

## **SLOUGH BOROUGH COUNCIL**

**REPORT TO:** Cabinet **DATE:** 9<sup>th</sup> March 2015

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**WARD(S):** All

**PORTFOLIO:** Councillor Anderson; Commissioner for Finance & Strategy

### **PART I** **KEY DECISION**

#### **WELFARE POLICIES**

1 **Purpose of Report**

To provide revised Council policies in respect of welfare payments.

2 **Recommendation(s)/Proposed Action**

The Cabinet is requested to resolve:

- (a) That the respective policies for Local Welfare Provision, Discretionary Housing Payments and Council Tax Hardship as set out in Appendices A to C be approved.
- (b) That a further paper is brought to Cabinet to consider the future of Local Welfare Provision scheme once the Government Grant is nearing its end.

3. **The Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan**

This report supports the 5 Year Plan through support to housing outcome and adults outcome through the use of the Discretionary Housing Payments and Local Welfare Provision funding streams.

4 **Other Implications**

(a) **Financial**

The Council proposes to maintain spend within the respective budgets and levels set for these budgets so as not to put any additional pressure on the Council's general fund budget. As part of the final Local Government Finance Settlement, the Council received an additional £197k from Government in respect of the LWP consultation, though this amount is un-ringfenced. The Council also received an allocation for DHP that was £243k less than the

current financial year. The Council has proposed to hold the £197k against potential pressures from the various welfare reforms.

(b) Risk Management

<b>Risk</b>	<b>Mitigating action</b>	<b>Opportunities</b>
Legal		
Property		
Human Rights		
Health and Safety		
Employment Issues		
Equalities Issues		
Community Support		
Communications		
Community Safety		
Financial		
Timetable for delivery		
Project Capacity		
Other		

(c) Human Rights Act and Other Legal Implications

There are no direct legal implications.

(d) Equalities Impact Assessment

A completed EIA is attached at Appendix D.

**5 Supporting Information**

5.1 Attached to this report are three separate policies that members are requested to approved:

- Local Welfare Provision
- Discretionary Housing Payments
- Council Tax Hardship

5.2 The Local Welfare Provision sets out the policy in respect of crisis awards and community care awards. This policy does not alter significantly from the Council's previous policy. However, this policy will only exist whilst underspent funds from previous years are available. The Government has cut specific funding to this scheme and the Council is proposing to spend any funds rolled over from previous years.

5.3 The Discretionary Hardship Fund is included in appendix B. The original intention by Government was for this to assist in respect of the welfare reforms such as the under-occupation (also known as bedroom tax), housing benefit

cap etc. The allocation for this has however been reduced from £672k to £429k, though the pressure on this fund remains, and the Government policy driving costs e.g. under-occupation, remains in place. The Council is investigating a specific request to the DCLG to allow the Housing Revenue Account (HRA) to top up the DHP. **The Council is not proposing to fund rent in advance.**

- 5.4 The Council Tax Hardship fund is detailed in appendix C and does not change significantly from the previous version the Council has. The intent of the policy is to assist with Council Tax payments in case of hardship. Expenditure on this scheme in the past two years has been lower than anticipated.

6 **Comments of Other Committees**

n/a

7 **Conclusion**

That members are requested to review and approve these policies

8 **Appendices Attached**

- 'A' - LWP policy
- 'B' - DHP policy
- 'C' - CTX Hardship policy
- 'D' - Equality Impact Assessments

9 **Background Papers**

None

## Local Welfare Provision

### 1. Background

Local Welfare Provision (LWP) Funding transferred from the Department of Work and Pensions (DWP) to Local Authorities (LAs) on 1 April 2013, to provide locally-administered assistance to vulnerable people. The transfer was made under existing powers and LAs can decide for themselves how to use these funds. The DWP is keen that LAs do not replicate the DWP scheme but instead uses the funding in a way that more closely meets the needs of the community.

There is no statutory duty requiring LAs to deliver a specific scheme for administering this funding but Slough Borough Council (the Council) considered that it was in the best interests of the community to run a scheme for two years to provide the Council with an opportunity to understand and measure local demand. This scheme will be known as the Local Welfare Provision (LWP) scheme.

The LWP scheme has been in operation for two years and the demand has increased over this two year period. Central Government provided funding for two years.

The council has funds available to continue the scheme for another year and then wishes to again review the scheme, the scheme will be run on the same principals as the last two years.

The scheme will be cash-limited to the amount of funding provided by the Government. It will not replace the support mechanisms and budgets that exist elsewhere in the Council.

Slough Borough Council is committed to working with the local voluntary sector, who are key partners in working with our communities, and landlords who are an important asset in providing homes in Slough.

The purpose of this policy is to detail the Council's high level objectives in respect of Local Welfare Provision and detail how the Council will operate the scheme, including the factors that will be taken into account when considering if an LWP award can be made. Each case will be treated strictly on its merits and all applicants will be treated equally and fairly when the scheme is administered.

In principle, this scheme will consider two categories of need:

- Crisis Awards
- Community Care Awards

By the fact that both of the above awards are determined on a similar discretionary basis, an application for a Crisis Award may be treated as an application for a Community Care Award, vice versa.

Further, if an applicant is entitled to Housing Benefit and is suffering from exceptional hardship as a direct result for housing costs (eg. Contractual rent.), an application may be treated in accordance with the Council's Discretionary Housing Payment Policy.

## **2. Statement of Objectives**

The Council will consider making an LWP award to applicants who meet the qualifying criteria, as specified in this policy, providing sufficient funding from the Government grant for this purpose is available at the time of the Council's decision. We will treat all applications on their individual merits. An LWP award will normally be an urgent, one off provision used as a short term fix to prevent a long term problem, and we will seek to:

- prevent serious risk to the health, well being or safety of the area's most vulnerable and financially excluded residents;
- ease severe financial pressure on families in certain situations;
- help those, without the necessary means, to either establish themselves in the community as a transition from care or prison or to remain in their community;
- give flexible financial help to those in genuine need.

## **3. Policy**

### **3.1. Main Features of the Scheme**

The main features of the Slough LWP scheme are that:

- it is discretionary;
- an applicant does not have a statutory right to a payment;
- the total expenditure in any one year resulting from awards under this scheme will not exceed the value of the funding received from the DWP;
- the payment may be treated as a loan with repayment required, e.g. interim payment whilst awaiting Job Seekers Allowance;
- the operation of the scheme is for the Council to determine;
- the Council may choose to vary the way in which funds are allocated according to community needs and available funds;
- other than the normal appeal against the application of a discretionary function by Judicial review, there is no right to a statutory appeal of any application decision. In the interests of fairness the Council will operate an internal review procedure for appeals.

### **3.2. LWP award applications**

1. An application for an LWP award must be made in a way that is acceptable to the

Council. The application must be made by the person to whom the application relates (the applicant) but the applicant can ask a council officer or another person to complete the application.

2. We may determine such other bodies, as we decide are appropriate, to be authorised to decide applications and they will be granted secure access to the necessary Council systems for this purpose.
3. Applications from people not meeting the minimum eligibility criteria will not be considered.
4. We may request any reasonable evidence in support of an application for an LWP award. The applicant will be asked to provide the evidence and it must be provided within one month of the request although this will be extended in appropriate circumstances.
5. We reserve the right to verify any information or evidence that the applicant supplies, in appropriate circumstances, with other council departments, government agencies and external organisations or individuals. We may also use the information for the detection/prevention of fraud.
6. If the applicant is unable to or does not provide the required evidence, in the agreed time, we may treat the application as withdrawn by the applicant and we will not be under an obligation to decide it.
7. We are under no duty to make an LWP award. Where funds are available from another source we will signpost the applicant to those sources rather than make an LWP award.
8. We will aim to decide applications for emergency assistance within 1 working day and all other applications within 10 working days, excluding any days that it takes for an applicant to provide any evidence.

### **3.3. Eligibility Criteria**

An application will only be considered where the applicant satisfies each of the following 9 criteria and at least criterion A or B. References to Slough mean the area within Slough Borough Council's boundary. The applicant must:

1. be aged 16 or over;
2. be able to demonstrate that they have a settled residence in Slough, or have been placed outside of the borough by the council, in the case of someone leaving prison or care, be about to move into Slough;
3. not have savings that can be relied upon to meet the need to which they are presenting;
4. Have a reduction in income, for example the transition period of earning and claiming welfare benefits, or a reduction in working hours
5. Have not received, or be able eligible to receive help from other public funds for the same category.
6. not be excluded from applying for public funds on the basis of immigration status;
7. not have received an LWP award in the past 6 months, unless they can demonstrate significant exceptional need;
8. not have been refused an LWP award for the same need in the past 6 months, unless

- they can demonstrate exceptional/changed circumstances;
9. be without sufficient resources which would in turn cause serious risk to their own, or their family's health or safety or well being;

**AND**

- A. must require essential assistance to establish, or to remain, in the community;  
or
- B. must require essential assistance with an emergency (eg: illness/emergency travel costs).

