summary of actions from EIA	<ol style="list-style-type: none"> <li>1. Removal of DLA (middle to high rate mobility, or middle to high rate care) item from Eligibility Criteria, as this was a duplicate entry</li> <li>2. Alterations to "towards work" activity section - correction to DLA and expansion of carer's criteria</li> <li>3. Priority Groups – "Person from abroad" now described differently</li> <li>4. Resilience of the Scheme updated, with reference to Brexit and Universal Credit migration</li> </ol>
Reassessment	TBD

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## **Introduction**

Prior to 30 August 2016 Derby City Council provided support to those residents most in need through three separate discretionary payment schemes; Local Assistance (LAS), Discretionary Housing Payments (DHP) and Council Tax Hardship (CTH).

These three Schemes have been partially funded by the Department of Work and Pensions through ring-fenced and non-ring-fenced funding.

Derby City Council has full discretion to determine locally how best to support the needs of residents and to establish the criteria for the provision of this discretionary assistance to residents.

The Single Discretionary Award (SDA) Policy was implemented, following public consultation, on 30 August 2016.

Following a further consultation, the Policy was changed with effect from 1 April 2020 to reflect recent changes in Government funding and our learning over the previous three years of managing SDA.

This Policy must be read in line with the Single Discretionary Award (SDA) Policy Guidance which can be found on our website [www.derby.gov.uk](http://www.derby.gov.uk).

## **Purpose and aim**

- To describe Derby City Council's arrangements for a SDA Policy covering the DHP, LAS and CTH Schemes with a single needs assessment;
- To support the aims and objectives of the city's Welfare strategy and the Council Plan;
- To ensure that this SDA fund is targeted for those vulnerable Derby residents who demonstrate financial hardship, which is defined for this purpose as more allowable expenditure than income;
- To manage the awards of support within the cash limited provision;
- To control duplicate payments from a range of funding streams for which the Council and other key partners have delegated responsibility to administer – as detailed in Appendix 1;
- Develop a programme of financial, digital, and generalist advice and access to education, training and employment support to help SDA applicants address the underlying reasons for financial hardship in a sustainable way.

To seek external sources of funding to purchase white goods, basic furniture items, clear energy arrears, reduce current utility costs and fund one-off essential items.

## 1. Scope

Derby's SDA Scheme is targeted to support vulnerable people, resident in Derby, who present a need that cannot be met from another source because of the recent Welfare Reform changes and, where appropriate, to prepare them for Universal Credit. Support may be provided if the resident's application indicates that:

- Their financial hardship presents underlying issues such as:
  - Health and wellbeing,
  - Safeguarding,
  - Money management (Personal Budgeting Support and Debt Management)
  - Dependency issues,
  - Welfare rights and
  - Housing.
- The situation prevents an intended return to, or the continuation of, independent living in the community.

The scope of this Policy covers the following key areas:

### **What the Council may award the resident from the SDA Scheme**

One, all or a combination of the following:

- White goods, electrical goods, general furniture and goods for the home;
- Vouchers to purchase food items, redeemable for cash;
- Payments for utilities will be made by topping up payment cards/keys – these must belong to the tenancy holder;
- Payment by direct credit to the relevant Council Tax account;
- A DHP may be awarded to support a move to cheaper alternative accommodation where the applicant is unable to access this support from other Council or partner organisations' home-move support schemes. This type of award will be limited to either a rent deposit or rent in advance in lieu of an on-going DHP award, or to cover reasonable removal costs. A DHP may be awarded for a rent deposit or rent in advance for a property that the claimant is yet to move into only if they are entitled to Housing Benefit or the Housing Costs element of Universal Credit at their present home, at the point at which the award is made;
- A DHP payment may include either direct payment to the claimant or landlord, or in the case of Derby Homes' tenants and specific Registered Social Landlords (RSLs), will be credited direct to their rent account. No awards are made in cash. The method of payment and payee will depend on the claimant's circumstances.

