

# Stockton on Tees Borough Council Local Housing Allowance Safeguarding 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 discretion to pay the landlord. As an additional safeguard local housing allowance will be paid to the landlord when the tenant is unlikely to pay their rent. This policy sets out the guidelines by which officers will make decisions. This policy has been developed in consultation with stakeholders.

## **Vulnerable Tenants**

A vulnerable tenant is a person who “is likely to have difficulty in managing his affairs”

## **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 to 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 to help 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

## **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, because they have difficulty managing financial matters. The request needs to be supported with written evidence from a third party, but initially can be by:

- a letter / email
- a phone call
- application form

## **Gathering information and evidence**

Officers will consider the information that has been received and whether there is enough evidence to make an appropriate decision. Evidence can be from:

- Social Workers
- GP
- support or advisory services like SDAIS or Stockton Councils Housing Options team.
- a tenant's family or friends

Evidence from a landlord cannot be accepted alone

## **Making a decision**

One of two decisions will be made:

- the tenant is vulnerable and payment of LHA will be made to the landlord
- the tenant is not vulnerable and payment of LHA will be made to the tenant

## **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

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

## **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) which prevents them from managing their financial affairs
- has a learning disability or a physical disability which prevents them from managing their financial affairs
- does not speak English as their first language
- is dealing with an addiction (to alcohol, drugs or gambling)
- has severe debt problems *e.g. CCJs, bankruptcy, or a bad credit rating preventing them from holding a bank account*
- requires support to maintain their tenancy

However, this list is not exhaustive, and each case will be judged upon its own merits.

## **Unlikely Payers**

This policy applies where it is “ improbable that the tenant will pay their rent.”

### **Aims and Objectives**

- to provide a safeguard for landlords that local housing allowance will be paid directly where there is evidence that the tenant is unlikely to pay rent.
- to help prevent rent arrears and tenants being put at risk of eviction
- to help put tenants in touch with other agencies where necessary and give people the opportunity and support to 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 to help them to be responsible for their own income and expenditure
- be used by landlords to circumvent the aims of LHA

### **Alerting the council of potential vulnerability**

Landlords will normally notify the council that the tenant has not paid rent, or that the tenant has a past history of non payment.

Local housing allowance will be paid direct to the landlord where the tenant is 8 weeks or more in arrears. However landlords are encouraged to report missed payments at the earliest opportunity so that investigations can commence.

Payment direct will be made earlier than 8 weeks in appropriate cases.

### **Gathering information and evidence**

Officers will consider the information that has been received and whether there is enough evidence to make an appropriate decision. There must be compelling evidence from past behaviour that it is *probable* that a tenant will not pay rent, the *possibility* of non payment is not sufficient.

### **Making a decision**

One of two decisions will be made:

- the tenant is an unlikely payer and payment of LHA will be made to the landlord
- the tenant is not an unlikely payer and payment of LHA will be made to the tenant

## **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

The landlord will also be written to and advised:

- if their tenant has been found to be an unlikely payer 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 an unlikely payer, the landlords appeal rights against this decision