Discretionary Housing Payment

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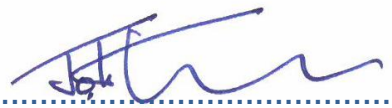
Discretionary Council Tax Hardship Scheme

2021/2022

Approved by: J Turnbull (Strategic Director of Finance & Governance)

Signed ……



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The Discretionary Council Tax Hardship Scheme (DCTHS) and Discretionary Housing Payment (DHP) are two of the three discretionary funds operated by the Revenues and Benefits service, the other being Local Welfare Assistance (LWA).
The council recognises that many people who may be entitled to assistance under one of these schemes may also be entitled to assistance under one or both of the others. It will integrate the three schemes where it is appropriate and practical to do so although applicants will be required to make a separate application for a LWA award.
Both schemes are discretionary, meaning that there is no statutory right to payment.
The DCTHS scheme is funded entirely by the Council with the DHP scheme being mainly funded by the Department for Work and Pensions (DWP).

Exercise of Discretion

Each case will be decided on its merits but will be subject to the limits faced by the authority in terms of expenditure and statutory restrictions.
In exceptional cases the Council may make decisions which fall outside the provisions of this policy.
The Council will, in all cases, endeavour to ensure that all members of the community are able to access assistance offered by this scheme regardless of race, gender, age, religion or belief, sexual orientation, marital or civil partnership status and/or disability.
It will ensure that the decision making process is fair and that no person is disadvantaged by virtue of their membership of one or more of the groups listed in the above paragraph.

Legislation

The following legislation is relevant to both schemes

The Universal Credit Regulations 2013

The Local Government Finance Act 2012

Welfare Reform Act 2012

Child Poverty Act 2010

Equality Act 2010

Housing Act 1996

Armed Forces Covenant

Social Security Act 1992

Fraud Act 2000

Anti-fraud statement

Both schemes are discretionary and are subject to significant financial constraints. The making of a false declaration with a view to obtaining or increasing an award may amount to a criminal offence under the Fraud Act 2006. Where the council suspects that an offence may have been committed, the matter will be investigated and appropriate action taken including the initiation of criminal proceedings.
No award of any type will be made if an applicant knowingly makes a false statement in order to obtain or increase an award under the provisions of these schemes.

If the Council believes that any issues may impact on a person's entitlement to Housing Benefit, Council Tax Support or any other benefit or allowance the Council may either widen the scope of its investigation and/or share the information with other bodies including;

1 other departments within the Council
2 other local authorities
3 the DWP
4 Her Majesty's Revenues and Customs (HMRC)
5 The Police

Claims

A claim must be made for an award of DHP and should usually be made for DCTHS

Any claim must be made electronically via the authority's website; https://www.walthamforest.gov.uk/content/discretionary-housing-payments

The authority will complete a claim form on behalf of an applicant if;

the applicant is disabled and
is unable to leave the home as a result of that disability and
is unable to complete the claim as a result of that disability and
no family member, friend or other suitable person is available to assist the applicant

Information Required in Support of a Claim

When claiming a payment under this scheme a person must provide

All of the information requested in the claim form and

Any other information or evidence requested by the authority which it considers necessary in order to determine an award.

If an application does not contain all the information required the authority shall give the applicant 1 calendar month to provide any missing or additional information.

No award will be made in the event that an applicant fails, without reasonable cause, to comply with the above requirements.

Financial Assessment

The authority will conduct a financial assessment when considering whether to make a discretionary award and will take into account;

The applicant's income and capital by;

Calculating the income and capital available to the applicant's household as a whole;
Adding to this any resources which the authority believes the applicant or any member of the applicant's household could reasonably obtain

Then deducting the following

A reasonable amount for essential expenditure on basic necessities such as food, clothing and utilities
Any capital attributable to payments made from government funds to alleviate the impact of disasters, miscarriages of justice and crises including, but not limited to, those made in consequence of the Grenfell

Tower disaster and payments made under the Windrush Compensation Scheme and any;
Unavoidable expenditure which the applicant is required to meet by law or by contract and which the applicant has taken reasonable measures to reduce or avoid.