### **3.4 Awarding an LWP**

In deciding whether to make an LWP award we will have regard to the applicant's circumstances including:

- any sources of credit such as cash cards, store cards, credit cards, cheque cards, cheque accounts, overdraft facilities, loan arrangements;
- any help which is likely to be available from other funds, such as Short Term Advances and Budgeting Advances issued by the Department for Work and Pensions to out of work benefit claimants; [This facility is appropriate for applicants that have lost or spent money, or are in need of money while they wait for their first payment.]
- the financial circumstances of the applicant, any partner, their dependants and other occupiers of their household;
- the income and expenditure of the applicant, any partner, their dependants and other occupiers of their household;
- the level of indebtedness of the applicant and their family;
- any medical issues, or other exceptional needs, of the applicant, partner or dependants, or other members of their household;
- whether the circumstances of the applicant are such that an LWP award would alleviate the problems of the applicant;
- being mindful of the amount available in the LWP budget;
- the possible impact on the Council of not making such an award, e.g. the applicant becoming homeless and the costs associated with this;
- any other special circumstance of which we are aware;
- We will decide how much to award based on all of the applicant's circumstances and the LWP funds available and we will be mindful of the likely total calls on the LWP fund.
- The Council may treat the award as a loan rather than a benefit and will then in conjunction with the Customer agree repayment arrangements.

The main items that an LWP payments will be awarded for are :

- Food and Utilities
- Furniture, household equipment and connection charges
- In some case removal expenses

The council will consider any items or emergency expenses as necessary depending on the customers circumstances which could include expenses to attend an interview if they have not been made available by the Job Centre Plus.

### **3.5. Payment of an LWP award**

We will decide the most appropriate method of payment based on the circumstances of each case. The methods may include:

- vouchers;
- provision of goods or services by the Council or third party provider;
- bank account credit to the applicant or some other person as appropriate;
- credit directly to a landlord, rent account
- cash or similar method of payment NB: in exceptional cases only

### **3.6. Notification**

We will notify the applicant of the outcome of their request on the day the decision is made. This may be by letter, email, SMS (text) or a combination of these methods.

Where the application is successful, we will tell the applicant:

- the amount of the award;
- the purpose for which the award should be used;
- the method of payment and, where applicable, of repayment.

The applicant will then need to decide whether to accept the award.

Where the request for an LWP award is unsuccessful or not met in full we will explain the reasons why the decision was made, and explain the applicant's right of appeal.

We may, with the applicant's permission, also inform a support worker or advice agency of a decision.

### **3.7. The Right to Appeal**

LWP awards are not subject to a statutory appeals process. Appeals will therefore be decided by the Council.

We will operate the following policy for dealing with appeals about either the decision not to make an award or the amount of an award:



- An applicant (or their representative) who wants an explanation of an LWP application decision may request one in writing within one calendar month of notification of the decision.
- An applicant (or their representative) who disagrees with a decision may appeal the decision.
- Any appeal must be made in writing or electronically, but must be made within one calendar month of the LWP decision being notified to the applicant.
- Where possible we will try to resolve the matter by explaining the reasons for the decision to the applicant or their representative either verbally or in writing.
- Where agreement cannot be reached, we will review the decision. The officer reviewing the decision will not have been involved in the making of the original decision. The review will be suspended if more information is needed from the applicant.
- The applicant will have one month to respond to the request for further information, thereafter the review will be undertaken on the information held.
- If we decide that that the original decision should not be revised, we will provide full written reasons to the applicant.

### **3.8. Overpayments**

If the Council becomes aware that the information contained in an application for an LWP award was incorrect or that relevant information was not declared, either intentionally or otherwise we will seek to recover the value of any LWP award made as a result of that application.

### **3.9. Fraud**

The Council is committed to the fight against fraud in all its forms. Any applicant who tries to fraudulently claim an LWP award might have committed an offence under the Fraud Act 2006.

If we suspect that fraud may have occurred, the matter will be investigated as appropriate and this could lead to criminal proceedings.

### **3.10. Publicity**

We will publicise the scheme by providing information to relevant agencies, stakeholders and other Council services.

## **4. Monitoring/ Audit of the Scheme**

To ensure transparency and consistency, there will be regular monitoring of applications made against the scheme. Such monitoring will be undertaken with due regard to the Council's responsibilities under all relevant legislation. The Council is subject to the general equality duty which requires that it has due regard to the need to:

- Remove or minimise disadvantages suffered by persons who have a relevant protected characteristic specified in the equalities act and other relevant legislation.

- Take steps to meet the needs of persons who share relevant protected characteristics that are different from the needs of persons who do not share it.
- Foster good relations.

If an applicant wishes to make a complaint about the nature in which their enquiry or application was dealt with. We will adhere to our corporate complaints procedure. Please note, there is a separate review / appeals process for applicants unhappy with their decision (see 3.7 above).

## Slough's Discretionary Housing Payments Policy 2015-16

### 1. Introduction

- 1.1 Discretionary Housing Payments (DHPs), are awarded by the Council to provide financial assistance (outside of the Housing Benefit and Universal Credit regulations) to help customers meet their housing costs.
- 1.2 The regulations covering DHP's are the Discretionary Financial Assistance Regulations 2001, and amendments included in the Council Tax Benefit abolition (consequential amendments) regulations 2013 and the Universal Credit consequential amendments regulations 2013.
- 1.3 In addition the Secretary of State has also released a Guidance Manual and Good Practice Manual in April 2014
- 1.4 SBC has taken into consideration the above when developing the DHP policy.
- 1.5 DHPs can play an important role in sustaining tenancies, preventing homelessness and, where needed, enabling customers to move to more affordable accommodation.
- 1.6 DHPs may cover all or part of a shortfall in a customer's eligible rent or provide the damage deposit or other assistance a tenant may need in order to secure a tenancy. DHPs may be awarded as a one-off payment and/or as a series of payments.
- 1.7 To qualify for a DHP, the customer must have a rent liability, require further financial assistance with their housing costs and have been receiving Housing Benefit or Universal Credit throughout the period for which they are claiming assistance.

### 2. Amount of funding available

- 2.1 The Department for Work and Pensions (DWP) makes grants available to local authorities for DHP purposes. In 2015/16, the total DHP grant budget (shared between all local authorities in England, Scotland and Wales) is £125 million
- 2.2 The £125 million consists of a core amount of £15 million, a Benefit Cap allocation of £25 million, a Social Rented Sector Size Criteria ('bedroom tax') allocation of £60 million and a Local Housing Allowance Reforms allocation of £25 million.
- 2.3 Slough's share of this £125 million grant is **£429,112**,
- 2.4 The Council needs to consider how to allocate this limited DHP resource in a way that is not only fair but also supports those that are in most need of assistance.

### 3 Slough's DHP scheme

- 3.1 Welfare reform is aimed at encouraging people to move into work, increase their

hours and/or move to more affordable accommodation.

3.2 Although it is hoped that many people will be able to address and resolve their difficulties without the need for a DHP, the Council recognises that DHPs have an important role to play in providing customers with short term assistance to ease transitions and allow households time to find a way to resolve their difficulties.

3.3 The overriding principles of Slough's DHP scheme are as follows:

- All customers will be treated fairly;
- All DHP applications will be assessed on their individual merits (which includes, where relevant, considerations of equality);
- All of the options available to the customer (including, for example, reducing household expenditure, maximising income, securing employment and/or moving to alternative, less expensive accommodation) will be taken into account when the Council assesses the merits of each application; and
- In order to be awarded a DHP, customers must be able to show that their circumstances are exceptional.

#### **3.4 Examples of the shortfalls that DHPs may cover**

3.5 The Council is not required to spend its overall grant allocation in any particular way, it is a matter for its discretion.

