



Surrey Heath Borough Council

Housing Benefits Safeguard Policy for the Local Housing Allowance

In line with the aims of the Local Housing Allowance (LHA) Scheme the Local Housing Allowance will normally be paid to the claimant rather than to the landlord.

The 'Vulnerable' Safeguard

In recognition of the risk that some tenants may be vulnerable and struggle with the responsibility of budgeting for and paying their rent, safeguards have been put in place to ensure a claimant is not placed 'at risk' of eviction from their home through non-payment of rent to their landlord.

The term 'Safeguard' is used where direct payments to the landlord is made to those claimants identified as being unable to pay their rent themselves. The overriding consideration will always be that the arrangement is in the best interests of the claimant.

Aims and Objectives

- To provide reassurance to vulnerable customers that their rent will be paid
- To help prevent rent arrears and customers being placed at risk of eviction
- To provide support, encouragement and advice to customers who are able to make payments of rent themselves
- To ensure the Council makes fair, responsible and consistent decisions and that each case is treated on its own merits
- To ensure the Council meets its obligations to provide services that prevent homelessness

Procedure

The customer or customer's representative will make application by letter, telephone, email or in person, to the Council for their Local Housing Allowance (LHA) to be paid to the landlord. All such applications will be decided by Senior Benefits Officers, comprising the Benefits Manager and or, Benefits Team Leader.

Written representation will be considered from the following parties:

- the claimant
- the claimant's family and/or friends
- the claimant's GP
- Probation Officer
- Social Worker
- Landlord

In support of the representation evidence will also be considered from:

- the Council's homelessness or housing advice officers
- welfare organisations, support and advisory services
- Department for Work and Pensions i.e. Jobcentre Plus, Pension Service
- Citizens Advice Bureaux, homeless charities/organisations
- Supporting People Teams or Adult Social Care Teams
- reputable financial advisors

Two main factors will be considered when reaching the decision to pay a landlord.

- does the evidence provided allow for an informed decision to be made on whether the claimant will have difficulty in paying their rent?
- is it in the interests of the claimant to make direct payments to the landlord and if so, for how long?

All evidence presented in support of the safeguard criteria will be evaluated to allow the Council to make an informed decision on whether a safeguard should be applied.

If the evidence provided is not conclusive or satisfactory the Council will:

- interview the claimant either at home or in the Council offices,
- ask for further information/evidence to be provided where necessary

Making the decision

All written requests to pay the landlord will be decided within 4 weeks of the request being received together with supporting evidence and information. Payment of Housing Benefit will not be delayed until the outcome of the decision is known. Initial payments will be made to the claimant unless there is overriding evidence not to do so.

In all cases one of two decisions will be made:

1. The customer **is** vulnerable and payments of LHA will be made to the landlord, in order for the their tenancy to be sustained
or
2. The customer **is not** vulnerable and payment of LHA will be made to the customer.

All decisions will be fully documented.

Notifying affected parties

The claimant, their representative and any relevant person, will be notified in writing of the decision with an explanation for the decision and rights of appeal against the decision.

Reviewing a decision

Once a decision is made that it is appropriate to pay the landlord this decision will be subject to review either:

- on appeal from the claimant or relevant person
- at a period no later than 12 months from the date of the decision.

Data Protection

The claimant's consent will be sought before any attempt is made to approach individuals or organisations for further information. The Council will obtain only such information as is necessary for a decision to be made.

Other safeguards

Arrears of rent - eight week rule

When rent arrears have reached the equivalent of eight weeks or more the Council will, in most cases arrange to make future payments to the landlord.

Fit and proper test

The Council is not obliged to make payment to a landlord where it is not satisfied that the landlord is a 'fit and proper' person to be the recipient of a payment of rent allowance e.g. where the Council has proof of a financial impropriety or where the landlords has failed to declare changes of circumstance for tenants that it is reasonable for them to have known about.

Helping tenants to manage their money

The Council will provide leaflets, brochures and advice to tenants on opening bank accounts and setting up standing orders or direct debits to pay their rent.

Contact details for the Citizens Advice Bureau Money Advice Service will be published on the Council's website and in the Council offices. A referral system will operate between the Council and the local Citizens Advice Bureau for customers who need help to budget and managing their finances.