No allowance shall be made for expenses such as the following;

Holidays	Cable/fibreoptic/mobile media packages
Alcohol	Excessive clothing expenditure
Excessive expenditure on tobacco	Private medical insurance
Eating out	Luxury household goods
Excessive expenditure on socialising.	Magazine/online gaming or similar subscriptions
Loans to family or friends	Expensive mobile phone contracts
Car hire purchase	Special dietary food/vitamins unless prescribed by doctor or is required by a person's religious or philosophical beliefs
Excessively expensive gym membership	Gambling unless a person is receiving treatment / assistance for a gambling addiction.

Unless they were reasonably incurred before the need for a payment of DHP arose and cannot be reasonably reduced or avoided.

Financial hardship;

The authority's long-term aim is to help people become self sufficient. Discretionary funds are limited and cannot generally be relied upon as a permanent measure. If an applicant is experiencing financial hardship the authority may review his income and expenditure and recommend that the applicant take action to improve his finances. For example, by;

Increasing income by	**Evidence that may be required**
Claiming any benefits to which there may be an entitlement	Decision letters from the DWP or HMRC
Increasing hours of work or seeking a pay rise	Letters from employers or prospective employers
Applying for better paid employment	
Studying or training to increase chances of securing better paid employment	Letters from the training provider or establishment of study that courses have been attended or applied for.

Reducing expenditure by;	**Evidence that may be required**
Reviewing the current tariffs paid for utilities, phone/broadband contracts etc and terminating or reducing expenditure on any contracts for the provision of unnecessary services	A statement detailing which tariffs have been considered, and if not taken the reasons why and evidence of any contracts which cannot be terminated or reduced.
Reviewing regular household expenditure	Record of expenditure

with a view to achieving a reduction	
Keeping a budget of income and expenditure	A budget plan
Attending a budget workshop or online training to understand how to maintain a balanced budget.	Copies of emails confirming that training has taken place.
Considering moving somewhere more affordable or negotiating a lower rent with their landlord	A record of the properties considered in order to move to more affordable accommodation. Please note that the authority can assist with rent deposits.

Dealing with debts by	Evidence that may be required
Contacting creditors to negotiate an affordable repayment plans	Letters confirming repayment plans
Taking advice from a debt management company authorised by the Financial Conduct Authority (FCA) via the national debt helpline	Correspondence from the Nation Debt Helpline or FCA
By changing lifestyle/spending habits to avoid incurring further debt	A statement explaining changes to spending habits and evidenced by receipts and/or itemised bank statements.

In any case the authority must be satisfied that the applicant has taken reasonable steps to improve their financial situation. In the absence of such evidence the authority may decide that any further award shall be made at a reduced rate or that no award shall be made at all.

Part 2 Provisions Specific to DHP

A DHP is a payment made from a cash-limited discretionary fund to help applicants who require 'further financial assistance' towards housing costs. To be eligible a person must be in receipt of either;

Housing Benefit (HB) or
Universal Credit (UC) including a housing costs element.

Meaning of Further Financial Assistance

The phrase 'further financial assistance' is not defined in law and is left for the authority to determine. For the purpose of this policy it means a need for a payment where;

there is a shortfall between HB or UC (housing costs) and the contractual rent and the person either

i is unable to meet their housing costs from their available resources or,
ii needs a 1-off payment to either secure an existing tenancy or enter into another, more appropriate, tenancy

Purpose of the scheme

The primary purpose of this scheme is to prevent homelessness by;
helping Waltham Forest residents who cannot afford to meet their housing costs by reducing the impact of certain changes to the housing benefit and universal credit regulations on those who have been affected by:

The overall benefit cap
The limitation on the number of bedrooms occupied by tenants housed in both the social and private sectors
The introduction of the 2-child limit

assisting people with the costs of moving to more affordable accommodation or, where such a move is not viable, assisting them in retaining their current accommodation.
providing short term assistance to people who are unable to meet their housing costs as a result of financial hardship or exceptional circumstances such as having

been exposed to or contracting a notifiable disease.
assisting people in retaining their tenancies when they are in a situation where it is unreasonable to expect them to move

Essential criteria for a DHP

Before making a payment the authority must be satisfied that there is;

A valid claim for DHP and

The applicant is in receipt of Housing Benefit (HB) or Universal Credit (Housing Costs element) (UC/HC) and

