



Policy

Social Care

Title: Financial Policy for LAC preparing for the transition to adulthood and Care Leavers

Policy Summary

This guidance is designed to ensure LAC and care leavers are given the same level of care and support that their peers would expect from a reasonable parent and that they are provided with the opportunities to enable them to move successfully to adulthood

Statutory Basis for the Guidance

The Children (Leaving Care) Act 2000
Children (Leaving Care) (England) Regulations 2001
Children Act 1989
LASSL (99)15: Me, survive, out there? new arrangements for young people living in and leaving care
Children and Young People Act 2008
The Children Act 1989 Guidance and Regulations
Children and Families Act 2014
Volume 3: Planning transition to adulthood for care leavers (2014)

Local Strategic Partnerships

Children's Trust Board
Corporate Parents Working Group
ILAC Board

Supporting Documents

LAC and Care Leavers Strategy
Transition to Adulthood policy and procedures

Approved by

Senior Management Team

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Supporting Training

Quality Assurance

To be reviewed annually

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1. The Children Act 1989 Guidance and Regulations Volume 3: Planning transition to adulthood for care leavers

This guidance is designed to ensure care leavers are given the same level of care and support that their peers would expect from a reasonable parent and that they are provided with the opportunities to enable them to move successfully to adulthood.

The Care Leavers (England) Regulations, 2010 replaces previous guidance issued when provisions of the Children (Leaving Care) Act 2000 amending the Children Act 1989 which came into operation in 2001. The Planning transition to adulthood for care leavers guidance and regulations places duties and requirements upon the 'Responsible' Local Authorities to provide financial support to young people in, and leaving care. The most important of these are summarised as follows:

- i. There is a clear intention under the Act to expect Local Authorities to act towards young people in, and leaving care, as 'reasonable' parents, and therefore provide financial support to such young people until they are aged 21 yrs., and up to 25 yrs if wishing to resume or in agreed course of education or training.
- ii. For the vast majority of 16 and 17 year olds in or leaving care, entitlement to state benefits (Income Support; Job Seekers Allowance; Housing Benefit; Community Care Grants etc.) have been removed, and instead Local Authorities have been given a duty to maintain such young people financially until they are aged 18.
- iii. Such duties are imposed upon the 'Responsible' Local Authority (i.e., The Authority which last looked after the young person), irrespective of where the young person subsequently lives.

The Care Leavers (England) Regulations, 2010 defines the financial responsibility for care leavers.

Financial arrangements for 'Eligible' children - that is, those who remain looked after - are not changed by this legislation..

'Relevant' young people will receive their support from their responsible Authority. They will no longer be able to claim Income Support, Jobseeker's Allowance or Housing Benefit. Levels of support will be agreed at the equivalent benefit rate and set out in the Pathway Plan, and should be subject to the minimum standards set out in Chapter 9.

Lone parents and sick or disabled children (as defined in the Income Support (General) Regulations 1987) are the exception in that they are still able to claim Income Support or Jobseeker's Allowance, including any relevant premiums. This is because such children have special needs, recognised by the benefits system in advance of the Act. In every other respect their financial arrangements are the same as those for other relevant children. When agreeing the level of support to be provided, the Local Authority will take into account the sums available through the benefits system. If a young person has a period of sickness and claims benefits the

Local Authority will need to bear in mind the DWP schedule for payments, to make sure that there is not a gap in the support arrangements.

For each young person the responsible Authority will have to consider and agree with them how their support is to be delivered. Each young person will have a different set of needs and different capacity to manage a budget. Some young people will be capable of budgeting for themselves. In such cases the Local Authority might agree to provide them with cash with which to support themselves - for rent, bills, general living expenses and so on. In other cases young people may not be ready for so much independence and the council might need to handle significant expenses on their behalf for a limited time period to support the young person to budget and manage finances with the young person's agreement. Other young people will fall somewhere on a line between the two extremes.

Some young people may have funds of their own such as legacies, or income through employment. The council should treat capital and income according to the DWP regulations governing Income Support (The Income Support (IS) (General) Regulations 1987). This sets out a scale whereby capital up to £6,000 is disregarded and someone with capital assets of £16,000 or more is not entitled to assistance. Where a young person's capital exceeds £6,000 but is not more than £16,000 an amount corresponding to the excess is treated as a weekly contribution against council support. The details will be recorded in the Pathway Plan.

However, where a young person has been awarded a sum in compensation for a criminal injury, the Local Authority should disregard that capital entirely in the case of a relevant child. The Local Authority should ensure that such a young person has access to sound financial advice about the best use for such funds, bearing in mind that normal rules - in respect of benefit entitlement, student loans etc - will apply when the young person reaches 18 years.

