



**London Borough  
of Hounslow**

# **Local Housing Allowance Safeguard Policy**

## **Introduction:**

Under Local Housing Allowance housing benefit will usually be paid direct to the person applying for housing benefit (claimant). However, the purpose of the Safeguard Policy is to determine who, under Local Housing Allowance (LHA), should have their LHA payments made directly to their landlord. Housing benefit will normally be paid directly to the claimant, unless:

- The claimant already has deductions from their income support or Jobseekers Allowance to pay off rent arrears.
- The claimant is 8 or more weeks in arrears with their rent
- The claimant is vulnerable i.e. someone who has difficulty managing their affairs.
- The claimant has a history suggesting that he/she will not pay his/her rent.

It should be noted that only the rental element may be paid directly to the landlord and any “excess” will still be paid to the claimant (to a maximum £15 per week).

## **Aim of the Policy:**

The aim of the Safeguard policy is to enable vulnerable tenants:

- to secure tenancies
- to retain tenancies and
- to ensure that landlords are willing to accept vulnerable persons as tenants.

The Council has a duty to make the vulnerability decision making process fair, consistent, easily understandable and easily accessible. The main objective of the policy is:

1. To provide a safeguard for the most vulnerable claimant.
2. To ensure housing benefit officers treat every case on its own merits and make reasonable, fair and consistent decisions.
3. To help prevent rent arrears and tenants being put at risk of eviction.
4. To reassure landlords that their rent will be paid if they have vulnerable tenants.
5. To help put tenants in touch with other agencies so they can get help in learning the skills to manage their own affairs.

## **Examples of why some people may be considered Vulnerable:**

1. People who have large and/or multiple debts.
2. People who have a recent County Court Judgement against them.
3. People who have a bankruptcy order against them.
4. People who are fleeing from domestic violence.
5. People with learning or physical disability or mental illness.

6. People dealing with an addiction (e.g. drugs/alcohol/gambling) and are being provided support by an agency.
7. People getting help from a homeless charity.
8. People who have a history of homelessness and are being supported as part of a resettlement program.
9. People who have recently been released from prison.
10. People who have previously been evicted for rent arrears due to deliberate non-payment of rent.
11. People who are unable to open a bank account due to poor credit rating.

These are only examples. There will be other reasons why someone might be vulnerable, it is therefore essential that all cases are considered individually.

### **Procedure:**

The claimant or his representative should make the housing benefit department/officer aware that they wish to be considered vulnerable and would like their LHA to be paid directly to their landlord. The claimant can do this by letter, email, telephone, in person or via the application form. The housing benefit team leader will decide if a tenant is vulnerable. To make this decision they will need evidence that the claimant cannot manage their money.

### **Evidence can be letters from:**

- Welfare groups ( including money advisors)
- Social services
- Probation officers
- Jobcentre plus
- The pension Service
- The Department for work and pensions
- Housing Officers/ Resettlement Officers/Support Workers
- The claimant
- Doctors/ hospital
- Friends/family

Once a request is received the housing benefit team leader will check any evidence that may exist on previous claims. If this is sufficient an immediate decision can be made. If no evidence exists or is insufficient then further information will be requested.

### **Interim payments:**

The local authority has up to 8 weeks to make a decision on the claimant's vulnerability and during this time LHA can be paid directly to the landlord.

### Notification process:

When the relevant evidence has been received a decision will be made regarding the claimants vulnerability. The housing benefit team leader will notify the claimant and/or their representative of their decision in writing and the landlord. The notification will state

#### **1. The claimant is vulnerable and LHA will be paid direct to the landlord**

Write to the tenant and/or their representative advising them of:

- The decision
- Reasons for the decision
- If and when this decision will be reviewed
- Appeal rights
- Details of any advice agencies, voluntary or statutory organisations that may help them

Write to the landlord advising that:

- LHA up to the contractual rent will be paid directly to them on behalf of the tenant.
- The minimum length of time that this arrangement will stand if the decision is to be reviewed.
- Appeal rights.

#### **2. The claimant is not vulnerable and LHA will be paid directly to them. The housing benefits team leader will write to the claimant and/or their representative advising them of:**

- The decision
- Reasons for the decision
- Appeal rights
- Any advice agencies, voluntary or statutory organisations that may help them

The landlord will also be notified of the decision.

### Reviews:

All decisions will be reviewed at 6 monthly intervals as some payments to landlords may be short term, whilst others may be long term. The aim of LHA is to have as many people as possible managing their own affairs. The reviews will be carried out by housing benefit team leaders (Liberata).

Both the claimant and the landlord will be informed of their appeal rights and the time limits if they wish to challenge the vulnerability decision.

### Appeal rights:

If the claimant or landlord disagrees with the department's decision they can appeal. They would need to write to the Head of Revenues & Benefits Client Services within one month of receiving the decision notice giving all the reasons why they disagree.

An independent review will be carried out by a senior manager on the Client Team who has had no involvement with the original decision. Their adjudication will be final.

### **Examples of possible grounds of vulnerability to be considered under the Safeguard Policy.**

1. **Rent arrears:**

Signed statement from landlord supported by details of payments due, payments made and payments which have not been made.

2. **Unlikely to pay:**

Evidence of information showing that customer has failed to pay rent and is unlikely to pay if payments are made to them. This will be based on information held on previous claims, or information from landlord. Claimant not paying regularly could also be an indication of claimant being "unlikely to pay".

3. **Vulnerability:**

<b>GROUND</b>	<b>EVIDENCE FROM</b>
<b>LONG TERM</b>	
Claimant has a learning disability that prevents them from managing their affairs.	Care/support workers, GP, Adult Social Care, DWP (evidence of benefits)
Claimant suffers from a medical condition that makes it hard for them to cope with routine tasks e.g. schizophrenia, dementia, terminal illness.	Care/support workers, GP, Adult Social Care, Hospitals
Claimant has a physical disability that means that they are often housebound making it difficult for them to manage their affairs.	Care/support workers, GP, Adult Social Care, Hospitals
<b>SHORT TERM</b>	
Claimant has experienced recent changes that has meant they need additional support in managing their affairs e.g. bereavement; violent	Care/support workers, GP, Adult Social Care, Hospitals, probation officers, family/friends

relationship, relationship breakdown; period in hospital; leaving prison, leaving care	
Claimant has a history of homelessness and/or rough sleeping and is receiving help to sustain a tenancy in the private sector.	Housing Advice, Welfare agencies, Homeless Persons Unit, Shelter
Claimant speaks English only as a second language, presenting obstacles to them in opening and running bank accounts; reading and dealing with invoices and bills.	Written evidence from support organisations that arrears/debts have occurred as a result of not understanding correspondence
Claimant is dealing with (or has a history of) addiction to drugs, alcohol, gambling and a substantial monetary payment to them would present a risk of relapsing.	Support organisations, GP, Adult social care, hospitals, supporting people.
<b>FINANCIAL</b>	
Claimant has a severe debt problem e.g. CCJ's, bad credit rating that prevents opening bank accounts, undischarged bankruptcy.	Creditors, court orders, solicitors, CAB, DWP, Jobcentre plus.