There is a shortfall between the HB/UC award and housing costs

Meaning of Housing Costs

In general, 'housing costs' usually refers to rental liability, although the term can be interpreted more widely to include:

rent in advance;

deposits; and

other lump sum costs associated with a housing need such as removal costs.

the shortfall between HB/UC and contractual rental liability

Agency fees which are not prohibited under the provisions of the Tenant Fees Act 2019 if the Council is satisfied that:

a they were genuinely incurred and,

b A failure to meet them would lead to the applicant or a member of the applicant's family either suffering financial hardship or becoming homeless

In the event that the service becomes aware of such a charge being levied which it believes may be unlawful it will advise the authority's Housing Advice Team who will decide what, if any, further information is required..

Expenditure

The Council has budgeted to spend a maximum of £919023 in the year 2021-2022. It has received £758023 initial funding and will review this budgeting in or around October 2021 when further funding is released by the DWP

Claims for DHP

A claim may be made up to 13 weeks in advance of an anticipated need for DHP arising and should be made by the person who is, or will be claiming, claiming HB or UC.
An application may be accepted from a person acting upon that person's behalf it the council is satisfied it is reasonable to do so.

What a DHP can cover

On-going shortfall including but not limited to;

reductions in HB or UC where the benefit cap has been applied;

reductions in HB or UC due to the maximum rent (social sector) size criteria;

reductions in HB or UC as a result of LHA restrictions;

rent officer restrictions such as local reference rent or shared accommodation

rate;
non-dependant deductions in HB, or housing cost contributions in UC;

rent shortfalls to prevent a household becoming homeless

income taper reduction; and

any other legislative change that limits the amount of HB/UC housing costs payable, for example the removal of the family premium.

Rent deposits and rent in advance

A DHP can be awarded for a rent deposit or rent in advance for a property in or outside the borough if the applicant is already entitled to HB or UC at their present home. When awarding a DHP for a rent deposit or rent in advance, the authority must be satisfied that:

the property is affordable for the tenant; and

the tenant has a valid reason to move; and

the deposit or rent in advance is reasonable

neither the tenant nor the tenant's partner has received assistance for these purposes from the Council in the preceding five years unless it is reasonable that a further award be made.

The authority will also consider whether the applicant;

is due to have a deposit or rent in advance in respect of their existing tenancy returned to them, and whether that deposit can be secured against the new tenancy in time or
has received assistance towards a rent deposit, for example, a rent deposit guarantee scheme or similar.

Obligations

Before agreeing to make such an award the authority may request that;

The applicant sign a declaration agreeing to move in, and in the event this obligation will not be fulfilled, notify the authority immediately. Failure to do so may result in overpaid DHP which will be recovered from the applicant.
The landlord protects any deposit paid in a Government approved tenancy deposit protection scheme. Further information can be found at:
https://www.gov.uk/tenancy-deposit-protection/overview
If it requests so at the time the award is made, the authority is granted title to any refunded deposit on termination of the tenancy.

DHPs on multiple homes

The authority may consider a DHP in respect of two homes if

The applicant is fleeing domestic violence or

an applicant is temporarily absent from their main home and it considers there is good reason for that absence e.g to stay near a child receiving treatment in hospital or

The applicant has an unavoidable rental liability on more than one property

Backdating

An award of DHP may be backdated subject to the following restrictions;

No award can be made for a date earlier than 2 July 2001 and

No award can be made in respect of a period when neither HB nor a relevant award of UC was in payment.

No award can be made if there is no shortfall between the HB/UC amount and contractual rent for the period of backdating.

An award may be backdated if it is reasonable to do so and;

The applicant is facing action for rent arrears which may lead to eviction or

The existence of rent arrears are preventing the applicant from taking some form of action to reduce his rental liability such as bidding for more affordable accommodation

There has been a change in the applicant's circumstances which prevents him from being able to maintain an existing arrangement to clear rent arrears or

There are some other exceptional circumstances in existence which warrant a retrospective award being made

When making a decision about backdating, regard shall be given to the Court of Appeal's decision in R v. LB Lambeth, ex parte Gargett which sets out that any HB already paid towards 'housing costs' must be deducted when calculating the amount of a DHP to avoid duplicate provision.