3.6 The types of shortfall that a DHP may cover include the following:

- Reductions in Housing Benefit or Universal Credit, resulting from the application of the Benefit Cap;
- Reductions in Housing Benefit or Universal Credit, resulting from the under-occupation of social rented housing;
- Reductions in Housing Benefit or Universal Credit, resulting from Local Housing Allowance restrictions, including the Shared Accommodation Rate;
- Reductions in Housing Benefit or Universal Credit, resulting from non-dependant deductions and the use of income tapers;

#### **3.7 What DHP cannot cover**

3.8 For the purposes of a DHP, the following elements of a customer's rent cannot be included in their claim for housing costs because the regulations exclude them:

- Ineligible service charges
- Increases in rent that are due to outstanding rent arrears; and
- Certain sanctions and reductions in Benefit

### **3.9 Objectives of this DHP policy**

3.10 The Council will consider making a DHP award to applicants who meet the qualifying criteria. Assessing all applications on their individual merits, it will consider the extent to which the financial assistance requested will meet the Council's objectives of:

- Encouraging and sustaining people in employment;
- Sustaining tenancies and preventing homelessness;
- Safeguarding Slough residents in their own homes;
- Helping people who are trying to help themselves;
- Keeping families together;
- Supporting victims of domestic violence to move to a place of safety
- Supporting the vulnerable and elderly in the local community;
- Helping customers through personal and difficult events;
- Supporting young people in the transition to adult life; and
- Promoting good educational outcomes for children and young people.
- Avoidance of unlawful discrimination

### **3.11 Support for households affected by welfare reform**

3.12 DHPs are not generally intended to be used as a long term solution to the customer's financial difficulties. Instead, they should be used to provide short term assistance to ease transitions and allow households time to find a way of resolving their difficulties.

3.13 All applications will be assessed on their individual merits. However, when considering applications, the Council will take into account not just the cash limitations of what remains in the DHP budget but also the extent to which a DHP can help the customer to overcome temporary difficulties and, if possible, enable them to secure paid employment and/or move to alternative accommodation that they can afford.

3.14 The expectation is that DHPs will be awarded in unusual or extreme circumstances where additional help with the current rent will have a significant effect in alleviating hardship, reducing the risk of homelessness or alleviating difficulties that may be experienced in the transition from long term benefit dependence into work.

3.15 At the discretion of the Council, conditions may be attached to a DHP award.

### **3.16 Households affected by the Benefit Cap**

3.17 The purpose of the DHP funding is to provide short-term, temporary relief to mitigate the most severe effects of the Benefit Cap until a more sustainable solution is found.

- 3.18 Examples of the groups that are likely to be particularly affected by the Benefit Cap include (but are not limited to) the following:
- Families living in private rented accommodation
  - Families living in temporary accommodation;
  - Individuals or families fleeing domestic violence;
  - Those with kinship responsibilities;
  - Individuals or families who cannot move immediately for reasons of health, education or child protection; and
  - Households that are moving to or are having difficulty moving to more appropriate accommodation.
- 3.19 The intention of the DWP is that the majority of these customers affected by the benefits cap will move into work and therefore become exempt from the cap. Some may choose to move whilst others may consider other means by which they might be able to meet any shortfall such as trying to negotiate a reduction in their rent or meeting the shortfall from other sources.
- 3.20 Given the limitations of the DHP budget, it is necessary that priority is given to customers in order to assist them achieve the above aims.
- 3.21 The Council is unable to provide a prioritised list as it will treat each claim on its own merits and take into consideration the individual circumstances of the customer – the following are the areas where the Council will consider a priority, but other cases depending on the circumstances will not be excluded.
- Households that need to move to alternative, lower cost accommodation but are unable to do so immediately (for reasons of health, education or child protection) and the provision of short-term financial assistance will contribute to the achievement of one or more of the Council's DHP policy objectives
  - Households that need to move to alternative, lower cost accommodation but are working proactively to resolve their situation and the short-term award of a DHP will, prevent the household from becoming homeless or delay homelessness for long enough to enable them to complete a planned move to more affordable accommodation;
  - Households are, working proactively with Jobcentre Plus and advice / support providers to secure paid employment, claim Working Tax Credit and become exempt from the Benefit Cap.
  - Homeless households that are residing in temporary accommodation (provided by, or on behalf of, Slough Council) and have been assessed, by the Council, as being particularly vulnerable, and needing to remain in the area or they are awaiting an offer of alternative temporary accommodation, procured at a lower cost; or are awaiting a decision on their Homeless application
- 3.22 All DHP applications will be assessed on their individual merits.

### **3.23 Households affected by the Benefit Cap that will not be entitled to DHP**

3.24 Any household that has taken on a new tenancy who does not fulfil the vulnerable criteria outlined above will not be considered eligible for DHP as the Council expects households to consider their income and expenditure when sourcing new accommodation.

### **3.25 Households affected by the Social Rented Sector Size Criteria**

3.26 The purpose of the DHP funding is to help those customers who are unlikely to be able to meet the shortfall in the rent payments and for whom moving to a smaller property may be inappropriate or avoidable.

3.27 For customers living in significantly adapted accommodation, it will sometimes be more cost-effective to allow them to live in their current accommodation rather than moving them into smaller accommodation which then needs to be adapted.

3.28 Given the limitations of the DHP budget – and on the understanding that the Council and its housing association partners will do everything they can to support customers and prevent them from becoming homeless – the Council will give priority to DHP applications received from the following households:

- Households that contain a person with a disability and are living in ‘significantly adapted’ accommodation;
- Households that contain a disabled child who is unable to share a bedroom because of their severe disabilities, where regulations do not allow for the extra bedroom;
- Households that contain a disabled child and are living in accommodation that has been adapted to meet the child’s needs, where regulations do not allow for the extra bedroom; and
- Households containing someone who has a severe and persisting disability which means that they are dependent on the care and support of relatives and friends who are living in the local community and there is no suitable accommodation available, within the local area, to which they are able to transfer.
- Households where an additional room is needed because of a person or persons disability, which precludes a couple sharing a room or where an additional room is needed to store equipment essential because of a persons disability.
- Households who have been approved as adopters or prospective foster parents within the last 52 weeks or are going through the approval process and need a spare room(s) in order to qualify.

3.29 Depending on the level of demand for DHPs, the Council may also give priority (albeit slightly less priority than is given to the households affected by the Size Criteria listed above) to DHP applications from the following households:

- Households whose Housing Benefit is restricted by the Size Criteria but that restriction will soon be lifted because the customer (and their partner, if they have one) will reach the age at which they will be able to claim Pension Credit;

- Households whose Housing Benefit is restricted by the Size Criteria but that restriction will soon be lifted because one or more of their children will soon reach an age when they are not expected to share a bedroom;
- Single people who are pregnant (and childless couples containing a pregnancy) who are living in a two-bedroom home but whose Housing Benefit is restricted by the Size Criteria to a one-bedroom home but that restriction will soon be lifted when the baby is born; and
- Households with exceptional need, which are actively and consistently engaging in seeking to downsize to accommodation that matches their need.

### **3.30 Households affected by the Social Rented Sector Size Criteria that will not be entitled to DHP**

3.31 Any household that has taken on a new tenancy who does not fulfil the vulnerable criteria outlined above will not be considered eligible for DHP as the Council expects households to consider their rental liability, income and expenditure when sourcing new accommodation.

### **3.32 Other households requesting a DHP, including those that are affected by the Local Housing Allowance Reforms**

3.33 The purpose of the DHP funding is to provide short-term, temporary relief to families and vulnerable people whose Housing Benefit or Universal Credit has been reduced, due to Local Housing Allowance restrictions (including the LHA Caps, the Shared Accommodation Rate and changes to the way in which LHA is calculated), income tapers and non-dependant deductions.

3.34 DHPs cannot assist with the council tax liabilities that residents incur under the 2013 Council Tax Reduction scheme.

3.35 All DHP applications will be considered on their individual merits. However, the Council will give priority to applications from households that have children and need to move to alternative, lower cost accommodation but are unable to do so immediately (for reasons of health, education or child protection).

### **3.36 Rent-in-advance, damage deposits and removals**

3.37 The DHP budget is insufficient to meet the rent shortfalls of the thousands of customers whose Housing Benefit and Universal Credit will no longer cover their full rent.

3.38 In order to provide long term solutions, the Council will help and encourage customers to move to alternative accommodation that they can afford.

3.39 Instead of providing customers with short term assistance to enable them to maintain the rent payments on a home that they will never be able to afford without a DHP, the Council may decide that it would be better to help those customers to move to somewhere they can afford, at a much earlier stage, by providing them with the help they require to pay the damage deposit. LHA rates will be used in all cases as the ceiling for damage deposits.

3.40 When considering DHP requests for such a purpose, the Council will take into account any damage deposit that is due to be returned to the customers. The Council will also check that the customer's new home will be affordable



- 3.41 The Council will not normally pay rent-in-advance or removal costs.
- 3.42 Customer may make an application for Local Welfare Provision, where assistance with removal costs is required.
- 3.43 Rent in advance payments will not generally be paid as Housing Benefit is available for any period of rent liability, though in line with the Housing Benefits' regulations it is paid in arrears. Customers may make an application for Housing Benefit where assistance with rental liability is required.
- 3.44 The Council will consider rent in advance only in exceptional circumstances such as where it is necessary to make such a payment to comply with the authority's legal obligations (e.g. avoiding unlawful discrimination).
- 3.45 The guidance from the Secretary of State's Guidance issued in April 2014 by the DWP has been taken into considered.