The aim of these arrangements is to help young people who have been looked after to play a full and productive part in society. They have been put in place in response to evidence that care leavers are especially vulnerable to social exclusion. One aspect of social exclusion is being outside normal financial management arrangements - bank accounts and so on. Responsible Authorities should therefore make every effort to help care leavers to open and manage bank accounts and, as far as possible, should channel assistance through them. This will be especially helpful where a young person is living in a different area from the responsible Authority.

Disabled young people may need particular help in identifying and accessing potential sources of financial support. This would include the benefits system, as well as charitable sources for communications equipment.

'Former Relevant' young people - that is, those aged 18 and over who have left care will continue to receive their principal support from welfare benefits, their education, training or employment. They will also be able to call on assistance from their responsible Authority under the duties at sections 23C and 24B (5), the details of which are outlined within this policy and within the 'young person's guide to entitlements'.

2. Principles of the Policy

In implementing its financial policy towards young people under the new guidance, the Local Authority will recognise the position of care leavers as a disadvantaged group within society. Endeavouring therefore to act as a reasonable parent and will:

- i. Expect carers to take active steps to encourage young people to practice saving and managing some of their own money, in preparation for the time when they make the transition to adulthood
- ii. Actively discourage young people from moving prematurely to 'independent' accommodation;
- iii. Maximise the use of supported or semi-supported accommodation options as appropriate for 16/17 year olds who wish to live independently
- i.v Expect the same educational/employment/training outcomes as reasonable parent might expect for their own children
- v. Ensure that no young person would be financially worse off than if they were on State Benefits:
- vi. Provide financial incentives and encouragement for young people in, or leaving, care to maximise their educational potential and outcomes
- vii. Wherever possible, always pursue a young persons entitlement to State Benefits in the first instance, so that the resources of the Local Authority can be maximised

3. The Care Leavers (England) Regulations 2010 – Definitions and Implications

The Care Leavers (England) Regulations 2010 introduces 4 main categories of young people: -

- Eligible
- Relevant
- Former Relevant
- Qualifying

For the main part, these are defined as follows: -

3.1 'Eligible' Young People

A young person who is: -

- aged 16 or 17 AND
- Has been Looked After for a period of 13 weeks (continuous or aggregated) which started after his fourteenth birthday and ended after he reached the age of sixteen.

Exception

A young person will not be 'eligible' if:-

- He has been placed by the Local Authority in a series of pre-planned short-term placements (individually of up to four weeks, even though they may amount to an aggregate period of 13 weeks) and
- where at the end of each such placement the child returns to a parent or person with parental responsibility.

3.2 'Relevant' Young People

A young person who is: -

- a) not looked after
- b) aged between 16 and 17
- c) was before ceasing to be looked after and eligible child

OR there is any young person

- a) not looked after
- b) aged 16 or 17; and

- c) who on attaining the age of 16 was either being detained (on remand, in a young offenders' institution or a secure training centre or any other institution pursuant to a court order) or in hospital; and
- d) immediately prior to being detained or admitted to hospital had been looked after by a Local Authority for at least 13 weeks (continuous or aggregated but excluding pre-planned series of short term placements, none of which individually exceeds 4 weeks, where at the end of each such placement the child returns to a parent or person with parental responsibility) since the age of 14.

OR

Regulation 3 of the Care Leavers Regulations also provides that a child who has lived for continuous period of 6 months or more with;

- a) His parent
- b) Someone who is not their parent but who has parental responsibility
- c) Where he is in care and there was a Residence Order in force immediately before the care order was made, a person in whose favour the residence Order was made then that child is not a relevant child despite falling within 23A (2). Where those living arrangements break down and the child ceases to live with the person concerned, the child is to be treated as a relevant child.

3.3 'Former Relevant' Young People

A young person who is; -

- aged between 18 and 21 (*and in some cases up to 25 years if in agreed education)
- who was previously an 'Eligible 'or Relevant' young person.

***Former Relevant children pursuing further education or training**

A young person who is;

- a) aged under 25 years
- b) in relation to whom the duties in 23c (2), (3) and (4) no longer apply and
- c) has informed the Local Authority that they want to pursue or is pursuing a programme of education or training.

3.4 Section 24 of the Children Act 1989 - Persons Qualifying For Advice and Assistance.

The Care Leavers (England) regulations 2010 does not replace or repeal Section 24 of the Children Act 1989; instead it adds to it and in certain instances 'strengthens' its powers/duties.