Circumstances where a DHP may be refused

A DHP may be refused in the following circumstances;

The amount an applicant has been paying towards their housing costs has ceased or reduced substantially since 1 April 2020 and there are no good reasons for such a reduction.

The applicant has entered into an unaffordable tenancy recklessly

The applicant has received a recoverable overpayment of DHP and has failed to take reasonable measures to repay it. For the avoidance of doubt, reasonable measures may include making no repayment if it is unaffordable.

The applicant has failed to comply with a DHP information/evidence request within the permitted timescale.

An award would be so high that the authority believes it would unreasonably impact on its ability to make awards to other applicants unless a lower amount can be awarded which will make the tenancy sustainable for the applicant.

The applicant has failed, without good cause, to comply with a recommendation attached to a previous award with regard to improving their financial situation or finding cheaper accommodation.

The applicant has rent arrears which the authority is satisfied were accrued with an intention to obtain social housing or an award under this scheme.

Subject to a disregard of £500, the applicant has capital in excess of the DHP award being made.

Circumstances where a DHP cannot be considered

There are certain elements of an applicant's rent that the HB and UC regulations exclude so they cannot be included as 'housing costs' for the purposes of a DHP.

Ineligible charges: service charges which are ineligible for HB or UC cannot be covered by a DHP. These are;

as specified in Schedule 1 to the Housing Benefit Regulations and Schedule 1 to the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations.

not included in paragraph 7 of Schedule 1 to the Universal Credit Regulations

Increases in rent due to outstanding rent arrears: under Regulation 11(3) of the Housing Benefit Regulations and Regulation 11(2) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations, where an applicant's rent is increased on account of outstanding arrears owed by the applicant in respect of their current or former property, the shortfall cannot be covered by a DHP.

Sanctions and reductions in benefit including any:

reduction in Income Support (IS) or income-based Jobseeker's Allowance (JSA(IB)) due to a Reduced Benefit Direction (RBD) for failure to comply with the Child Support Agency in arranging maintenance.

reduction in benefit as a result of non-attendance at a work-focused interview. This applies both where the person's HB is reduced and when any other benefit that the person is receiving (such as IS) is subject to a sanction;

reduction or loss of benefit due to a JSA employment sanction.

reduction in benefit due to a JSA sanction for 16/17 year olds – for young people who receive JSA under a Severe Hardship Direction

restriction in benefit due to a breach of a community service order, or

reduction in UC due to a sanction as specified under regulations 100 to114 of the UC Regulations 2013

Shortfalls caused by HB or UC overpayment recovery:

Benefit suspensions: Where HB or UC is suspended either because there is a general doubt about entitlement or because an applicant has failed to supply information pertinent to their claim

Calculation of Award

The maximum level of a DHP award

If the purpose of the DHP is to meet an on-going rental liability, the level of DHP shall not exceed;

the weekly HB eligible rent, or

The monthly amount calculated in accordance with Schedule 4 of the UC regulations (i.e. the value stated for housing costs on a UC award notice).

Any HB or UC already paid towards 'housing costs' shall be deducted when

calculating the amount of a DHP to avoid duplicate provision.

The basic DHP award;

After carrying out a financial assessment any amount by which income exceeds expenditure shall be deducted from the shortfall between the HB/UC. The result shall be the basic DHP award
The basic DHP award may be adjusted depending on the personal circumstances of the applicant.
In cases where an applicant is subject to the social size criteria DHP will only be considered for a 1 bedroom shortfall after 21 weeks, unless the applicant is experiencing exceptionally serious financial hardship.

Persons exempt from the financial assessment

The following categories of people will be exempt from the financial assessment but will remain subject to a test of their capital.