#### **4 Assessment of applications**

- 4.1 When deciding whether or not to award a DHP, the Council will assess each application on its merits (including considerations of equality) and take into account its objectives and such things as:
- The size of any shortfall that exists between what the customer is receiving in housing costs (from Housing Benefit or Universal Credit) and the eligible housing costs for which they are liable, together with the reasons for this shortfall;
  - The financial circumstances (income and expenditure, savings, capital and indebtedness) of the customer, their partner and anyone else living in their home;
  - Any special needs or health and social problems that the customer and/or their family have, and what impact these have on their housing and financial situation;
  - The impact that moving home and/or changing schools is likely to have on the family and the educational outcomes of any young people in the household;
  - The reasons why, compared to other people, the circumstances of the customer and their family should be considered 'exceptional';
  - The impact that not awarding a DHP is likely to have on the Council's finances and services, especially homelessness, social care, family support and health;
  - The length of time for which a DHP is being sought;
  - Any steps the customer has taken to reduce their rental liability;
  - The amount of money remaining in the DHP budget; and
  - Any other factors that the Council and/or customer consider appropriate.

- 4.2 The Council will not normally make allowance for any financial loss resulting from the customer's failure to claim any benefits in a timely manner. No allowance will be made, either, for any debt relating to an overpayment of Housing Benefit.
- 4.3 When the Council has considered the customer's needs and circumstances, it will decide how much to award. This may be any amount below the difference between the rental liability and payment for Housing Benefit / Universal Credit. The DHP award cannot exceed the weekly eligible rent for the customer's home.
- 4.4 The award of a DHP does not guarantee that a further award will be made at a later date, even if the customer's circumstances remain unchanged.

## **5 Claiming a DHP**

- 5.1 The regulations require a DHP to be claimed.
- 5.2 In most cases, the person who claims a DHP will be the person who is receiving Housing Benefit or Universal Credit, or their partner. However, the Council may also accept a claim from someone who is acting on behalf of that person (such as an appointee or advocate) if the person is vulnerable and requires support.
- 5.3 The Council accepts DHP claims in writing and provides an application form for this purpose.
- 5.4 A claim for a DHP will be considered from the date a DHP is requested, but on condition that all supporting information and documentation is received by the Council within one month of that request.
- 5.5 If the Council requires additional information and evidence to assess the claim, it will request this from the customer in writing, electronically or verbally (over the telephone, face to face or by visit). The customer must provide this information and documentation within one month of the date of the request.
- 5.6 If the customer fails to provide the information and documentation on time, the Council will make a decision based on any information it already holds, including the information held on its Housing Benefit computer system. More time may be allowed for some individuals, however, if the Council thinks it is reasonable to do so.

## **6 Period of award**

- 6.1 The Council will decide on the length of time for which a DHP is to be awarded.
- 6.2 The start date for an award will normally be the Monday following receipt of the claim. However, the Council does have the discretion to backdate an award for DHP if it considers that the applicant's circumstances merit this.
- 6.3 DHPs will normally be paid for a minimum of one week. The length of each award will be based on the individual circumstances of each customer; no award will be made past the end date of the tenancy agreement.
- 6.4 As an award can only be made for the current financial year, any award that is made for the remainder of 2015/16 will have to be followed by a new application for the next

financial year even if the customer's circumstances remain unchanged.

- 6.5 Although all customers are entitled to make a fresh claim (for a further DHP) when their existing award comes to an end, the Council will not automatically invite customers to apply for another DHP.
- 6.6 As DHPs will not usually be regarded as offering a long term solution to a customer's financial situation, the maximum length of a DHP award (or a series of consecutive awards) will not normally exceed 12 months. Exceptions may be made, in particular for certain customers affected by the Social Rented Sector Size Criteria and where the Council continues to regard it as inappropriate for the customer to have to move.
- 6.7 Failure to meet the conditions stated in the award notification may lead to an initial reduction or the complete withdrawal of the award.

## **7 Request for backdating**

- 7.1 The Council will consider any reasonable request for backdating a DHP award. However, these will be limited to the period in which the customer has been receiving Housing Benefit or Universal Credit they will be limited to the current financial year, unless exceptional reasons for a late claim are accepted.

## **8 Making a claim in advance**

- 8.1 A DHP can only be considered for a period when the customer is entitled to Housing Benefit or Universal Credit.
- 8.2 However, claims can be made in advance, where the customer is anticipating a change in their situation, such as the forthcoming imposition of the Benefit Cap and the Social Rented Housing Size Criteria.

## **9 Notification of decisions**

- 9.1 The customer will be notified, in writing, of the outcome of the DHP claim within 14 days of receipt of the claim and all supporting documentation, or as soon as possible after that.
- 9.2 If a claim is unsuccessful, the Council's decision letter will include an explanation of how the decision has been reached and details of the right of review.
- 9.3 If the claim is successful, the Council's decision letter will include the following:
- The reason for the award;
  - The amount awarded;
  - The period of the award;
  - To whom the DHP will be paid;
  - The customer's duty to report any changes in circumstances and

- Any conditions associated with the award

## **10. Changes in circumstances**

- 10.1 The customer must tell the Council if their circumstances change after a DHP is awarded. This is made clear to customers in the award letter and application form.
- 10.2 The Council may revise a DHP award if the customer's circumstances have changed.

## **11. Payment arrangements**

- 11.1 The Council will decide whether the DHP should be paid to the tenant, the landlord or a third party.

## **12. Right to request a review**

- 12.1 As a DHP is not a payment of Housing Benefit or Universal Credit, it is not subject to the appeals mechanism that operates under those schemes.
- 12.2 Customers can request a review of a decision to refuse to award a DHP, a decision to award a reduced amount, a decision not to backdate an award for DHP or a decision to seek recovery of an overpayment of a DHP as follows:
- A customer (or their representative) who disagrees with a DHP decision may request a review. This request must be made in writing, within one month of when the notification was issued, and set out the reasons for requesting a review. (The time limit for requesting a review may be extended if the Council considers it reasonable to do so).
  - The appeal will be reviewed by an independent officer(s) to those that made the original decision.
  - The customer will be notified in writing once the decision has been reviewed, including the outcome of the review and a new decision notification if appropriate.
- 12.3 This decision will be final. In cases of alleged maladministration by the Council, the customer should follow the Council's complaints process. If a customer is still unhappy, they have a right to contact the Local Government Ombudsman.

## **13. Overpayments**

- 13.1 The Council will make every effort to minimise overpayments of DHP.
- 13.2 If an overpayment does occur, the Council will decide whether or not it is appropriate to recover it. If recovery action is appropriate, the Council will send an invoice to the customer (or the person to whom the DHP was made) and a written explanation of how the overpayment occurred and the periods and amounts to which it relates.
- 13.3 Where the overpayment is a result of an error made by the Council, recovery will not normally be sought, unless the customer or person who received the payment could have reasonably known they were being overpaid.

- 13.4 DHP overpayments will not be recovered from payments of Housing Benefit and Universal Credit that are due to the customer, but may be recovered from any future awards of DHP.

## **14 Fraud**

- 14.1 The Council is committed to tackling and preventing fraud in all its forms.
- 14.2 If a customer, Landlord or Agent attempts to claim a DHP by making a false declaration or providing false evidence or statements, they may have committed an offence under the Theft Act 1968. Where the Council suspects that fraud may have occurred, it will investigate the matter as appropriate and this may lead to criminal proceedings.

## **15 Publicity**

- 15.1 The Council has a responsibility to ensure that it does not limit the legal discretions it may apply, and it is committed to applying this policy fairly and consistently.
- 15.2 It will take steps to maximise take up to make sure that the funds are targeted towards those who are most in need. This policy will be made available on request and via the Council's website: [www.slough.gov.uk](http://www.slough.gov.uk)

## **16 Debt advice**

- 16.1 Anyone experiencing debt problems will be signposted to local debt advice agencies (including the Citizens Advice Bureau) for free, confidential, impartial advice.

## **17 Policy review**

- 17.1 This policy will be reviewed on a regular basis and in light of any legislative changes, trends or other factors that impact on its effectiveness.
- 17.2 The Council may also, during the course of any year, review and reconsider whether it should allocate any of its own resources towards the overall DHP budget.

## **Council Tax Relief on the Grounds of Hardship**

## **1. Introduction**

- 1.1 The Local Government Finance Act 1992 section 13a has always allowed for a discretionary relief of Council Tax in exceptional circumstances including hardship.
- 1.2 From 1 April 2013 the Council Tax Benefits scheme was replaced with the Council Tax Support scheme
- 1.3 Slough Borough Council further specified the Council Tax Hardship scheme for 2013 -2015 and has chosen to review the scheme and to ensure that the criteria is clear for 2015-16 and beyond.
- 1.4 The Council Tax Hardship scheme is developed to support residents who are suffering hardship and need assistance for a specified period of time to pay their Council Tax.
- 1.5 The scheme will only be used for the payment of Council Tax and all payments will be credited to the Council Tax account, no payments will be paid direct to the Customer.