The category of children and young persons covered is:

- a) aged at least 16 but is under 21 years,
- b) with respect to whom a special guardianship order is in force (or was in force before she/he has reached the age of 18) and was looked after immediately before the making of that order, or
- c) at any time after reaching the age of 16 yrs but while still a child was, but is no longer, looked after, accommodated or fostered

Section 24A

- there is a duty to advise and befriend and give assistance.

Section 24B

- there is a duty to give financial assistance or where the person is in full time further or higher education, is under the age of 25 and qualifies for advice and assistance, or would have done if he was under 21 years, assistance in relation to securing vacation accommodation(section 24A(2) and (3) of the 1989 Act.

4. Preparation for the transition to adulthood

4.1 Eligible/Relevant Young People

For the most part, no young person who is 'eligible' or 'relevant' under the Act will be able to claim State Benefits. Instead, it falls on the 'Responsible' Local Authority to financially maintain that young person until their 18th birthday.

However, even within the Law, there are certain categories of 'eligible' or 'relevant' young people who will still be able to claim State Benefits. These are: -

- j) young people who are pregnant/parents, who will still be able to claim Income Support etc., but not Housing Benefit;
- k) young people with a disability, who will still be able to claim Income Support, Disability Living Allowance etc., but not Housing Benefit;
- l) young people who are sick/incapacitated as certified by a doctor, will still be able to claim Income Support, Incapacity benefit etc., but not Housing Benefit.

4.2 Former Relevant Young People

All such young people, being at least now 18 years of age, will be able to claim the full range of State Benefits, including Housing Benefit, providing of course they otherwise meet the separate Benefits agency criteria for those payments.

5. Young People in Custody

- 5.1** Eligible, relevant or former relevant young people otherwise entitled for payments under this policy could spend periods of time in custody. In such circumstances, the following may be suspended; - Housing/Accommodation costs; Basic Weekly Maintenance Allowances; Incentive Allowances; and Setting Up Home Allowances.
- 5.2** Birthday and Christmas allowances will be paid and depending on the rules of the particular institution, will be given to the young person whilst they are there or retained/ banked for them to access upon their release.
- 5.3** If in addition, a young person spends 6 months or more in custody, a request of a Miscellaneous Payment for clothing may be considered by a Social Worker/ Personal Adviser.
- 5.4** Whilst an eligible/relevant young person is in custody they will receive a weekly allowance of £10 sent to the prison/YOI.

6. Young People from Other Local Authorities

- 6.1** Some young people, relevant or former relevant, but the responsibility of another Local Authority may be living in Stockport and be in receipt of a Social Work/ Personal Adviser from Stockport on behalf of the 'Responsible' Local Authority.
- 6.2** In such circumstances, the Local Authority will make no payments in respect of such young people. Instead all financial expenditure, will be made on behalf of the 'Responsible' Local Authority, after consultation with them and reimbursed by them.

7. Payments to Eligible and Relevant Young People and Former Relevant Young People

All payments under the financial policy must be approved by the Service Manager. All young people entitled to financial payment this guidance must be given written notification of their entitlement and informed of any subsequent changes to payments made.

Any young person wishing to pursue a course of Further Education should work with the Social Worker/ Personal Adviser to complete the pathway plan outlining the course they are applying for including the start date and the end date. A financial pathway plan will also be completed which must clearly show the financial support the young person needs to complete the course.

7.1 Accommodation

Eligible and Relevant Young People - Accommodation costs in approved accommodation will be met in full by the Local Authority. Young people living in semi-independent accommodation and supported lodgings will be expected to contribute a non-means tested fixed service charge.

Young People aged 18 in Further Education are entitled to claim income support, council tax and Housing Benefit. Any financial assistance required should be recorded in the young person's pathway plan.

7.2 Maintenance

For **Eligible and Relevant Young People (16/17yrs)** - The Local Authority will meet maintenance costs and accommodation costs in full. Young people living in semi-independent accommodation will receive maintenance payments equivalent to the prevailing Income Support/ Job Seekers Allowance benefit rate. This allowance received by the young person will enable them to buy their own food and pay the service charge.

If the young person is in employment or training and residing in independent/semi independent accommodation the young person will not be disadvantaged financially.

If the weekly total net earnings minus £20 (discretionary allowance) is less than the current maintenance allowance then the Local Authority will make a maintenance payment to the young person making up the difference and this should be recorded in the young person's pathway plan.

If the weekly total net earnings minus £20 (discretionary allowance) is more than the current maintenance allowance then no payment will be made.

Former Relevant aged 18 in Further Education are entitled to claim state benefits.

Young people in further education will be able to claim the 16-19 Bursary. For young people who are 19 yrs or over, they may also be entitled to The Adult Learning Grant if not in receipt of state benefits.