Category	**Period of exemption**
If an applicant or a member of the applicant's family is terminally ill and expected to die within 6 months	indefinite
If an applicant or a member of his family is undergoing treatment for cancer or other serious illness.	6 months
If an applicant and or his partner have started full-time work (minimum 36 hours a week)	3 months
If an applicant has lost an immediate household member of his family to bereavement	3 months
If the applicant has been rehoused out of the borough by the authority in temporary accommodation.	6 months from date of move
If the applicant has been rehoused by the local authority in temporary accommodation.	3 months from the date of move
If an applicant or partner has given birth.	3 months from date of birth

Length of award

The maximum period of an award shall be as follows:

Circumstances of Applicant	**Maximum Period**
Subject to benefit cap for first time	26 weeks
Subject to public sector size restriction.	21 weeks
Subject to financial hardship	21 weeks
Subject to Local Housing Allowance or rent officer restrictions	21 weeks
Terminally ill	52 weeks
Severe disability which is expected to be long-term or permanent	52 weeks
Recently involuntarily unemployed	26 weeks

Awaiting ESA outcome	26 weeks
Temporary accommodation	52 weeks
Victim of domestic violence	52 weeks
Recently bereaved	26 weeks
Child <1 year old in household	52 weeks
Applicant is a full-time student or taking other action to improve employment prospects.	52 weeks

The authority may exercise its discretion to vary the length of a maximum award at any time if the applicant's circumstances warrant such an extension, subject to a maximum period of 52 weeks from the date on which the claim was made.

Recommendations to improve financial situation

In addition to any recommendations arising from a finding that a applicant is suffering from financial hardship the Council may make recommendations with regard to an award of DHP in the following circumstances:

Persons subject to the social size criteria;

The applicant contacts the landlord with a view to moving to smaller accommodation or
By registering with a council exchange or a similar web-based organisation which helps people swap homes.

Persons subject to the benefit cap;

In the case of a lone parent they start or increase their hours to a minimum of 16 a week or earnings of £520 a calendar month

In the case of a couple with children, working hours increase to a total of at least 24 a week with one member working at least 16 of those hours.
Those without children start or increase work to a minimum of 30 hours a week or demonstrate that

- they have been looking for work by providing the responses from employers as evidence of rejection, or
- they have taken concrete steps to improve their employment prospects by undertaking training or enrolling in relevant courses.

Payments

Payments to meet a weekly or monthly rental liability will be made at the same frequency as the HB or UC payment and will be paid to

- In respect of an on going award the person who receives the HB or UC payment or
- In respect of rent arrears payments, to the landlord or
- In respect of payments made to help an applicant move into a new home, the person entitled to receive that payment

When making a DHP to assist the applicant with securing a new tenancy, the

authority will pay the following persons

Rent deposit – to the landlord

Rent in advance – to the landlord

Removal costs – to the removal company

Agency fees – to the agency

The authority may consider making payment to the applicant in exceptional cases.

Notification of the decision

The authority will notify the applicant or appointee and the persons to whom payment is to be made as soon as possible after the decision is made. The notification to the applicant will contain the following;

If an award is not made, the reason for the refusal and details of any action the applicant may be advised to take to increase their chances of a future claim being successful

If an award is made:

The amount

the start and end dates

The manner in which payment will be made

A brief explanation of the way in which the award has been calculated

Details of any recommendations made associated with the making of the award

Duty to notify any changes in circumstances

If payment is made other than to the applicant, it will include:

The name and address of the person in respect of whom payment is being made

The amount and date of payment

The reason for payment

All notifications will contain details of how the decision may be challenged.

Changes in circumstances

A person who is in receipt of DHP or has made a claim for DHP that has not yet been decided must notify the authority of any changes which may affect an award of DHP. There is a separate and statutory duty to notify the authority or the DWP of any changes which may affect HB or UC.

This notification must be provided as soon as is practicable and in any case within 1 calendar month of the change.

Date changes are applied from

A change in circumstances which would give rise to a change in the amount of DHP shall have effect from;

The date the change occurred if;

It is a change which will lead to a reduction in DHP or,

It is a change which will lead to an increase in DHP and the change was notified

within 1 calendar month of that change or such longer time the authority considers reasonable.

In all other cases the change will be effective from the date of notification

Overpayments

The authority may review an award at any time, and as a result of that review may decide that DHP has been overpaid. An overpayment will be recoverable if it arose due to,

A failure to disclose or misrepresentation of a material fact or

An error made by the authority when the claim was decided

Any such decision made will carry a right of review

The authority may recover any overpayment of DHP from future payments of Housing Benefit if;

a There has been an increase in entitlement to Housing Benefit which has a retrospective effect.

b DHP has been reduced retrospectively as a result of that increase and

c The recipient's Housing Benefit is not being reduced to recover an existing overpayment of Housing Benefit.