## 2. Eligibility criteria

For the general eligibility criteria of all awards included in the SDA payment a combination of the following conditions, depending on the type of award, must be satisfied.

Applicants must:

- Be aged 16 or over;
- Be in receipt of one of the following qualifying benefits\*:
  - Income Support;
  - Job Seekers Allowance;
  - Pension Credit;
  - Employment Support Allowance;
  - Disability Living Allowance (DLA) (middle to high rate care and/or high rate mobility);
  - Universal Credit (to be eligible for a DHP, the claimant must be receiving the Housing Costs element of UC, for rental liability);
  - An advance payment of Universal Credit;
  - Incapacity benefit (for those applicants who have not had this replaced by ESA);
  - Working Tax Credits;
  - Housing Benefit;
  - Council Tax Support (CTS);
  - Attendance allowance;
  - Bereavement allowance;
  - Carer's allowance;
  - Constant attendance allowance;
  - Contributory employment and support allowance;
  - Contribution-based jobseeker's allowance;
  - Maternity allowance;
  - Personal Independence Payment (Both Daily Living Components and/or the Enhanced Rate Mobility Component);
  - Statutory Sick Pay;
  - War disablement pension;
  - War widow's and widower's pension;
  - Widowed parent's allowance.
- For the duration of the Government's Covid-19 CTH Fund, be in receipt of the relevant Council Tax discounts, exemptions **and** CTS **plus** have a remaining Council Tax liability to pay;
- Have more Council Tax to pay as a result of a reduced Council Tax discount or exemption, or the imposition of a Council Tax Empty Property premium arising from the Council Tax technical reforms, and who can demonstrate financial hardship or exceptional personal circumstances;
- Demonstrate financial hardship using the Council's online Income and Expenditure calculator as part of the SDA application;
- Be fleeing domestic violence or hate crime, leaving long term hospital care or prison or re-settling after a period of homelessness;
- Make an application via the approved e-form and complete an online income and expenditure form;
- Agree to take up and remain engaged with the programme of support offered at time of award;
- Be the liable person on the relevant Council Tax bill where a CTH award is being requested.

\* Not all benefit types and criteria will qualify the applicant for all award types.

A combination of eligibility criteria is applicable to each award under this Scheme.

Assistance provided from the Government's Covid-19 CTH Fund will not affect eligibility for other benefits payable under the SDA Policy.

Applicants who are aged 16 or 17 and who are not entitled to a Leaving Care Grant and can demonstrate a need for support may apply for assistance from the SDA Scheme.

Assessments on need will be based on individual circumstances which can include (but not exclusive to) consideration of the following factors:

- At risk of or affected by domestic abuse or hate crime;
- A mental health problem for which treatment or support is being received;
- A risk to the health and safety or wellbeing of the applicant;
- At risk of homelessness;
- A short fall in Housing Benefit;
- A short fall in the Universal Credit Housing Costs element for rental liability;
- A short fall in CTS and / or an award under the Government's Covid-19 CTH Fund has been made, but there is still some Council Tax liability remaining;
- Having more Council Tax pay as a result of a reduced discount or exemption, or the imposition of a Council Tax Empty Property premium;
- Being unable to meet your immediate needs e.g. not being able to afford food/utility top ups.

The Council will set the value and period of the award that will be paid and where appropriate, successful applicants to the Scheme will be offered support to address their current financial hardship as well as the underlying issues that are contributing to their financial position which may include:

- Offering referrals to money advice;
- Budgeting support;
- Access to banking products;
- Access to digital skills support;
- Better off calculations (assessments of income and outgoings to help applicants better manage their money);
- Access to job clubs;
- Training and
- Housing advice.

Applicants must be willing to take up and remain with the most appropriate support recommended by the Council, which may include money advice; budgeting support; access to banking products; access to digital skills support; better off calculations (assessments of income and outgoings to help applicants better manage their money); access to job clubs and training and housing advice. Certain groups (including pensioners) will be excluded from any closer to work requirements.

