



Gloucestershire Local Authorities Benefits Service

Local Housing Allowance Safeguard Policy



Introduction

The six Gloucestershire Local Authorities are working together in partnership to prepare for the Local Housing Allowance (LHA) scheme, which commences in April 2008.

LHA is a Housing Benefit scheme for people living in private rented sector accommodation, with some exceptions to the scheme including:

- Local Authority tenancies;
- Housing Association tenancies;
- Supported accommodation provided by local authorities, social landlords, charities or voluntary organisations;
- Tenancies that started before 15th January 1989;
- Tenancies in caravans, houseboats, mobile homes and hostels; and
- Tenancies with substantial board and attendance

Local Housing Allowance is usually paid to the tenant. Under Local Housing Allowance a tenant cannot simply request that payment is made to their landlord.

To protect vulnerable tenants the Local Authority will apply discretion to pay the landlord. This policy sets out the guidelines by which benefit officers will make decisions.

DWP Guidance

The Department for Work and Pensions has provided guidance on when direct payments to the landlord may be appropriate, where a tenant cannot pay or is unlikely to pay their rent. In most cases the council decides whether it is appropriate to pay the landlord the Local Housing Allowance. However, the LHA **must** be paid to the landlord where:

- The tenant is 8 full weeks or more in arrears with their rent.
- The tenant is having deductions made from their Income Support, Jobseekers Allowance (income based) or Pension Credit Guarantee to pay for rent arrears.

Aims and Objectives

- To have robust procedures to ensure customers are treated fairly and in a consistent manner when moving between the Local Authorities within the county.
- To provide a safeguard for the most vulnerable tenants and reassure them that their benefit will be paid direct to their landlord.
- To help prevent rent arrears and tenants being put at risk of eviction.
- To help 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 allow people the opportunity and support to manage their own financial affairs.

- To provide a framework enabling reasonable, fair and consistent decisions to be made.
- To promote a transparent and simple process that is widely understood.
- To treat each case individually and to avoid making assumptions about people's situations.

The policy is **not** designed to:

- Supersede support that is being received by tenants and helping them to be responsible for their own income and expenditure.
- Be a blanket policy for agencies providing support to private tenants.
- Be used by landlords to circumvent the aims of LHA.

Procedures

1. Alerting the Local Authorities of potential vulnerability

The tenant or their representative makes the Local Authority aware that they would prefer their LHA to be paid to the landlord. The request needs to be supported with written evidence from a third party, but initially can be by:

- a letter/e-mail;
- a phone call; or
- the application form.

2. Gathering information and evidence

Officers will consider the information that has been received and whether there is enough evidence to make an appropriate decision. Evidence can be from:

- social Workers, Probation Officers, Support Workers;
- GP/Hospital;
- support or advisory services like the Citizens Advice Bureau and Shelter;
- a tenant's family or friends;
- letter from a bank confirming that you are unable to open a bank account;
- copy of a Court Order or County Court Judgement; or
- rent records and letters proving attempts to collect monies or evidence from a previous landlord.

Please note that evidence from a landlord cannot be accepted without supporting evidence.

3. Making a decision

One of the following decisions will be recommended:

1. the tenant is vulnerable and payment of LHA will be made to the landlord up to the value of the contractual rent with any excess being paid to the tenant.
2. the tenant is not vulnerable and payment of LHA will be made to the tenant.

4. Notifying affected parties

The tenant and/or their representative will be written to and advised of the following:

- the decision and reasons for it;
- if and when the decision will be reviewed;
- appeal rights;
- contact details for advice if they don't have a bank account and will be receiving excess LHA themselves.

The landlord will also be written to and advised:

- if their tenant has been found vulnerable that the Council will pay them LHA up to the contractual rent;
- if and when the decision will be reviewed;
- request bank details if not previously received;
- if their tenant has been found not to be vulnerable, the landlords appeal rights against this decision.

5. Appeal rights of a person affected by a decision under LHA

Under housing benefit regulation 96(3A) any person affected by a decision relating to the direct payment of housing benefit may appeal against the decision. Persons affected may include the customer (tenant) or the landlord.

6. This policy

This policy should be read in conjunction with the Local Housing Allowance Safeguard Procedures.

For further information please contact:

**The Benefits Team,
Forest of Dean District Council,
High Street,
COLEFORD,
Glos.
GL16 8HG**

Telephone: 01594 812531

Fax: 01594 812595

Email: housing.benefits@fdean.gov.uk