Recovery of DHP overpayments from entitlement to Housing Benefit will be limited to;

a When recovery is made through weekly deductions from Housing Benefit, the amount of weekly deductions which may be made, under the statutory provisions, with regard to the recovery of non-fraudulent overpayments of Housing Benefit.

b When recovery is made from a payment of arrears of Housing Benefit, the amount of that arrears payment.

Reviews

Review

The authority will review an award of DHP if the award of Housing Benefit or, as the case may be, the Housing Costs Element of an award of Universal Credit increases. The review will reduce the award of DHP by an amount equal to the increase in the award of Housing Benefit or the Housing Costs Element of an award of Universal Credit

An applicant may require that the authority review any decision within 1 calendar month of the date of the decision, a request for a review must be submitted as follows;

In writing to the authority and

State the grounds on which the decision is being challenged and include any evidence to support that challenge.

On receipt of an application for a review, an officer, other than the original decision maker shall, within 1 month, consider the decision afresh in light of the representations and any new evidence available to it and advise the applicant;

Whether or not the decision has been changed and;

the reasons for that decision.

In the event that a person remains dissatisfied with a decision a challenge can only be raised by way of Judicial Review.

Legislation

The DHP scheme is set out in the Discretionary Financial Assistance Regulations 2001 (DFA) regulations (S.I.2001/1167) as amended by the Council Tax Benefit Abolition (Consequential Provisions) Regulations 2013 (S.I. 2013/458), which came into force on 1 April 2013; and the Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 (S.I. 2013/630), which came into force on 29 April 2013.
The authority can use its own funds to top up the Government contribution by an additional 150%. Once this overall cash limit is met, no additional DHPs can be awarded in that tax year. If the authority goes over this limit it is breaking the law.
The legislation which specifies the overall limit on expenditure is Article 7 of the Discretionary Housing Payment (Grants) Order 2001 (S.I. 2001/2340).
Any unspent DHP funding from the Government contribution is returned to the Department at the end of the financial year

Part 3 Provisions Specific to DCTHS

The purpose of DCTHS is to relieve people in particular need of the requirement to meet all, or part of, their liability to pay the Council Tax.
Council Tax is a priority debt; taxpayers are therefore obliged to treat their liability as taking precedence over expenditure such as;

credit card debts

hire purchase agreements (HP)

unsecured bank and payday loans (loans that are not secured against property)

water bills

Sky/Broadband subscriptions

car insurance

loans from friends and family

Therefore when deciding eligibility for an award of DCTHS, the test will be more stringent than for DHP.

Eligibility for DCTHS

An applicant will only be entitled to an award under this scheme if

The applicant has an outstanding amount of council tax liability.

The council is satisfied that the applicant is suffering from severe financial hardship

The applicant has exhausted all other options with regard to improving his or her current financial circumstances.
The authority has sufficient funds available and making an award would not unreasonably impact on its ability to make awards to other applicants.
The application does not relate to an empty property normally let on a commercial basis.

Expenditure

The expenditure for the scheme is limited to £750,000

Applications

In most cases, the person who applies for a DCTHS is the person liable for Council Tax. However, an application may be accepted from another person appointed to act on behalf of the applicant at the authority's discretion.
Unlike DHP there is no statutory requirement that a claim be made for an award.
The authority will consider making an award in the absence of a claim if;

There are arrears of Council Tax and the council has obtained a liability order in respect of those arrears, and
The council is satisfied that, on the basis of information either already in its possession or provided to it by another agency, the person against whom any liability order has been obtained would receive an award were an application made, and
Those arrears have not been accrued as a result of reckless spending and
It is appropriate to make such an award having regard to the principals of this policy.

Calculation of Award

The maximum level of a DCTHS award

The maximum level of a DCTHS is the amount of Council Tax debt outstanding excluding costs of recovery such as summons costs and bailiff fees although these may be considered for waiver in exceptional circumstances.

Assessments of Award

Assistance may be claimed for historic liability, the liability for the current year or both.