## **2.0 Legal Background**

The following legislation and regulations are relevant to this document:

- 2.1 The Local Government Finance Act 2012
- 2.2 The Local Government Finance Act 1992 Section 13A(1)(c)
- 2.3 The Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012
- 2.4 Slough Borough Council Local Council Tax Support Scheme 2012
- 2.5 Child Poverty Act 2010
- 2.6 Equality Act 2010 (incorporating the Disabled Persons Act 1986)
- 2.7 Housing Act 1996
- 2.8 Armed Forces Covenant
- 2.9 Social Security Act 1992

### **3 Costs to the Council**

- 3.1 There is a cost to the Council of the full amount of hardship relief awarded for Council Tax which must be met by the Councils collection fund.

#### **Council Tax**

- 4.1 There is no definition in the legislation for 'hardship', and as the scheme is aimed at covering unforeseen events it is not possible to list precise criteria. Applications will be accepted on the basis that the applicant or household would suffer exceptional financial hardship if financial assistance were not given.
- 4.2 Exceptional circumstances for hardship under the Council Tax regulations will usually be circumstances that are outside the control of the household and beyond normal risks faced by a household. The household must demonstrate that it has done all it can to mitigate those risks and is taking action to minimise them.
- 4.3 To get help with Council Tax payments you need to apply for Council Tax Support. The Council recognises that where the Council Tax Support is less than 100% of the Council Tax due there may be cases of exceptional financial hardship where additional support is sought.
- 4.4 The Council also recognises that there are circumstances where a Council Tax Payer may be experiencing exceptional hardship but may not be eligible for Council Tax Support; the policy does not preclude applications from any Council Tax Payer as long as they meet the criteria set out.
- 4.5 Council Tax hardship relief will not be awarded for any reason other than to reduce Council Tax liability
- 4.6 Only one Council Tax hardship application can be made in a financial year by the household.
- 4.7 Council Tax hardship relief will only be awarded for the financial year in which the application is made.
- 4.8 An application can be made for backdated hardship relief but this will only be considered where the householder was incapacitated and unable to make a claim in the previous year.
- 4.9 Council Tax hardship payment cannot be made to cover previous year's arrears.
- 4.10 Individuals in this group will not be defined but need to be able to demonstrate their circumstances and have exhausted other sources of income that are available to them.

### **5.0 The scheme**



- 5.1 This scheme exists for those experiencing exceptional financial hardship which is defined as the total weekly amount of uncontrolled outgoings being 65% or more of weekly income.
- 5.2 Individuals in this group will not be defined but need to be able to demonstrate their circumstances and have exhausted other sources of income that are available to them.
- 5.3 Each case will be considered on its own merits.
- 5.4. Where there is a Joint and Several liability for Council Tax, each liable person must be party to the application and both/all provide the information required to support the claim (see section 6).
- 5.5 Applications for Hardship Relief should be one of last resort. Applicants will be expected to have explored and secured any lawful entitlement to other benefits, incomes and reductions in preference to claiming Hardship Relief
- 5.6 Applicants will need to ensure they are able to satisfy the Council that they have taken all reasonable steps to resolve their own situation prior to award.
- 5.7 Awards may be made if the above applies and:
  - There is evidence of exceptional financial hardship that justifies an award
  - The applicant or household has supplied all evidence requested by the Local Authority in respect of their claim for CTS
  - The applicant or household must have applied for any appropriate discount or exemption and supplied any evidence requested by the Local Authority in respect of that application
  - The applicant or household does not have access to any other financial assets that could be realised to pay the Council Tax
  - The applicant or household must not be avoiding outstanding Council Tax due to wilful refusal or culpable neglect
  - The Council's finances must allow for an award to be made
  - The applicant has applied for any welfare benefits they may be entitled to.

## **6 Applications**

- 6.1 Applications must be made in writing using the approved claim form together with supporting evidence as required.
- 6.2 The applicant must be the person or persons liable to pay the Council Tax, or be their representative with authority to act on their behalf i.e. Power of Attorney
- 6.3 If an applicant or household needs advice and support to complete a claim form, they will be signposted to an appropriate service that offers support relevant to their needs.

6.4 The applicant must set out the reasons for applying including explaining any special circumstances or hardship being experienced.

6.5 Applicants must provide the following to support their application

- Evidence of hardship or personal circumstances that justifies a reduction in Council Tax Liability.
- Evidence that the Council Tax Payer has taken reasonable steps to resolve their situation prior to application.
- The Council Tax Payer can demonstrate that they do not have access to other assets that could be realised and used to pay Council Tax
- The Council Tax payer must provide evidence of their income and outgoings, where a Housing Benefit or Council Tax Support claim is in payment this can be used for income purposes
- All other eligible discounts/reliefs have been awarded to the council tax payer
- All eligible benefits must have been claimed, where a benefit is suspended this will be treated as in payment for the purposes of the above calculation.
- The liable person for a long term unoccupied domestic property has made their best efforts to sell or let the property and to levy a council tax charge would cause them exceptional financial hardship.

6.6 The Council may require further information e.g.

- Evidence may be requested that is relevant to the nature of the claim e.g. evidence of illness. It should be noted that no costs will be borne by the Council with regard to obtaining the evidence.
- Failure to provide supporting information and evidence that is requested will lead to a refusal, unless the applicant can show good cause for the failure.
- All information and evidence provided will be treated in confidence and in accordance with the Data Protection Act 1998.
- Where the Council requires additional information or evidence it will write to the applicant requesting that the information is supplied within one calendar month.
- The applicant is required to report any changes in their circumstances or the circumstances of household members immediately in writing to the Council. A failure to report changes will lead to a loss of Council Tax Hardship Payment and may lead to prosecution where appropriate.

## **7.0 Authority to award relief**

- 7.1 All applications will be considered on an individual basis by the Head Revenues and Benefits who will provide an in depth report and recommendations which will include but not be limited to review sheet, with findings and financial implications and initial recommendations to the Council's Section 151 officer.
- 7.2 All applications for awards of Local Council Tax discount in cases of hardship will be determined by the Council's S151 Officer.
- 7.3 Hardship Relief will only be awarded where it is reasonable to do so in light of the impact on other council tax payers
- 7.4 All applications for awards of Hardship Relief will be subject to a maximum award of the equivalent of 6 months Council Tax Payable
- 7.5 A written record will be kept of the decision and of the factors considered in the process. This record will be available to the applicant free of charge on request.
- 7.5 The decision will be notified to the applicant in writing
- 7.6 Appeals against awards to be finally determined by a Member Appeals Panel.
- 7.7 Details of the recipients and the amount of awards will be reported to the Cabinet annually.

## **8.0 Interests of Officers and Members**

- 8.1 Officers and Members who have an interest in any aspect of an application for relief must not participate in the decision making process and must declare their interest.
- 8.2 Examples of interests include those in the following list. However, the list is not intended to be exhaustive.
  - A close relative of the applicant
  - An interest in the property for which the relief is being sought

Where an officer is unsure whether they have an interest they should seek advice from the Section 151 Officer . Where a Councillor is unsure whether they have an interest they should seek advice from the Council's Monitoring Officer.

These three Heads of Service (i.e. Section 151 Officer, Monitoring Officer and Head of Paid Service, & Legal) may in turn need to liaise with the Head of Revenue and Benefits on any case referred to them (e.g. where cases of

conflict of interest will need to be monitored by Revenue Services on an on-going basis).

## **9.0 Appeals**

- 9.1 There is no statutory right of appeal against a decision regarding a hardship relief made by the Council. However, the Council recognises that chargepayers should be entitled to have a decision reviewed objectively if they are dissatisfied with the outcome.
- 9.2 The Council agrees to abide by the following appeals process and aggrieved chargepayers should make an appeal in accordance with the process.
- 9.3 Chargepayers will be notified of the appeals process in writing at the time that they are notified of the outcome of their request for rates relief.
- 9.4 This appeals process does not affect a chargepayers legal rights.

