



## **ROTHER DISTRICT COUNCIL**

### **Local Housing Allowance**

### **Safeguard Policy**

#### **1.0 Introduction**

- 1.1 Under the Local Housing Allowance (LHA) the emphasis will be on making payments to tenants. This means that those tenants coming under the scheme as new claimants will in most cases receive payment directly
- 1.2 Under LHA a tenant cannot simply request that their payments are made to their landlord.
- 1.3 To protect vulnerable tenants the council will apply discretion to pay the landlord. This policy sets out the guidelines by which officers will make decisions.
- 1.4 The primary objective is to ensure that tenants 'keep a roof over their heads' therefore officers will apply the policy appropriately to minimise the risk of tenants falling into arrears with their landlord.
- 1.5 Payment can still be made to the landlord if a tenant is eight or more weeks in arrears. This is a statutory requirement and is therefore not included in this policy.
- 1.6 If the LHA is greater than the contractual rent any excess up to a maximum of £15 per week will be paid to the tenant. If the tenant is in arrears and the decision has been made to pay the landlord, the LHA may include the excess to help clear the arrears.
- 1.7 The Department for Work and Pensions (DWP) have provided guidance on when direct payments to the landlord may be appropriate. Examples are as follows:
  - a) if a tenant is known to have a learning disability or is suffering from drug or alcohol misuse, the tenant is more likely to have difficulty managing his or her own affairs.

- b) if the authority is aware that the tenant has a history of rent arrears, it is more likely that the tenant will not pay.

1.8 Under the LHA rules a tenant cannot simply request that payment is made to a landlord to cover their rent. Benefit officers will need to consider evidence and make a decision as to whether it is in a tenant's best interest to make payments of LHA directly to the landlord. In many cases it will be a temporary situation until, for example, any rent arrears are cleared.

## **2.0 Aims and Objectives of the Policy**

- to provide a safeguard for the most vulnerable tenants and reassure them that the benefit and rent will be paid
- to help prevent rent arrears and ensure tenants are not 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 put tenants in touch with other agencies where necessary in order to provide support which will help them to manage their own financial affairs
- to ensure benefit officers make reasonable, fair and consistent decisions
- to promote a transparent and simple process that is understood widely
- to treat each case individually and not make assumptions about people's situations

### **The policy is not designed to:**

- supersede support that is being received by tenants to help them 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 the LHA

## **3.0 Procedure**

3.1. The tenant or their representative will advise the council that they would prefer their LHA to be paid to their landlord.

3.2 The tenant will be asked to complete and submit a standard form together with supporting written evidence from a third party.

3.3 Officers will consider the application and confirm whether there is enough evidence to support the application. Evidence may be provided by:

- GP
- Adult Social Care teams (East Sussex County Council)
- Support or advisory services like CAB or HARC
- A tenant's family or friends

NB Evidence from a landlord **must** be supported by additional evidence from another source. For example, if a landlord requests direct LHA payments because the tenant has a drug or alcohol problem and is unable to manage their finances, it will need to be supported by additional information from either the tenant's GP, Social Services or a support provider.

3.4 The officer will then make a decision based on the information provided. One of two decisions will be made:

- i) the tenant is considered to be vulnerable and payment of LHA will be made to the landlord.
- ii) the tenant is considered not to be vulnerable and payment of LHA will be made to the tenant.

3.5 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
- their appeal rights
- contact details of advice agencies, voluntary or statutory organisations that may help them

3.6 The landlord will also be written to and advised of the following:

- if the tenant has been found vulnerable 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 be vulnerable the landlord appeal rights against this decision

#### **4.0 Examples of Vulnerability**

4.1 Reasons for paying the landlord instead of the tenant might be because the tenant:

- has a medical condition (affecting their mental or physical health)
- has a learning disability or physical disability
- does not speak English as their first language
- is going through some changes that means the tenant needs some extra support
- is dealing with an addiction (alcohol or drugs)
- has severe debt problems, for example, CCJs, bankruptcy or a bad credit rating preventing them from opening a bank account

**The above list is not exhaustive. In all cases, evidence will be sought to support requests to pay LHA direct to landlords.**