Backdated awards

In respect of an award for a past period the authority will satisfy itself

As to the amount the applicant can afford to pay towards the debt on a weekly basis,
That the applicant was not able to pay part or all of the amount of Council Tax outstanding at the time it fell due and that this inability was not due to financial mismanagement on the part of the applicant

On-going awards

In respect of an award for a current period the authority will satisfy itself

As to the amount that the applicant can afford to pay towards the liability on a weekly basis.
That the inability of the applicant to meet the liability was not caused by financial mismanagement/reckless spending.

In cases where an applicant is jointly and severally liable with one or more persons who are not his partner the council may, in lieu of the making of an award under this scheme, provide the applicant with an undertaking not to pursue the applicant for part or all of the Council Tax liability.

Provisions Regarding Care Leavers

A person is considered to be a care leaver for the purpose of this scheme if he or she;

is aged under 25

was looked after by or on behalf of a local authority for at least 13 weeks since being aged 14 and

was looked after by the council on the date that they ceased to be of compulsory school age.

A care leaver will be entitled to such reduction under this scheme as is necessary to reduce the amount of Council Tax to which they are liable to nil.

Determination of Awards

A person will only be considered to be suffering from financial hardship and consequently entitled to a reduction under this scheme if;

after taking all reasonable measures, they are unable to meet their essential needs relating to heating, food and hygiene having regard to their age, health and family make up together with any expenditure which the person is required to meet by law and which he has taken reasonable steps to avoid or reduce.

the Council is satisfied that the financial hardship has not been caused by the Applicant's reckless or extravagant expenditure.

Payments

Every award will be made by reducing the applicant's liability for council tax by way of a credit to the Council Tax account.

Notification of Decisions

A decision will be made within 1 month or as soon afterwards as is practicable of the council receiving a properly completed application and the satisfaction of any requests for information or evidence made as a result of that claim. The notification of this decision shall contain;

The amount of any award

The period of any award

If no award is made a brief explanation of the reason for the decision

Details of how to challenge the decision

If an award is made, the duty to notify any circumstances,

Any recommendations made to improve current finances

Changes in circumstances

The authority will review the award when it becomes aware of a change in circumstances. This may lead to the award being increased, decreased or left

unaltered.

Overpayments

The authority may review an award at any time, and as a result of that review may decide that DCTHS has been overpaid. An overpayment will be recoverable if the authority is satisfied;

That the award was made, at least in part, as the result of a misrepresentation whether intentional or otherwise or.

An error was made by the council when the award was made and, as a result of that error, the award was higher than it otherwise would have been.

Any overpayment is recoverable if;

It arose as a result of a change in circumstances.

It arose as a result of a change in the amount of Council Tax for which an applicant is liable.

Any recoverable DCTHS overpayment will be debited from the council tax account.
In any case where:

An award has been made under the provisions of this scheme and

a reduction in liability is allowed in respect of the year in which the reduction under this scheme was awarded and,

the effect of the application of that reduction is to reduce the amount remaining payable in respect of that year to an amount that is less than zero

The award made under the provisions of this scheme in respect of that year shall be reduced to the lesser of:
zero or,
the amount necessary to reduce the amount remaining payable to zero

Disputes

An applicant may require that the authority review any decision by writing to the authority and stating the grounds on which it is believed that the decision is wrong.
On receipt of an application for a review, the authority shall, within 2 months, consider the decision afresh in light of the representations and any new evidence available to it and advise the applicant;

whether or not the decision has been changed and;

the reasons for that decision.

Appeals

If after a review the person is still aggrieved, or the authority has failed to reply within 2 months, the person may lodge an appeal directly to;

Valuation Tribunal Service
Hepworth House
2 Trafford Court
Doncaster, DN1 1PN
Telephone: 0300 123 1033
http://www.valuationtribunal.gov.uk/Home.aspx

Any appeal must be lodged within 2 months of the date of decision made by the authority or if the authority has failed to provide a response, within four months of the

date on which the request for review was served.

Legislation

1 The amount of council tax which a person is liable to pay in respect of any chargeable dwelling and any day (as determined in accordance with sections 10 to 13)—

a in the case of a dwelling situated in the area of a billing authority in England, is to be reduced to the extent, if any, required by the authority's council tax reduction scheme (see subsection (2));

b …….

c in any case, may be reduced to such extent (or, if the amount has been reduced under paragraph (a) or (b), such further extent) as the billing authority for the area in which the dwelling is situated thinks fit.