## **10.0 Appeals Process**

- 10.1 Appeals may only be made by the original applicant. An appellant may appoint an agent to act on their behalf and in such cases the Council will require written authorisation from the appellant before dealing with their agent.
- 10.2 Appeals against decisions will be considered by the Members Appeal Panel. Decisions on appeals made by the Members Appeal Panel will be final.
- 10.3 Applicants must make an appeal within four weeks of the issue of the letter notifying them of the Council's decision.
- 10.4 Applicants will be notified of the date on which the appeal will be considered, which will be within eight weeks of receipt of the appeal, or as soon as reasonably practicable thereafter.
- 10.5 Applicants may appeal against the decision to award or not award relief, or against the level of relief awarded.
- 10.6 Appeals must be made in writing and must give the reasons why it is believed the decision should be amended. New or additional information may be included, but only if it is relevant to the decision making process.
- 10.7 The appellant does not have a right to appear in person but may make a request to present evidence in person. Such requests will be considered at the discretion of the Members Appeal Panel as appropriate.
- 10.8 The Members Appeal Panel can request a meeting with either the applicant and/or the appropriate Revenues and Benefits officer to hear evidence in person. The Members Appeal Panel may nominate a representative or representatives to attend such meetings on its behalf.

- 10.9 Each application will be considered individually on its merit.
- 10.10 The appeal decision may be adjourned if further information is required from either party.
- 10.11 The applicant will be informed of the final decision, and the reasons for the decision within four weeks of the hearing.
- 10.12 Submitting an appeal does not affect the appellant's legal rights to challenge a decision made by the Council through the Judicial Review process.

### **11.0 Discontinuation of Applications or Appeals**

- 11.1 If the Council has requested further evidence from the chargepayer and this has not been received within four weeks the application or appeal will be deemed to have been discontinued.
- 11.2 Chargepayers will be notified in writing in these circumstances

### **12.0 Notifications and payment of award**

- 12.1 The Council will consider applications within six weeks of the application and all supporting information being received or as soon as practicable thereafter.
- 12.2 Notification of the outcome of the decision will be made in writing within fourteen days of the decision being considered.
- 12.3 If your application is successful, the balance on your Council Tax. The maximum amount of help combined with Council Tax Support is 100% of your Council Tax. Any hardship payment will be made by way of reduction to your Council Tax charge.

### **13.0 Action to recover unpaid Council Tax**

- 13.1 Once an application, or an appeal, is received for Hardship Relief no action will be taken to recover unpaid charges until fourteen days after the decision has been notified to the ratepayer.
- 13.2 In the event of an application or appeal being discontinued recovery action may be commenced seven days after the chargepayer has been notified of the discontinuation.

### **14.0 Promotion of Hardship Relief**

- 14.1 The Council will promote the availability of hardship relief, and this policy, in the following ways.

- All demands will have accompanying information explaining the availability of relief.
- Employees who deal with enquiries from chargepayers will be trained in all aspects of this policy
- The Council will work in partnership with other organisations that may have a stake in this area.
- The policy will be published on the Council's web site and printed copies will be made available to ratepayers and other stakeholders on request.

## **15.0 Recovery of a Hardship Relief award**

- 15.1 If an amount of hardship relief awarded is subsequently cancelled the amount will be removed from the applicant's Council Tax account and will be payable as Council Tax due under Council Tax regulations.

## **16.0 Fraud**

- 16.1 The Council may always correct any award made under this scheme where fraud or error has occurred.
- 16.2. Where a customer has failed to provide information or has knowingly supplied false or misleading information the Council reserves the right to withdraw any award made under this scheme.
- 16.3. Furthermore, the Council reserves the right to investigate any alleged offences, to levy penalties in accordance with the law and to prosecute anyone who has committed a criminal offence

## **17.0 Data Sharing and Fair Processing**

- 17.1 The Council may use any evidence and information supplied to it in respect of hardship relief to check the eligibility of the applicant in respect of this scheme or any other welfare benefit, discounts or exemptions.
- 17.2 Slough Borough Council is required by law to protect the public funds it administers. It may share information provided to it with other bodies responsible for auditing or administering public funds, in order to prevent and detect fraud. Data will only be shared if the law permits it.

## **18.0 Budget Restrictions**

- 18.1 The Council Tax Hardship Relief will have a budget set each financial year.
- 18.2 The allocated budget will be taken into account when making a decision on the award of relief but the availability of the budget will not preclude the award of relief.



# Application Form

## About you

Please note that fields marked \* are required.

In order that we can deal with your enquiry quickly and fully, please provide as much information as you can. Failure to provide all of the information requested may result in a delay and we may need to contact you again for more information.

### **Council Tax account number (8 digits beginning with a 5)**

### **Title and full name**

### **Address and postcode**

### **Daytime telephone number**

### **Email address**

Address to which this claim relates (only if different from the address given above)

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### **Tell us why you need this extra help**

Is there anyone who may help you with your Council Tax payments, like other adults who live with you or family/friends?

Yes  No



If yes, please give details of how they may help

Is there likely to be a change in your income, capital or family circumstances compared to that shown in your Council Tax Support claim?

Yes  No

If yes, please give details of the likely change - what it is, when it is likely to happen and how it will affect your circumstances

Please state the steps you have taken to address your exceptional financial hardship. (Please be specific as this could materially affect the outcome of this application).

How long would you expect to be experiencing exceptional financial hardship? If this period exceeds six months, also please outline why you think this is likely.

Please confirm your current income below (including that of any partner living with you): \*

	Amount £	How often do you receive this?
State Benefits	<input type="text"/>	<input type="text"/>
Income from Employment	<input type="text"/>	<input type="text"/>
Other Income	<input type="text"/>	<input type="text"/>

Tell us about your uncontrollable outgoings: \*

	Amount £	How often is this paid?	Any debt you owe?
) Mortgage or Rent (amount not covered)	<input type="text"/>	<input type="text"/>	<input type="text"/>

by Housing Benefit  
or DHP)

) Water Charges			
(Gas/Electricity/other fuel costs (e.g. oil)			
) TV License			
) Travel costs to place of employment			
Social Fund repayments			
) Court Order fines			
) Loan repayments			

	Company /person providing loan to you	Balance owing £	Repayment offer (if any)
1.			
2.			
3.			

We normally decide claims based upon uncontrollable outgoings and income but you may bring to our attention any other expense or issue that you wish to be considered in the space below.

**Declaration**

Please read this declaration carefully before signing:

- -I confirm that as far as I know, the information given on this form is correct and complete.
- -I give you permission to make any necessary enquiries to check the information on this form with other departments of the Council and other Government agencies
- -I understand that I will have to pay back any overpayment of Council Tax Hardship payment caused by my failure or delay in telling you about a change in my, or my partner's, circumstances.

Signed ..... Date .....

**What to do now**

- -Make sure you have filled in this form correctly and fully

- -Include any supporting evidence you have to show you are experiencing exceptional financial hardship
- -Check you have read and signed the declaration
- -Complete the Equalities monitoring form (which we use to monitor take-up of this scheme)

### **Equalities Monitoring**

We help people according to their needs. We keep records to show that we treat everyone fairly. Your answers will help us to do this. In each section, please tick the box that best describes you.

#### **Ethnic Origin:**

Please tick the box that best describes your ethnic group

# Equality Impact Assessment

<b>Directorate: RHR</b>	
<b>Service: Finance &amp; Audit</b>	
<b>Name of Officer/s completing assessment: Jackie Adams</b>	
<b>Date of Assessment: 15.01.2015</b>	
<b>Name of service/function or policy being assessed: Council Tax Hardship Policy 2015-16</b>	
1.	<p>What are the aims, objectives, outcomes, purpose of the policy, service change, function that you are assessing?</p> <p>The Council Tax Hardship Policy was part of the Revenues hardship policy and incorporated Business Rates, however the number of application has increased considerably and from less than 5 per annum or nearly 1000 because of changes to Council Tax Support and the Welfare Reform changes and it was felt that having a separate clear policy for Council Tax Hardship was now required.</p> <p>The principals of the policy to support Customers in their Council Tax payment and to offer additional financial help in paying their Council Tax in exceptional circumstances remains the same.</p>
2.	<p>Who implements or delivers the policy, service or function? State if this is undertaken by more than one team, service, and department including any external partners.</p> <p>The policy is delivered in the first instance by our partner arvato, whose role it is to accept all applications, analysis them, request such supporting information as they see fit and assess how much local Council Tax Hardship award a person will be entitled to within the bounds of the scheme. Once avarto have carried out this assessment they will pass the paperwork to SBC with a recommendation of vteh payment amount and period of payment, the Section 151 officer will make the final approval. If the Customer disagrees with the assessment they have the right to ask for a member panel to review this decision, though there is no right of appeal, in the interests of natural justice a panel review has been inserted in the policy</p>
3.	<p>Who will be affected by this proposal? For example who are the external/internal customers, communities, partners, stakeholders, the workforce etc. Please consider all of the Protected Characteristics listed (more information is available in the background information). Bear in mind that people affected by the proposals may well have more than one protected characteristic.</p> <p>All those who live in the borough and pay Council Tax could potentially be affected by this proposal, the only people entitled to a payment under the policy will be those whose total amount of uncontrolled outgoings is more than 65% of their income.</p> <p>The scheme is a discretionary scheme set up to assist those people who are affected by the Welfare Reform changes, the changes to</p>

