



## **Sevenoaks District Council Local Housing Allowance: Safeguard Policy**

### **Deciding who to pay benefit to**

Housing Benefit, under the Local Housing Allowance regulations, will normally be paid to the tenant. Claimants do not have the option to choose, at any time during their claim, to have their Housing Benefit paid direct to their landlord.

There are however, certain circumstances where it is not practical to pay the claimant. This policy is intended to provide safeguards where it is possible for the landlord to receive the Housing Benefit direct. Sevenoaks District Council benefit staff will always be responsible for making the decision on who should be paid. Each case will be decided on its own merits, using these guidelines, and backed up by supporting evidence.

This policy has been developed in consultation with stakeholders across Kent and the Sevenoaks District Council area.

### **Aims of this policy**

- ✚ To provide a safeguard for vulnerable tenants
- ✚ To help prevent rent arrears and evictions
- ✚ To reassure landlords that rent will be paid to them for vulnerable tenants
- ✚ To ensure that council officers make reasonable, fair and consistent decisions
- ✚ To treat each case individually and avoid making assumptions

This document is not intended to be a blanket policy, as each case will be considered individually.

### **The broad areas, in which the landlord may receive direct payments, as set out in the regulations, are:**

- ✚ The tenant is in rent arrears of 8 weeks or more and it is not in the over-riding interest of the claimant not to make payments to the landlord
- ✚ The claimant is having deductions from their Income Support or Jobseekers Allowance to pay off rent arrears
- ✚ The claimant is "likely to have difficulty in relation to the management of his financial affairs"
- ✚ It is improbable that the claimant will pay their rent

## **Examples of where the safeguard policy may apply**

This could be because the tenant:

- ✚ has a medical condition which affects them dealing with their finances
- ✚ has a learning disability
- ✚ has language difficulties
- ✚ is dealing with an addiction
- ✚ has severe debt problems

This is not an exhaustive list.

## **Alerting the council**

The tenant or another person representing them may make the council aware that the Housing Benefit should be paid to the landlord in their opinion. This may be on the application form at appendix B of this document or in writing.

## **The council's response**

The council will request evidence of how the situation affects the tenant's ability to deal with their financial affairs. An officer of the council will then decide whether the tenant comes under any of the criteria laid out in the regulations.

See Appendix A for possible sources of evidence. This is not an exhaustive list, and any evidence will be considered.

## **Notifying the decision**

The tenant (or their representative) will be notified of the decision made.

Landlords will be notified if the decision is to pay them.

Notifications will include any appeal rights and other sources of advice.

## Appendix A

**This list is not exhaustive and you should aim to build up a picture of the claimants circumstances.**

<b>Reason for Vulnerability</b>	<b>Suitable Sources of Evidence</b>
Learning Disabilities	Letter from support provider Letter from doctor (be aware some GPs charge for this) Letter from social worker Letter from care worker Interview with CAB /Local Authority staff Government Departments
Medical conditions	Letter from GP Letter from hospital Letter from support worker Interview with CAB / Local Authority staff Supporting People Teams
Illiteracy	Letter from support group Interview with CAB / Local Authority staff
Inability to speak English	Letter from support group Letter from community group Interview with CAB / Local Authority staff Letter from Ethnic Minority link group
Addictions to: Drugs / Gambling / Alcohol	Letter from GP Letter from support worker Letter from hospital Letter from care worker Letter from social services Letter from supporting organisations Interview with CAB / Local Authority staff
Severe Debt Problems	Court Order Letter from solicitors Letter from help groups Letter from creditors Interview with CAB / Local Authority staff
Undischarged bankruptcy	Court Order
Inability to open a bank account	Letter from Bank Letter from Money advisor
Fleeing from Violence	Letter from Refuge Letter from supporting organisations Letter from Probation Officer Letter from Social Services
Leaving Prison	Letter from supporting organisations Letter from Probation Officer Letter from Social Services