We may not ask you to engage with 'towards work' activity where you:



- Are in receipt of Employment and Support Allowance and are in the Support Group;
- Are in receipt of Disability Living Allowance at either the highest rate of Care or the higher rate of the Mobility Component but do not fall in to a protected group above;
- Are in receipt of Personal Independence Payment at the enhanced rate of either the Daily Living component or the mobility component and do not fall in to a protected group above;
- Are a carer, and either in receipt of Carer's Allowance; or have an underlying entitlement to Carer's Allowance, or the Carer element is in your Universal Credit award.

In addition to these general eligibility criteria the applicant:

- May be asked to be living at the address they are claiming for;
- Must have a local connection; living in Derby for three of the last 12 months OR for at least three of the last five years, except in cases where applicants are fleeing violence or hate crime. The local connection criteria will not be applied to awards for DHPs.

### **Discretionary Housing Payments and Council Tax Hardship Awards**

In the case of DHPs and CTH awards, these, may be adjusted during the award period if the claimant has a change in circumstances which affects their entitlement to Housing Benefit, the Housing Costs element of Universal Credit or CTS.

### **Discretionary Housing Payments**

Any on-going payment of DHP granted under this Policy will be for a period of up to six months, apart from the Priority Groups set out in section 3 below. All other non-priority claimants, if successful, will be entitled to receive a six-month award in the first instance and should they make a second claim they may be entitled to a further three-month award.

Where the Council has recommended a package of support during the first six-month award and the claimant has not engaged, a second award may not be made.

Where a DHP is being awarded to meet an on-going shortfall:

- (a) For Housing Benefit claimants, the DHP award cannot exceed the claimant's eligible rent amount;
- (b) For Universal Credit claimants the level of DHP award cannot exceed the claimant's Housing Element amount.

Assistance awards meeting the criteria will be supported provided the Scheme has enough funds and is meeting its legal duties.

## **Council Tax Hardship (CTH)**

There are two elements to the CTH Scheme:

- (a) The Government's Covid-19 CTH Fund;
- (b) The Council's CTH Scheme

### **The Government's Covid-19 CTH Fund**

This was introduced by the Government for 2020/21 in response to the Covid-19 pandemic. The Council makes awards of the Government's Covid-19 CTH Fund using its discretionary powers under S13A (1)(c) of the Local Government Finance Act 1992, and awards are therefore administered as part of the Council Tax CTH Scheme.

For the duration of the Government's Covid-19 CTH Fund, the following directions apply for this element of the CTH Scheme:

- All working-age CTS recipients in 2020/21, who are entitled to working-age CTS in respect of any part of the 2020/21 Council Tax liability, and who have a balance to pay on their Council Tax liability after any relevant discounts and exemptions have been applied, are entitled to a CTH award;
- There is a set limit on how much CTH award can be made; for 2020/21 this set limit is £150.00;
- There is no requirement for taxpayers to apply for assistance; the Council automatically identifies those who are eligible and adjusts taxpayers' Council Tax accounts with their entitlement as required;
- The CTH award will be applied at the point a taxpayer first becomes entitled to working-age CTS in 2020/21, regardless of when that entitlement begins during the financial year. In all instances a full CTH award is applied (up to the set limit as allowed) against the taxpayer's liability for the remainder of the financial year, after the application of any relevant Council Tax discounts, exemptions and CTS;
- Where the liability for the remainder of the financial year is less than the set limit, the CTH award is applied to bring the liability down to nil; where a taxpayer's liability for 2020/21 is nil, no reduction to the Council Tax bill will be available;
- If a working age CTS taxpayer's Council Tax liability changes mid-year due to a change in their circumstances which impacts on relevant Council Tax discounts, exemptions or level of CTS, the Council will reassess the level of CTH award that the taxpayer has received, as follows:
  - If a taxpayer's Council Tax liability increases in-year (as a result of reduced eligibility for Council Tax discounts, exemptions or CTS) and they had not previously been entitled to a full CTH award because their former liability was less than the set limit, the Council will reassess the level of CTH award and increase it up to the maximum possible under this Policy, even if their CTS entitlement has ended. When doing this, their liability cannot be reduced below nil;
  - If a taxpayer's Council Tax liability decreases in-year (as a result of increased eligibility for Council Tax discounts, exemptions or CTS), the Council will reassess the level of CTH award and decrease if necessary,