	<p>Council Tax Support, those finding it difficult to pay their council tax in the current economic climate and those suffering financial hardship where additional help over and above their Council Tax Support can be given to assist with their Council Tax costs for a limited period of time – the budget is cash limited as well.</p> <ul style="list-style-type: none"> <li>o Age – the policy is generic and will help people of all ages, though certain aspects of the welfare reform legislation does not affect people over the age of 60, so they will not be disadvantaged and therefore will not need to take advantage of this scheme.</li> <li>o Disability – there are a number of changes under Welfare reform that affects people with a disability, the Council when setting up its Council Tax Support scheme aimed to protect those families that were living with a disability in order that they retained full Council Tax Support it is therefore unlikely that they will need to take advantage of the scheme but it is available for all</li> <li>o Pregnancy and maternity - it may be that someone who is pregnant may have chosen to obtain a slightly larger home in expectation of the pregnancy and may be unable to afford it at this particular time – hardship relief can assist those people whose benefit will change on the birth of the baby, also potential foster carers and those approved for adoption who may have to source a larger home to be approved.</li> </ul> <p>There is no specific changes to the following under Council Tax Support, the changes are generic and affect all groups, the policy is therefore generic in the need to able to provide support to all parts of the community affected by a reduction in income there is therefore cash limited help which will be available to all groups and they will be treated based on their circumstances as defined in the policy</p> <ul style="list-style-type: none"> <li>o Race</li> <li>o Religion and Belief</li> <li>o Sex</li> <li>o Sexual orientation</li> <li>o Gender Reassignment</li> <li>o Marriage and Civil Partnership</li> <li>o Other</li> </ul> <p>This policy aims to assist some of the most vulnerable people in the community and needs to be simple and easily implemented and understood. This is why each claim is considered individually and customers are given all of the support they need to access the scheme. Officers in Revenues, Customers Service, and Housing are fully aware of Council Tax Hardship Policy and the process of claiming. It is intended that the claim form at the back of this policy will be put on the Council’s website once the policy is approved.</p>
<p>4.</p>	<p>What are any likely positive impacts for the group/s identified in (3) above? You may wish to refer to the Equalities Duties detailed in the background information.</p> <p>None from the updating of the scheme</p>

5.	<p>What are the likely negative impacts for the group/s identified in (3) above? If so then are any particular groups affected more than others and why?</p> <p>None from the updating of the scheme</p>
6.	<p>Have the impacts identified in (4) and (5) above been assessed using up to date and reliable evidence and data? Please state evidence sources and conclusions drawn (e.g. survey results, customer complaints, monitoring data etc).</p> <p>n/a</p>
7.	<p>Have you engaged or consulted with any identified groups or individuals if necessary and what were the results, e.g. have the staff forums/unions/ community groups been involved?</p> <p>n/a</p>
8.	<p>Have you considered the impact the policy might have on local community relations?</p> <p>n/a</p>
9.	<p>What plans do you have in place, or are developing, that will mitigate any likely identified negative impacts? For example what plans, if any, will be put in place to reduce the impact?</p> <p>The scheme has been developed in conjunction the Finance Service and our partners arvato, in order to ensure that we are treating Customers fairly and providing support to those who need it the most. As the budget is cash limited and the call on the hardship fund during 2014-15 is higher than ever in SBC, regular liaison has been maintained and agreement with the above parties where we needed to limit payments in order that those most in need received the payments and that customers maintained their home. It is intended that this liaison continues as required during 2015-16.</p> <p>We note that there may come a time when the Hardship fund may have to be reduced or suspended if the grant is spent, we have worked to avoid this in 2014-15 and will continue to do the same in 2015-16 by reducing payments if necessary rather than stopping payments so those in need receive some assistance</p>
10.	<p>What plans do you have in place to monitor the impact of the proposals once they have been implemented? (The full impact of the decision may only be known after the proposals have been implemented). Please see action plan below.</p> <p>The spend is currently monitored on a monthly basis to ensure that the spend remains within budget, the details of the customers that receive Council Tax Hardship available to the Partnership Development and Client Monitoring Team who regularly monitor the payments made.</p>

<b>What course of action does this EIA suggest you take? More than one of the following may apply</b>	✓
<b>Outcome 1: No major change required.</b> The EIA has not identified any potential for discrimination or adverse impact and all opportunities to promote equality have been taken	<b>X</b>
<b>Outcome 2: Adjust the policy</b> to remove barriers identified by the EIA or better promote equality. Are you satisfied that the proposed adjustments will remove the barriers identified? (Complete action plan).	
<b>Outcome 3: Continue the policy</b> despite potential for adverse impact or missed opportunities to promote equality identified. You will need to ensure that the EIA clearly sets out the justifications for continuing with it. You should consider whether there are sufficient plans to reduce the negative impact and/or plans to monitor the actual impact (see questions below). (Complete action plan).	
<b>Outcome 4: Stop and rethink</b> the policy when the EIA shows actual or potential unlawful discrimination. (Complete action plan).	

**Action Plan and Timetable for Implementation**

At this stage a timetabled Action Plan should be developed to address any concerns/issues related to equality in the existing or proposed policy/service or function. This plan will need to be integrated into the appropriate Service/Business Plan.

Action	Target Groups	Lead Responsibility	Outcomes/Success Criteria	Monitoring & Evaluation	Target Date	Progress to Date

Name:

Signed: .....Jackie Adams .....(Person completing the EIA)

Name: .....Joseph Holmes .....

Signed: .....( Policy Lead if not same as above)

Date: 15<sup>th</sup> January 2015

# Equality Impact Assessment

<b>Directorate: RHR</b>	
<b>Service: Finance &amp; Audit</b>	
<b>Name of Officer/s completing assessment: Jackie Adams</b>	
<b>Date of Assessment: 07.02.2015</b>	
<b>Name of service/function or policy being assessed: Discretionary Housing Payments Scheme 2015-16</b>	
1.	<p>What are the aims, objectives, outcomes, purpose of the policy, service change, function that you are assessing?</p> <p>The <u>changes</u> to the Discretionary Housing Payment scheme for 2015-16</p>
2.	<p>Who implements or delivers the policy, service or function? State if this is undertaken by more than one team, service, and department including any external partners.</p> <p>The policy is delivered in the first instance by our partner arvato, whose role it is to accept all applications, analysis them, request such supporting information as they see fit and assess how much local Discretionary Housing Payment a person will be entitled to within the bounds of the scheme. If the Customer disagrees with the assessment they have the right to ask arvato as our partner in conjunction with representatives from Slough Borough Council Client Team to review their decision at a panel meeting and if the decision stands the Customer has a right to appeal to the ombudsman as the next stage as this is a discretionary scheme and does not have another independent review body</p>
3.	<p>Who will be affected by this proposal? For example who are the external/internal customers, communities, partners, stakeholders, the workforce etc. Please consider all of the Protected Characteristics listed (more information is available in the background information). Bear in mind that people affected by the proposals may well have more than one protected characteristic.</p> <p>All those who live in the borough and pay rent to a Private or Social Landlord could potentially be affected by this proposal, the only people entitled to a payment under the legislation will be those in receipt of Housing Benefit, though Housing Benefit is open to anyone on a low income who pays rent.</p> <p>The scheme is a discretionary scheme set up to assist those people who are affected by the Welfare Reform changes and those suffering financial hardship where additional help over and above their Housing benefit can be given to assist with their rent costs for a limited period of time – the budget is cash limited as well.</p> <p>o Age – the policy is generic and will help people of all ages, though certain aspects of the welfare reform legislation does not affect people over the age of 60, so they will not be disadvantaged and therefore will not need to take advantage of this scheme.</p>



	<p>o Disability – there are a number of changes under Welfare reform that affects people with a disability, the DHP policy aims where possible to protect people with a disability and to protect their homes especially if they have been adapted for disabled living.</p> <p>Pregnancy and maternity - where a household who has an additional bedroom and may be subject to the spare room subsidy but is expecting a child and the spare room subsidy will be removed or reduced on the birth of the child the DHP policy aims to protect these households until the birth of the child.</p> <p>There is no specific changes to the following under the Welfare Reform Act, the changes are generic and affect all groups, the policy is therefore generic in the need to able to provide support to all parts of the community affected by Welfare Reform and to asst them into work or to fund cheaper alternative accommodation if appropriate therefore cash limited help will be available to all groups and they will be treated based on their circumstances as defined in the policy</p> <ul style="list-style-type: none"> <li>o Race</li> <li>o Religion and Belief</li> <li>o Sex</li> <li>o Sexual orientation</li> <li>o Gender Reassignment</li> <li>o Marriage and Civil Partnership</li> <li>o Other</li> </ul> <p>This policy aims to assist some of the most vulnerable people in the community and needs to be simple and easily implemented and understood. This is why each claim is considered individually and customers are given all of the support they need to access the scheme. Officers in Revenues, Customers Service, and Housing are fully aware of DHP's and the process of claiming.</p>
4.	<p>What are any likely positive impacts for the group/s identified in (3) above? You may wish to refer to the Equalities Duties detailed in the background information.</p> <p>None from the changes to the scheme</p>
5.	<p>What are the likely negative impacts for the group/s identified in (3) above? If so then are any particular groups affected more than others and why?</p> <p>None from the changes to the scheme</p>
6.	<p>Have the impacts indentified in (4) and (5) above been assessed using up to date and reliable evidence and data? Please state evidence</p>

