



The Anglia Revenues Partnership

Housing Benefits

Local Housing Allowance

Vulnerability & Safeguarding Policy

Benefits Service
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Local Housing Allowance Vulnerability & Safeguarding Policy

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ANGLIA REVENUES PARTNERSHIP

PRIMARY LEGISLATION

The Social Security Administration Act 1992.

SECONDARY LEGISLATION

The Housing Benefit (Local Housing Allowance and Information Sharing) Amendment Regulations 2007

INTRODUCTION

Under Local Housing Allowance (LHA) introduced on 7th April 2008, a tenant cannot simply request that their payments are made to their landlord. There are certain circumstances, however, in which Councils must pay the landlord direct and others where there is discretion to do so to protect those requiring safeguard considerations due to vulnerability.

This policy sets out the guidelines under which consideration should be given to individual cases and decisions made.

This policy deals with the discretionary powers of the Authority. The Housing Benefit Regulations 2006, regulation 95 provides legislation "Circumstances in which payment is to be made to a landlord".

POLICY STATEMENT

Breckland Council, Forest Heath District Council, East Cambridgeshire District Council and St Edmundsbury Borough Council working together as The Anglia Revenues Partnership (ARP) under authority of Section 101(b) of The Local Government Act, will deal with all requests for Landlords to be paid direct using the guidelines set out in this Policy, in a professional manner that shows respects for customers, members of staff and anyone else involved in the process and deal with each case as stated in this Policy document. This document has been developed in consultation with stakeholders throughout the ARP area.

This policy will be available to all internal and external stakeholders and will be on the Councils' websites www.breckland.gov.uk, www.forest-heath.gov.uk, www.eastcamb.gov.uk www.stedmundsbury.gov.uk

OBJECTIVE

This policy is provided to ensure that the Local Authorities through the ARP fulfil their statutory requirements. The Vulnerability & Safeguarding Policy helps to ensure that the

legislation is adhered to and that all requests for Landlords to be paid direct are dealt with appropriately, in a fair and open manner.

EQUALITY

The ARP is committed to equality of opportunity and valuing diversity in both the provision of services and in its role as a major employer. We believe that everyone has the right to be treated with dignity and respect. We are committed to the elimination of unfair and unlawful discrimination in all our policies, procedures and practises. We are determined to ensure that no member of the public, employee or job applicant receives less favourable treatment on the grounds of their age, child care or other caring responsibilities, disability, gender, HIV status, language, marital status, race, religion, sexuality, membership or non-membership of a trade union, or by any requirement which cannot be shown to be justifiable.

DATA PROTECTION

This policy is compatible with Data Protection requirements; appeals procedures are set out in the legislation that this policy complies with.

AIMS

- To provide a safeguard for the most vulnerable tenants and reassure them that their Housing Benefit will be paid
- To help prevent rent arrears and to avoid tenants being put at risk of eviction
- To help sustain tenancies for those requiring safeguard considerations
- To reassure landlords that their Housing Benefit will be paid if they have at risk tenants or are approached by tenants requiring safeguard considerations
- To help put tenants in touch with other agencies where necessary and give people the opportunity and support to manage their own affairs
- To ensure council officers make reasonable, fair and consistent decisions
- 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:

- Replace support that is being received by tenants already
- Be a blanket policy for agencies providing support to private tenants
- Be used by landlords to circumvent the aims of LHA.

ALERTING THE PARTNERSHIP OF POTENTIAL TENANTS REQUIRING SAFEGUARD CONSIDERATIONS

Where a tenant or any person acting on behalf of a tenant makes the partnership aware that they would prefer their LHA to be paid to the landlord the initial request should be either by

- a letter / email
- a phone call
- the application form

Any request must however subsequently be supported with written evidence from a third party.

GATHERING INFORMATION AND EVIDENCE

Officers will consider the information that has been provided and whether there is enough evidence to make an appropriate decision. Examples of those who can provide this information are:

- Adult Social Care Teams
- Homelessness Prevention Caseworkers
- Support or advisory services like the Citizens Advice Bureau, Supporting People Providers etc.
- A tenant's family or friends
- General Practitioners

Evidence from a landlord should not be accepted in most cases.

MAKING A DECISION

The partnership will make one of two decisions

The tenant falls within the safeguarded guidelines and payment of LHA will be made to the landlord

The tenant is does not fall within the safeguarded guidelines and payment of LHA will be made to the tenant

NOTIFYING AFFECTED PARTIES

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

- The decision
- If and when the decision will be reviewed
- Appeal rights
- Advice agencies, voluntary or statutory organisations that may help them
- Contact details for the independent advice agencies if they don't have a bank account (e.g. in cases where they will be receiving excess LHA)

The landlord will also be written to and advised:

- If their tenant has been found to fall within the safeguarded guidelines and 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 fall within the safeguarded guidelines, the landlord's appeal rights against this decision

EXAMPLES OF TENANTS WHO FALL WITHIN THE SAFEGUARDED GUIDELINES

There are a number of reasons why a tenant may be having problems managing their money that might lead us to decide to pay the landlord direct. These include cases where a tenant:

- Has a medical condition (affecting their mental health) and they have no carer acting on their behalf
- Has a learning disability or a physical disability
- Has previously been homeless due to non payment of rent
- Is going through some life-changes that mean he/ she needs some extra support for a period
- Is dealing with an addiction to e.g. alcohol, gambling or drugs
- Has severe debt problems e.g. county court judgement's, bankruptcy, or a bad credit rating preventing them opening a bank account

NB This list is not exhaustive, nor does meeting one or more of the criteria guarantee that a person is meeting the safeguarded guidelines e.g. a person recovering from an addiction problem may be attempting to manage their financial affairs as part of their rehabilitation.

IMPLEMENTATION AND TRAINING

This policy will be made available to all staff. This will be reinforced with training and management supervision of all staff involved.

COMPLAINTS

The respective Council's individual 'Compliments and Complaints Procedure' (available on the each of the Councils' websites) will be applied in the event of any complaint received about this policy.

POLICY REVIEW

This policy will be managed and reviewed every year and, from time to time, updates and re-issues will be circulated. However, the policy will be reviewed sooner if a weakness in the policy is highlighted, in the case of new risks, and/or changes in legislation. Each section will be responsible for ensuring that this policy is adhered to and effective.

Authors	Sharon Jones
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Revision History

	Description	Date	Author(s)
1.0	Original Policy	Sept 2008	Steve Knights
1.1	Annual Review	Feb 2009	Steve Knights
1.2	Annual Review	May 2010	Sharon Jones
1.3	Annual Review	Dec 2011	Sharon Jones