to ensure that the level of CTH award does not exceed the total liability left to pay;

- If a taxpayer moves address within the Derby City area, the Council will ensure that they receive a CTH award of up to the set limit against their **total** Council Tax liability from the point they first became entitled to CTS;
- If a taxpayer moves address between local authority areas, the Council may liaise with the other local authority involved to ensure an appropriate level of CTH is awarded to the taxpayer at their new address, although the onus will be on the other local authority to request the relevant information from us.
- Where individuals are jointly and severally liable for Council Tax, and any of them at working age are entitled to CTS, the CTH award is applied, up to the liability for the whole property, and is split between all the liable persons. The CTH award is made from the earliest date of CTS entitlement for any of the liable parties. When this happens, the Council Tax liability for the whole property cannot be reduced below nil;
- A current working-age CTS taxpayer whose CTS eligibility ends part way through the year (or who reaches pension-age and switches to pension-age CTS) will retain their CTH award unaltered;
- The Council may change the set award limit in-year and make decisions about how the change will be administered. There is no limit on how many times this can happen during a financial year. The decisions about this will be approved by the Section 151 Officer in conjunction with the Portfolio member for Finance and Procurement. This Policy will be updated with the revised information and will be published on the Council's website each time a change is made to it.

### **Beyond 2020/21**

If the Government ceases to provide funding for the Covid-19 CTH Fund beyond 2020/21, no CTH awards will be made to reduce taxpayers' Council Tax liability for 1 April 2021 onwards.

However, if the Government extends the Covid-19 CTH provision beyond 2020/21 and provides funding for it, the Council will continue to allocate awards under the Fund and in accordance with this Policy.

### **Retrospective awards for 2020/21**

Whether or not the Government's funding continues beyond 2020/21, retrospective CTH awards/ adjustments of awards for 2020/21 can be made beyond 1 April 2021.

These will be required where, for example:

- (a) A taxpayer's circumstances are such that they would have been eligible to receive a CTH award during 2020/21, but they did not receive that award during that year. If this happens, the Council will apply it retrospectively to their Council Tax liability for 2020/21, during a later financial year;
- (b) A taxpayer received a CTH award during 2020/21, but then had a change of circumstances during that year which would have affected their CTH award, but the necessary adjustment was not applied during that year. If this happens, the

Council will apply the adjustment retrospectively to their Council Tax liability for 2020/21, during a later financial year.

### **The Council's CTH Scheme**

This element of the Council Tax CTH Scheme is another way that the Council may provide help for those struggling to pay their Council Tax liability.

It is open to those at working age and at pension age. This includes where a working-age taxpayer still has a Council Tax liability balance to pay after the Government's Covid-19 CTH Fund award has been made.

An application form must be completed to be considered for this element of the CTH Scheme.

For all applications relating to this Scheme, the Council will consider examples such as:

- Whether the taxpayer now has more Council Tax to pay as a result of the change from Council Tax Benefit to CTS. They must be able to show that they are in financial hardship or that they have exceptional personal circumstances;
- Whether the taxpayer now has more Council Tax to pay as a result of a reduced Council Tax discount or exemption because of the Council Tax technical reforms. They must be able to show that they are in financial hardship or that they have exceptional personal circumstances.

