



Local Housing Allowance VULNERABILITY POLICY

Supporting tenants to pay their rent

Introduction

The Government has introduced a new scheme of Housing Benefit for people who live in private rented accommodation. The scheme is known as Local Housing Allowance (LHA) and is effective from the 7th April 2008. From this date all new claims for Housing Benefit, for people living in this type of accommodation, will be affected by Local Housing Allowance.

Existing customers will continue to receive Housing Benefit under current rules unless they:

- Change address, or
- Have a break in their claim of one week or more

Customers renting from Registered Social Landlords are not affected by this new scheme.

The aims of the scheme are to promote fairness, choice and transparency whilst empowering people to budget for and pay their rent themselves. This simpler system will help to speed up administration of housing payments, giving tenants more confidence when starting a job that any in-work benefit will be paid quickly.

LHA will normally be paid to the tenant. However, some people not be able to cope with the responsibility of paying their own rent. In these situations we will have the discretion to make payments direct to the landlord if we consider it is in the best interest of the tenant to do so.

Policy Aims

The aim of the policy is to:

- Provide support to vulnerable tenants who cannot cope with the responsibility of paying their rent
- Help to sustain tenancies for vulnerable tenants
- To reassure landlords that their rent will be paid if they have vulnerable tenants or are approached by vulnerable tenants
- To help put tenants in touch with other agencies where necessary and give people the opportunity and support so they can manage their own affairs
- Provide our staff with a framework for making reasonable, fair and consistent decisions in accordance with this Policy
- Promote a transparent and simple process that is understood widely.
- To treat each case individually and to avoid making assumptions about people's situations.

The policy is not intended to:

- Supersede support that is being provided to tenants to give them the opportunity to be responsible tenants and be in control of their own income and expenditure
- Supersede the services already available in the area for tenants who require money or debt advice
- Be used by landlords to circumvent the aims of LHA
- Be a blanket policy for agencies providing support to private tenants.

Our approach

Where we identify ourselves, or where a tenant, landlord or a third party brings to our attention that there may be difficulties that could put a tenancy at risk because of non payment of rent, we will look to see how we can support and enable the tenant to make satisfactory arrangements to pay their rent. Where it is not possible to provide that support, or have the assurance that payments will be made, we will consider whether it is in the interests of the tenant for payments to be made to the landlord.

Making an application

Tenants or third parties can make the council aware that the person is potentially vulnerable.

This must be in writing which may be in the form of a letter, email, or Vulnerability referral form.

Note that representatives include:

- The tenant
- The tenant's
 - Family/friends
 - Landlord
 - Doctor
 - Probation Officer
- Welfare & Support Groups, including money advisors and organisations like CAB, Age Concern etc.
- Social Services
- DWP

It may also be evident to Benefit staff, without receipt of a referral, that a tenant is “potentially vulnerable” and therefore unlikely to pay their rent. In this instance the referral form must be completed by a Benefit Officer.

Gathering evidence

Designated Officers within the Benefit Service will consider the information that has been received and whether there is enough to make an appropriate decision. Ideally this will be written evidence from a third party; a GP, Support or Advisory services such as CAB or Age Concern etc.

We will accept evidence from a third party, but will not accept evidence from the landlord alone. All representations must be in writing supported by detailed reasons and, where available, evidence of why the claimant is considered likely to have difficulty managing their affairs.

What we will do

We will:

- Comply with legislation when considering whether it is appropriate to make payments direct to a landlord
- Have regard to guidance issued by the Department for Work and Pensions
- Help to put tenants in touch with other agencies where necessary and give people the opportunity and support to manage their own financial affairs
- Make reasonable, fair and consistent decisions
- Treat each case individually and not make assumptions about people's situations
- Ask the tenant to provide more information to help us arrive at a fair decision.

Making a decision

We will make a decision within 10 working days of gathering all of the available evidence. Payments will continue to be made to the claimant whilst an application is under consideration.

In all cases where we decide to make payments directly to the landlord we will set a date to review the decision and the circumstances of the tenant. Payments will continue to be made to the landlord whilst an application is under review. We will notify our decision in accordance with legislation.

We will make one of the following decisions and write to all affected parties:

a) The tenant is vulnerable and payment of Housing Benefit (HB) under the LHA scheme will be made to the Landlord.

We will consider whether the tenant's vulnerability is a short term situation and whether the tenant can receive help to overcome any problems. If so, we will set an appropriate date to review our decision. In some cases the tenant's vulnerability will be a long term situation (e.g. learning difficulties and some medical conditions) in which case payments to the landlord will be ongoing.

If the amount of LHA is above the tenant's contractual rent, the payment will be split between the landlord and the tenant. Payment up to the level of contractual rent will be paid to the landlord, payment above the contractual rent will be paid to the tenant. In these circumstances tenants will be required to have a bank account/building society account.

b) The tenant is not vulnerable and payment of LHA will be made to the tenant

If we do not feel that the tenant's circumstances are serious enough to warrant 'vulnerability status' we may never-the-less decide that they may benefit from some support or advice and in this situation we will seek to identify agencies which may be able to help.

What will be our considerations?

Payment will not be made to the landlord if we consider the landlord not to be a 'fit and proper' person to receive such a payment, or it is our opinion that it is in the overriding interest of the tenant not to make payment to the landlord.

In all other circumstances housing benefit legislation allows us discretion on whether or not to make payments direct to the landlord. The Department of Work and Pensions has provided us with guidance on when direct payments to the landlord may be appropriate.

Appeals

Any person (tenant or landlord) affected by a decision will have a statutory right to ask for more information and ask for a reconsideration of our decision. We will include these details in our decision letters.