



# **LOCAL HOUSING ALLOWANCE SAFEGUARD POLICY**

**Flintshire Unified Benefits & Advisory Service  
Policy Document**

## Introduction

The Local Housing Allowance is a new scheme of Housing Benefit for people living in privately-rented sector accommodation, with some exceptions to the scheme, including:

- Local Authority tenancies
- Housing Association tenancies
- Supported accommodation provided by local authorities, social landlords, charities or voluntary organisations
- Tenancies that started before 1989
- Tenancies in caravans, houseboats, mobile homes and hostels
- Tenancies with substantial board and attendance

Local Housing Allowance is usually paid to the tenant. Under LHA a tenant cannot simply request that payment is made to a landlord to cover their rent, but authorities have the discretion to make payments to the landlord when certain criteria are met.

## Department of Work and Pensions Guidance

The Department for Work and Pensions has provided guidance on when direct payments to the landlord may be appropriate, where a tenant cannot pay or is unlikely to pay their rent. In most cases the council decides whether it is appropriate to pay the landlord the Local Housing Allowance. However the LHA **must** be paid to the landlord where:

- The tenant is 8 full weeks or more in arrears with their rent
- The tenant is having deductions made from their Income Support or Jobseeker's Allowance to pay for rent arrears.

## Flintshire County Council Policy

The policy will ensure that the safeguards in place are applied correctly, to help minimise the risk of tenants falling into arrears with the rent and losing their home due to eviction and to allay any fears that landlords may have regarding potentially vulnerable tenants and those who are unlikely to pay. All staff will be made aware of the policy and when direct payments should be made on the grounds of vulnerability.

The circumstances where we will consider paying the Local Housing Allowance directly to the landlord are if:

- ◆The tenant is **unlikely** to pay their rent because he or she
  - has rent arrears and consistently failed to pay
  - has a history of arrears with previous landlords
  - has previously absconded from a property leaving rent arrears.
- ◆The tenant is **unable** to pay their rent because
  - they have financial difficulties which mean they are unable to open a bank/building society account, have severe debt problems or are bankrupt.
  - they are considered to be vulnerable and unable to manage their own financial affairs, this may include:

- People with medical conditions such as mental ill health, Alzheimer's disease or a terminal illness
- People with learning difficulties
- People with physical disabilities or who may be housebound
- Illiteracy or inability to speak English
- A person who lives alone with no support
- A person receiving assistance from a homeless charity
- A person with alcohol/drugs/gambling addiction
- A person receiving funding from the Supporting People Grant
- A person who fleeing domestic violence and have the support of either the police, or a statutory or voluntary agency
- A person leaving prison and being supported by an appropriate organisation or agency
- A person who has a temporary change in their life such as a relationship breakdown or bereavement which may mean they need support on a short-term basis

This list is not exhaustive and there may be other causes of vulnerability that prevents the tenant from receiving direct payments of the Local Housing Allowance. Each case will be considered on its own merit and there will not be a blanket policy approach to cases of vulnerability.

The aim of the policy is intended to:

- Provide a safeguard for vulnerable tenants and reassure them that their Housing Benefit and rent will be paid
- Prevent rent arrears and tenants being put at risk of eviction
- Help to sustain tenancies for vulnerable tenants
- Help tenants to take responsibility for receiving direct payments of LHA, where appropriate.
- Help to put tenants in touch with other agencies where necessary and give people the opportunity and support to manage their own financial affairs
- Reassure landlords that their rent will be paid if they have vulnerable tenants
- Work with landlords where the tenant consistently fails to pay the rent.
- To make reasonable, fair and consistent decisions
- Promote a transparent and simple process that is understood widely
- To treat each case individually and not make assumptions about people's situation
- To work closely with the statutory and voluntary sector in supporting vulnerable members of our communities, to contribute towards the prevention of homelessness
- To help people with the transition from non-working to working and to support and advise people through the process
- Compliment the work that other sections/departments undertake within the LA – housing allocations, environmental health, etc

The policy is not intended to:

- Replace support that may be being provided to tenants in managing their everyday affairs and finances
- be responsible tenants and be in control of their own income and expenditure

- Replace the services already available in the area for tenants who require money or debt advice
- Be used by landlords to avoid and abuse the aims and objectives of LHA
- Be a blanket policy for organisations providing support to private tenants
- Undermine the good work that is already being undertaken within other sections/departments of the LA
- Undermine the rights of tenants to receive payment directly to themselves

**Vulnerability Indicators**

<b>Vulnerability Criteria</b>	<b>Written evidence Required</b>
Learning Disability	<ul style="list-style-type: none"> <li>• GP</li> <li>• Social Services</li> <li>• Care Workers</li> <li>• DWP</li> </ul>
Medical Condition ie, Mental health problems	<ul style="list-style-type: none"> <li>• GP</li> <li>• Social Services</li> <li>• Care Workers</li> <li>• Hospital</li> <li>• DWP</li> <li>• Support Organisations</li> </ul>
Addiction problems ie, Drugs, Gambling, Alcohol	<ul style="list-style-type: none"> <li>• GP</li> <li>• Social Services</li> <li>• Hospital</li> <li>• Police</li> <li>• Care Workers</li> <li>• Support Organisations</li> </ul>
Fleeing Domestic Violence	<ul style="list-style-type: none"> <li>• GP</li> <li>• Police</li> <li>• Social Services</li> <li>• Support Organisations</li> <li>• DWP</li> </ul>
Care Leavers / single < 25 homeless	<ul style="list-style-type: none"> <li>• GP</li> <li>• Social Services</li> <li>• Homeless Team</li> <li>• Support Organisations / Homeless charities</li> </ul>
Prison Leavers	<ul style="list-style-type: none"> <li>• Social Services</li> <li>• Probation Service</li> <li>• Support Organisations</li> </ul>
Severe Debt Problems ie CCJ's	<ul style="list-style-type: none"> <li>• Courts</li> <li>• Banks / Building Societies</li> <li>• Solicitors</li> <li>• Creditors</li> <li>• Support Organisations ie CAB,</li> </ul>
Undischarged Bankruptcy	<ul style="list-style-type: none"> <li>• Court Order documents</li> </ul>
Inability to open a Bank Account	<ul style="list-style-type: none"> <li>• Evidence from banks / building societies</li> <li>• Money Management / Welfare and Information Centres</li> </ul>
Where DWP is making deduction from benefits and paying direct to utility company	<ul style="list-style-type: none"> <li>• DWP</li> <li>• CIS</li> <li>• Job Centre +</li> </ul>
Tenant is in receipt of Supporting People funding	<ul style="list-style-type: none"> <li>• Support Organisation</li> <li>• GP</li> <li>• Social Services</li> <li>• SP section</li> </ul>