### **3. Priority Groups**

The following claimants will be treated as being priority groups for the purposes of DHP awards and the Council's CTH Scheme:

- Foster carers;
- Carers;
- Households where substantial disabled adaptations have been undertaken to meet the disability needs of a household member;
- Households with a child who is unable to share a bedroom due to disability and where any of the following applies:
  - a. There is a claim for child DLA care component at the middle or highest rate in payment;
  - b. There is no entitlement to DLA care component at the middle or highest rate but the child has a disability that may be particularly disruptive.

For claimants in priority groups, DHP awards can be allowed for up to 12 months.

### **4. When the Council may not make an award via the SDA Policy**

Applications for assistance may be declined if one or more of the following apply:

- a. Support is available through other statutory or discretionary provision;
- b. Other support has been granted for this need or situation;

- c. Eligibility criteria not met;
- d. For Housing Benefit claimants, the shortfall in HB is because of: deductions made from HB to recover a prior HB overpayment; service charges that are ineligible for HB; increases in rent due to outstanding rent arrears or certain sanctions;
- e. For UC claimants, the shortfall in UC is because of deductions made from UC to recover a prior HB overpayment or service charges that are ineligible for UC;
- f. The applicant is not the main tenancy holder;
- g. The applicant is not the liable person named on the Council Tax bill;
- h. A need for support is not evidenced;
- i. Exceptional financial circumstances not evidenced;
- j. Applicant/circumstances/items are excluded;
- k. The Applicant has access to capital or savings;
- l. Council unable to support the application within allocated funds;
- m. Applicant does not have recourse to public funds;
- n. Applicant refuses to engage with the support that may be offered as part of this Scheme or complete the recommended measures/advice.

## **5. Internal Administration**

All services engaged with vulnerable applicants have a responsibility to ensure the principles of this Policy are fully supported; that demands on the fund are genuine.

Where the Council holds a duty to fulfil the support needs under its range of statutory functions the applicant is required to explore these support services at the earliest opportunity.

All departments work collaboratively to ensure that the Scheme is run in the most economical and effective manner for applicants and wider Derby residents.

The Policy (and therefore all awards) will be reviewed annually to ensure that it continues to be operated economically and effectively for the residents of Derby, with the funding and resources that it has available to it. This will include consideration of new and developing issues such as Brexit and Universal Credit migration where and when they may impact the Policy, when more information is known on those subjects.

## **6. Legislation, guidance and standards**

There is no statutory obligation to run a SDA Scheme but in order to provide the best value to the residents of Derby and to provide a resilient support structure for our most vulnerable residents Derby City Council is committed to:

- Work in partnership with the local Third Sector to develop Schemes;
- Explore a range of in-kind support, and to link to advice, information and advocacy;
- Explore a full range of models for delivery.

## **7. Disputed decisions**

Each of the award types within the SDA Policy are subject to different rules for reviewing disputed and appealed decisions.

### **Local Assistance Awards**

This award is not subject to a formal appeal process by virtue that any decision to make a payment is of a discretionary nature.

Where an application is declined and a decision is disputed for a reason other than one relating to exclusions from the Scheme, an officer independent of the original decision maker will review the decision. Matters relating to exclusions are not open to review.

The reviewing officer's decision is final and binding.

### **CTH Awards**

The information in this section applies to both elements of the CTH Scheme.

The applicant, or their representative, must submit an e-form request for the decision to be reviewed. They must set out the reasons why they believe the decision should be reviewed. All requests, with supporting information, must be made within 21 days of the decision being notified.

A claimant may appeal under Section 16 of the Local Government Finance Act 1992 against the Council's decision regarding their eligibility for CTH, in the first instance by writing to the Council – within one month of the date of decision - to request that it be reconsidered. The Council will then reconsider its decision and notify the claimant of its considerations and reasons for its decision.

The claimant then has a further two months to request a subsequent and independent review of their appeal by the Valuation Tribunal for England following the above process.