Personal Advisers will be able to offer support to young people to access information about other funding sources to support care leavers in education.

7.3 Financial Priorities to support transition to adulthood

This financial policy will provide incentives for young people to engage and sustain in education, training opportunities or undertake activities/ programmes aimed at improving employability for those who are not engaged in education, employment or training (NEET).

The Local Authority will consider the provision of incentive payments of £30 per week for time limited periods for young people as part of the pathway plan taking into account the young person's income and needs.

7.3 Travel

Young people engaged in education, training or employment may be supported by a weekly bus pass to enable them to get to college/ work if they require this assistance. The bus pass may be provided by the Further Education Colleges Access Funds and any financial assistance should be recorded within the young person's financial pathway plan.

7.4 Educational Materials and equipment

Former Relevant young people in Further Education - Each young person in Further Education will receive support with essential books, materials and equipment they need to complete their course. This cost will be agreed in the financial pathway plan and submitted to the Service Manager for authorisation.

7.5 Other Education Costs

Eligible, Relevant and Former Relevant - Whilst in further or higher education young people may need extra tuition, to go on 'Field Trips', Residential, Proms, graduation gowns, these requests will be recorded on the young person's financial pathway plan and submitted to the Service Manager for approval.

7.6 Costs for Family Contact & Contacts with Significant Others

Eligible & Relevant and Former Relevant - Young people may have family or other significant contacts outside of the Borough, the financial Pathway Plan will agree arrangements for contact and costs will be agreed where appropriate and met by the Local Authority.

7.7 Clothing

Eligible – clothing allowance will be provided within payments to young people's carers.

Relevant and Former Relevant young people they will receive delegated budget of £315 per year for corporate costs (Birthday, Festivals, Clothing and Holidays). Personal Advisers will support young people to budget this money.

Requests can be made for additional specialist clothing e.g interview and work related clothing, specialist items needed for hobbies e.g. horse riding, climbing and should be recorded on the young person's pathway plan.

7.8 Social Activities, hobbies and cultural activities/ outings

Eligible, Relevant and Former Relevant - Young people should be encouraged to pursue hobbies and interests in their leisure time. From the age of 17 years requests may be made for a contribution to driving lessons up to 10 lessons for young people and this should be discussed within Pathway Planning. Requests should be submitted to the appropriate Manager for agreement.

Eligible, Relevant, Former Relevant and Qualifying Young people will receive a 12 month Life Leisure membership and Annual Museum Pass to be able to access local facilities in Stockport.

7.9 Counselling or therapeutic needs

Eligible and Relevant - If the young person needs to access emotional wellbeing and mental health services this should be accessed via the GP or Social workers / Personal Advisers can make a referral to the Kite Team (Tier 2) or CAMHS (Tier 3).

Former Relevant - If the young person needs to access emotional support/ counselling or wider therapeutic services this should be through accessed via the GP, Central Youth or direct to adults mental health services (Crisis Team).

7.10 Health

Eligible and Relevant - are entitled to quality health care; any costs outside of the Health Services responsibility will be met by the Local Authority as agreed in the Pathway Plan.

Former Relevant - Health costs such as dental treatment, prescription charges that are not met through benefits and the Health Service may apply to the Local Authority for assistance if they are on a low income and cannot meet clinically required costs themselves. This should be recorded in the young person's financial pathway plan.

7.11 Costs associated with cultural or religious needs

Eligible & Relevant and Former Relevant - Any related costs will be agreed as part of the young person's financial pathway plan.

7.12 Costs associated with corporate parenting

Eligible - Costs associated with corporate parenting (Birthday, Festivals, Clothing and Holidays) will be provided by carers as these expenses are within payments made to carers.

Relevant and Former Relevant– young people they will receive delegated budget of £315 per year for corporate costs (Birthday, Festivals, Clothing and Holidays) to ensure young people have the opportunity to experience activities which can enhance their lives and avoid social exclusion. Personal Advisers will support young people to budget this money.

7.13 Deposits and rent in advance for young people moving into properties in the private rented sector.

Relevant and Former Relevant – It is expected that young people initially apply to the rent bond scheme run by Stockport Homes or make an application to Stockport Local Assistance Scheme.

Any requests to access young people's 'setting up home grant' for these costs will be agreed as part of the financial pathway plan and if agreed payments made direct to the landlord in most cases.

7.14 Setting Up Home Allowance

Eligible, Relevant and Former Relevant - young people are entitled to access a setting up home allowance up to a maximum of £2000 from Children's Social Care. The amount given is to be agreed by the Service Manager in consultation with the Team Manager taking into account needs assessment and Pathway Plan. The setting up home grant will only be paid when a young person is living independently or has their own accommodation/ tenancy.

