



Local Housing Allowance Vulnerability Policy

Under Local Housing Allowance (LHA) a tenant cannot simply request that their payments are made to their landlord. To protect vulnerable tenants the council will apply a discretion to pay the landlord. This policy sets out the guidelines by which officers will make decisions. This policy has been developed in consultation with stakeholders across the Council area.

- Aims and Objectives
- Procedure
- Examples of Vulnerability

Aims and Objectives

- To provide a safeguard for the most vulnerable tenants and reassure them that their benefit and rent will be paid
- To help prevent rent arrears and tenants being 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 help put tenants in touch with other agencies where necessary and give people the opportunity and support so they can manage their own affairs
- To ensure council officers make reasonable, fair and consistent decisions
- To promote a transparent and simple process that is widely understood
- To treat each case individually and to avoid making assumptions about people's situations



The policy is not designed to:

- Supersede support that is being received by tenants and helping them to 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 LHA

Examples of Vulnerability

Reasons that we might pay 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
- Is illiterate or does not speak English as their first language
- Is going through some changes that means the tenant needs some extra support e.g. bereavement, fleeing a violent relationship, leaving prison, leaving care, homelessness
- Is dealing with an addiction (alcohol/substance or gambling)
- Has severe debt problems *e.g. CCJs, bankruptcy, or a bad credit rating preventing them from using a bank account*
- Has insufficient capacity to understand a tenancy

The list is not exhaustive and there may be other causes of vulnerability that prevents tenants from receiving direct payments of Local Housing Allowance.

Appointees

Claimants who have an appointee will not be considered as vulnerable. This is because they have someone who has been appointed to act on their behalf.



Procedure

1. Alerting the council of potential vulnerability

The tenant or their representative makes the council aware that they would prefer their LHA to be paid to the landlord. The request can be by letter, on the phone, by e-mail or in person by, in most cases, one or several of the following sources:-

- The tenant
- Friends and family
- The landlord
- Welfare Groups, Money Advisors
- Social Services, GP's , Probation Officers
- Jobcentre Plus, Pension Service or Board Guarantee Scheme staff etc.

If the tenant, landlord, or tenants representative make a request for payment of the LHA to the landlord the Benefit Service may follow this up by issuing a standard form to gather the evidence to support the application (appendix A). Any written request must include the required evidence.

2. Gathering information and evidence

Officers will consider the information that has been received and whether there is enough evidence to make appropriate decisions. Possible sources of evidence could include:-

Reason for vulnerability	Suitable sources of evidence
Learning disabilities	<ul style="list-style-type: none"> • Letter from support provider • Letter from doctor • Letter from social worker
Medical conditions	<ul style="list-style-type: none"> • Letter from GP • Letter from hospital
Illiteracy or Inability to speak English	<ul style="list-style-type: none"> • Letter from support worker
Addictions to: Substance/ Gambling/ Alcohol	<ul style="list-style-type: none"> • Letter from GP • Letter from support worker • Letter from hospital • Letter from care worker • Letter from social services
Severe Debt problems Court order	<ul style="list-style-type: none"> • Letter from solicitors • Letter from help groups • Letter from creditors
Inability to open a Bank Account	<ul style="list-style-type: none"> • Letter from Bank • Letter from Money advisor
In receipt of help from a homeless charity	<ul style="list-style-type: none"> • Letter from Support Worker • Letter from Homeless charity
In rent arrears of more than 8 weeks	<ul style="list-style-type: none"> • Rent records
Deductions from other DWP (Benefits such as Income Support or JSA)	<ul style="list-style-type: none"> • Letter from DWP showing level of deductions
Mental Health Problems	<ul style="list-style-type: none"> • Letter from GP • Letter from support worker • Letter from social worker

Evidence from a landlord cannot be accepted alone.



3. Making a decision

One of two decisions will be recommended and approved by a manager:

1. The tenant is vulnerable and payment of LHA will be made to the landlord
2. The tenant is not vulnerable and payment of LHA will be made to the tenant

4. Notifying affected parties

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
- Appeal rights
- Advice agencies, voluntary or statutory organisations that may help them
- Contact details for the CAB Money Advice Service if they don't have a bank account and will be receiving excess LHA themselves

The landlord will also be written to and advised:

- If their 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's appeal rights against this decision