### **DHP Awards**

DHPs are not subject to a formal appeal process as all payments made by the Council are of a discretionary nature.

Where an application is declined, and a decision is disputed for a reason other than one relating to exclusions from the Scheme, an applicant or their representative may request a review.

All requests for reviews must:

- Be made by the applicant or their representative
- Be submitted as a written e-request
- Set out the reasons why they believe the decision should be reviewed

- Be made within 21 calendar days of the original decision being notified.

The request will be reviewed by another officer who has delegated authority to make the decision. This reviewing officer's decision is final and binding and completes the internal review process.

## **8. Data Access and Sharing**

Derby City Council will treat all information provided in confidence and in accordance with the Data Protection Act 2018.

Full details of how data will be treated are contained in the Welfare Reform Team Privacy Notice at <https://www.derby.gov.uk/privacy-notice/>.

## **9. Evaluation and review**

The Council will review the Scheme arrangements and amend as necessary based on emerging needs and demands.

We are committed to reviewing this Scheme every calendar year to ensure that it:

1. Offers best value for money for the local taxpayer;
2. Is meeting the needs of our most vulnerable residents;
3. Reflects any new statutory requirements upon the Council;
4. Is helping to prepare our residents for the impact of national welfare reform and Universal Credit transition over the coming years.

## **Appendix 1**

### **Alternative Options**

The Council has a wide range of statutory duties to address exceptional vulnerable needs and to support independent living. In addition, Government Departments and the Third Sector provide support for vulnerable citizens. The Council's SDA Scheme will compliment these duties and will avoid duplication or replication of existing support.

The following lists alternate support for guidance purposes. It is not intended to be exhaustive.

#### **DWP**

The DWP retains responsibility for administration of a series of one-off grants and loans to assist people on benefits who are experiencing short-term financial pressures or difficulties. These include:

- a. Maternity Expenses;
- b. Funeral Expenses;
- c. Daily Living Expenses;
- d. Cold weather payments;
- e. Winter Fuel Payments;
- f. Budgeting or alignment loans to bridge short-term financial pressures
- g. New claim advances which are repayable over a stated period of time

Budgeting Advances for residents on Universal Credit will provide valuable access to an interest-free advance for one-off items, for claimants that have been continuously receiving an income related benefit for a period of 6 months and have no, or very low, income. A Budgeting Advance might be required to:

- a. Buy furniture or household equipment;
- b. Buy clothing and footwear;
- c. Pay rent in advance, in order to secure a new tenancy or removal expenses;
- d. Pay for essential home improvements;
- e. Help with travel to work costs;
- f. Help with maternity and funeral expenses;
- g. Help cover the cost of obtaining work or remaining in work (in particular, upfront child care costs).

#### **Prison Service**

People leaving prison are provided with a discharge grant of £50.



## Charitable Funds

### What is a charitable fund?

Charitable funds give grants to a range of people who have a financial need and meet the criteria of the fund. The fund is an amount of money that has been set aside by the grant giving charity for a particular purpose. They are run by charities that often have grant giving as part of their aims and objectives. See <http://www.turn2us.org.uk/default.aspx>

Some charities run only one fund however others will have several for different purposes. You will often find that the fund or funds will reflect the work that the charity does and will often have a particular focus, for example:

- Particular disabilities or illnesses;
- Jobs or industries that the person applying has either worked in previously or works in currently;
- Faiths;
- Nationalities;
- Living in particular areas of the UK;
- Trying to manage on a low income;
- A specific age group (older people, children and young people etc.);
- Partners/children of people applying to the fund.

Using resources to find charitable grants for the people that you work with can be done via Turn2us.

Turn2us is a free service that helps people in financial need to access welfare benefits, charitable grants and other financial help. Support can be accessed online, by telephone and face to face through partner organisations. The Turn2us website has a quick and easy grant searching tool that uses criteria to establish what grants might be available to the person you are working with: <http://www.turn2us.org.uk/default.aspx>