In addition to setting up home grant, if the young person is living in their own accommodation/ tenancy in Stockport they will be able to make an application to Stockport Local Assistance Scheme (SLAS) for setting up home items/ goods (RRP £1000 no cash will be provided).

The setting up home allowance will not be given directly to the young person but will be spent in partnership with them by a designated professional.

7.15 Child Care

Eligible & Relevant and Former Relevant - Young parents may need assistance with Child Care costs in order to access education/training or employment. Currently there are various universal schemes available to support these costs. Childcare will be discussed in the Pathway Planning and young people will be assisted in accessing all available funding by their Personal Advisor.

7.17 Miscellaneous and Special Needs

Eligible & Relevant and Former Relevant can request one off payments or ongoing payments through pathway planning for needs not covered above.

Eligible & Relevant and Former Relevant Young Person - These will be agreed in the Pathway Planning; examples could be assisting pregnant young women in buying maternity clothes/baby equipment up to £150 or purchasing equipment for young people with a disability.

All eligible, relevant and former relevant, young people should be assisted in opening a bank/building society account for any regular allowances to be paid into by the Finance Department. Other amounts will be either claimed via the Personal Advisor or the funding body. All arrangements will be clarified in the Pathway Plan.

8. Guidance for payments to Former Relevant young people in Higher Education

Any young person wishing to enrol on a course of Higher Education must work with the Social Worker (PA) to complete the Pathway Plan the course they are applying for including the start date and the end date. The plan must clearly show the financial support the young person needs to complete the course.

8.1 Accommodation

Aged over 18 years in Higher Education - are entitled to claim all Education Grants and Loans plus any extra funding due to their status.

Former Relevant in Residential Further Education or Higher Education will be provided with suitable accommodation or by paying them to secure accommodation over the vacation periods, if their term time accommodation is not available to them over these periods - £100 per week. This should be recorded in young person's financial pathway plan.

Higher Education Bursary

Former Relevant/ Qualifying young people in Higher Education – a bursary of £2000 will be provided by the Local Authority each year for the duration of the course.

8.2 Maintenance

Aged over 18 years in Higher Education - are entitled to claim all Education Grants and loans plus extra funding from college bursaries due to their status.

8.3 Travel Costs

Young people in Higher Education may require financial support for additional travel expenses and this will be discussed in the Pathway Plan.

8.4 Education Materials and equipment

Each **Young Person in Higher Education** may need assistance with purchasing essential books, materials and/or equipment they need to complete their course, including a laptop. Requests should be recorded on the young person's pathway plan.

8.5 Other Education Costs

Whilst in **Higher Education** young people may need to go on "Field Trips"/ Residential. These costs will be addressed in the same way as Educational Materials and equipment.

9. Young People Aged 16/17 years in Care and Placed at Home

It is important to ensure that young people over 16 years and their families are receiving the necessary entitlements from the appropriate service i.e. Department of Works and Pensions, HM Revenue and Customs. Those young people may also be entitled to Child Benefit and/or Child/Working Tax Credits.

It is part of the Personal Adviser role to assist a young person and their family in accessing their entitlements. However, this is a complex and ever changing field and families should be direct to access specialist benefits advice.

It is critical that young people aged 16/ 17 years and their families are accompanied and supported when making any welfare benefit claim. It is not enough to signpost them to services as many young people and their families need support in ascertaining their entitlement both in writing and making their claims. The welfare rights officer and DWP seconded officer are willing to guide staff and young people with this process/ making claims.

Should the Personal Adviser consider the family is in need of additional financial support over and above their entitlement, a request should be made to the Service Manager. This request may be linked to financially supporting the family pending receipt of their benefits or supplement payments to young people entering Education, Employment and Training i.e. clothing, equipment, books, and education trips.

It is important that the young person's support and assistance is clearly documented in their *Pathway Plan* and the young person is given a signed copy. The Pathway Plan should be reviewed as part of the review process and in the event of a change in circumstances or if the young person's requests a review meeting.

10. Notification of Young People's Financial Entitlement

It is the responsibility of the social worker or personal adviser to ensure that the financial agreement for young people is set out in the ***Pathway Plan***. The Pathway Plan when completed must be signed off by the Team Manager and Service Manager.

Any changes to the payment arrangements to the young person must be set out and a new pathway plan completed.

It is the responsibility of the social worker to plan who will support the young person to apply for benefits when they become 18 years. It is expected that the young person will be accompanied to the Job Centre Plus to make the claim. The personal adviser will continue to support the Former Relevant young people to access benefit advice and provide support any benefit applications.