



Local Housing Allowance Safeguard Policy

Under Local Housing Allowance (LHA) a tenant cannot simply request payments are made to their landlord. However, to protect potentially vulnerable tenants the council will apply discretion to pay the landlord. This policy sets out the guidelines by which officers will make decision.

Aims and objectives

Procedure

Examples of where we would consider direct payments

Aims and Objectives

- to provide a safeguard for the most vulnerable tenants
- to help prevent rent arrears and tenants being put at risk of eviction
- to help sustain tenancies for vulnerable tenants
- to reassure landlords that housing benefit 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 in 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

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 needs to be supported with written evidence from a third party, but initially can be by:

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

2. Gathering information and evidence

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

- Housing Options Team
- GP (Doctor)
- support or advisory services such as CAB, Shelter, Age UK
- a tenant's family or friends

Evidence from a landlord cannot be accepted alone

3. Making a decision

The decision will be recommended and approved by a representative of the Housing Benefits Safeguard/Vulnerability Group

4. Notifying affected parties

We will write to the tenant and/or their representative and advise them of the following:

- The decision
- The reasons for the decision
- if and when the decision will be reviewed
- appeal rights

We will write to the landlord and advise:

- Whether or not their tenant fits the criteria to have payments direct to their landlord and if so, that the council will pay them LHA up to the contractual rent
- if and when the decision will be reviewed
- Where we have decided their tenant does not fit the criteria, the landlords have appeal rights against the decision

Examples of where we would consider direct payments

Reasons that we may pay the landlord instead of the tenant may be because the tenant:

- Has a medical condition (affecting their mental or physical health)
- Has a learning disability or a physical disability
- Does not speak English as their first language
- Is going through some changes that means the tenant needs some extra support
- Is dealing with an addiction (drugs, alcohol or gambling)
- Has severe debt problems e.g. CCJ's, bankruptcy, or a bad credit rating preventing them from opening a bank account