	<p>sources and conclusions drawn (e.g. survey results, customer complaints, monitoring data etc).</p> <p>n/a</p>
7.	<p>Have you engaged or consulted with any identified groups or individuals if necessary and what were the results, e.g. have the staff forums/unions/ community groups been involved?</p> <p>n/a</p>
8.	<p>Have you considered the impact the policy might have on local community relations?</p> <p>n/a</p>
9.	<p>What plans do you have in place, or are developing, that will mitigate any likely identified negative impacts? For example what plans, if any, will be put in place to reduce the impact?</p> <p>The scheme has been developed in conjunction with the our partners arvato and other interested parties, in order to ensure that we are treating Customers fairly and providing support to those who need it the most. As the budget is cash limited and the call on the DHP's during 2014-15 is higher than ever in SBC, regular liaison has been maintained and agreement with the above parties where we needed to limit payments in order that those most in need received the payments and that customers maintained their home. It is intended that this liaison continues as required during 2015-16.</p> <p>We note that there may come a time where DHP's have to be reduced or suspended if the grant is spent, we have worked to avoid this in 2014-15 and will continue to do the same in 2015-16 by reducing payments if necessary rather than stopping payments so those in need receive some assistance</p>
10.	<p>What plans do you have in place to monitor the impact of the proposals once they have been implemented? (The full impact of the decision may only be known after the proposals have been implemented). Please see action plan below.</p> <p>The DHP spend is currently monitored on a weekly basis to ensure that the spend remains within budget, the details of the customers that receive DHP are available to the Partnership Development and Client Monitoring Team who regularly monitor the payments made.</p>

<b>What course of action does this EIA suggest you take? More than one of the following may apply</b>	✓
<b>Outcome 1: No major change required.</b> The EIA has not identified any potential for discrimination or adverse impact and all opportunities to promote equality have been taken	<b>X</b>
<b>Outcome 2: Adjust the policy</b> to remove barriers identified by the EIA or better promote equality. Are you satisfied that the proposed adjustments will remove the barriers identified? (Complete action plan).	
<b>Outcome 3: Continue the policy</b> despite potential for adverse impact or missed opportunities to promote equality identified. You will need to ensure that the EIA clearly sets out the justifications for continuing with it. You should consider whether there are sufficient plans to reduce the negative impact and/or plans to monitor the actual impact (see questions below). (Complete action plan).	
<b>Outcome 4: Stop and rethink</b> the policy when the EIA shows actual or potential unlawful discrimination. (Complete action plan).	

***Action Plan and Timetable for Implementation***

At this stage a timetabled Action Plan should be developed to address any concerns/issues related to equality in the existing or proposed policy/service or function. This plan will need to be integrated into the appropriate Service/Business Plan.

Action	Target Groups	Lead Responsibility	Outcomes/Success Criteria	Monitoring & Evaluation	Target Date	Progress to Date

**Name:**  
**Signed:** .....Jackie Adams .....(Person completing the EIA)

**Name:** .....Joseph Holmes .....  
**Signed:** .....( Policy Lead if not same as above)

**Date:** 7<sup>th</sup> January 2015

# Equality Impact Assessment

<b>Directorate: RHR</b>	
<b>Service: Finance &amp; Audit</b>	
<b>Name of Officer/s completing assessment: Jackie Adams</b>	
<b>Date of Assessment: 26.02.2015</b>	
<b>Name of service/function or policy being assessed: Local Welfare Provision Scheme 2015-16</b>	
11.	<p>What are the aims, objectives, outcomes, purpose of the policy, service change, function that you are assessing?</p> <p>The <u>changes</u> to the Local Welfare Provision Scheme 2015-16 and future years</p>
12.	<p>Who implements or delivers the policy, service or function? State if this is undertaken by more than one team, service, and department including any external partners.</p> <p>The policy is delivered in the first instance by our partner arvato, whose role it is to accept all applications, analysis them, request such supporting information as they see fit and assess how much Local Welfare Provision Payment a person will be entitled to within the bounds of the scheme. If the Customer disagrees with the assessment they have the right to ask arvato as our partner to review their decision and if the decision stands the Customer has a right to appeal to the ombudsman as the next stage as this is a discretionary scheme and does not have another independent review body.</p>
13.	<p>Who will be affected by this proposal? For example who are the external/internal customers, communities, partners, stakeholders, the workforce etc. Please consider all of the Protected Characteristics listed (more information is available in the background information). Bear in mind that people affected by the proposals may well have more than one protected characteristic.</p> <p>All those who live in the borough and are experiencing hardship can apply for Local Welfare Provision.</p> <p>The scheme is a discretionary scheme set up to assist those people who are facing hardship for any number of reasons including those affected by the Welfare Reform changes, those who would in the past have been given a crisis loan from the DWP those who may have been given a budgeting loan from the DWP and those suffering financial hardship where additional help can be given – the budget is cash limited.</p> <p>The policy is generic to help all groups to provide support to all parts of the community affected and to asst them when they are experiencing hardship, though some groups are highlighted in the policy it does not preclude any one group</p>

o Age – the policy provides assistance to young adults leaving care children aged 16 and 17 and young adults by helping them purchase white goods and furniture to set up a home of their own, it also assist people feeling domestic violence to set up a new home as well as those leaving prison

o Disability - Under the previous national scheme disabled people were a significant beneficiary population of social fund provision. They accounted for 32.4% of Community Care Grants expenditure and 18.5% of Crisis Loans in 2012-13. People with disabilities, long term health and mental health conditions remain over-represented amongst local welfare provision applicants

o Pregnancy and maternity – while the policy is generic priority for assistance will be given to pregnant mothers and those with young children to assist them in keeping their homes warm and to provide food.

o Race - While no data appears to be available on the ethnicity of local welfare provision recipients as a whole it is logical to assume that minority groups are over-represented in the beneficiary profile. Local welfare provision is designed to help those on very low incomes, and black and minority ethnic-headed households are at a higher risk of poverty than non- black and minority ethnic -headed households. The latest data shows, for example that the poverty risk for minority-headed households ranges from 25-44 percent compared to 15 percent for non- black and minority ethnic -headed households.

o Other - Applications from women and especially women fleeing domestic violence is a critical group which allows them to set up a new home.

With regard to the following there is no specific impact though the policy is open to all

- o Religion and Belief
- o Sex
- o Sexual orientation
- o Gender Reassignment
- o Marriage and Civil Partnership

This policy aims to assist some of the most vulnerable people in the community and needs to be simple and easily implemented and understood. This is why each claim is considered individually and customers are given all of the support they need to access the scheme. Officers in Revenues, Customers Service, and Housing are fully aware of Local Welfare provision and the process of claiming.

14.	<p>What are any likely positive impacts for the group/s identified in (3) above? You may wish to refer to the Equalities Duties detailed in the background information.</p> <p>None from the changes to the scheme for 2015-16</p>
15.	<p>What are the likely negative impacts for the group/s identified in (3) above? If so then are any particular groups affected more than others and why?</p> <p>None from the changes to the scheme for 2015-16, however the budget is cash limited and the original intention was that it would be funded from central government for 2 years this has now been extended to a third year. The budget does not have to be spent on Local Welfare provision but SBC has spent that last two years budget on LWP, there is currently an underspend which will be used to fund the scheme for year three.</p> <p>The LWP scheme provides assistance in the main for people who have the need to purchase white goods and can get funding from no other organisation, for example those fleeing domestic violence and need to set up home again, those leaving prison , those leaving care etc it also provides assistance to those in immediate help of financial assistance for example if someone loses their benefit money and needs to keep their home warm if they have a small child assistance will be provided in the form of a voucher to pay for heating costs. It also has the ability to refer customers to the foodbanks when they are experiencing hardship for example where they have been sanctioned by the DWP.</p>
16.	<p>Have the impacts identified in (4) and (5) above been assessed using up to date and reliable evidence and data? Please state evidence sources and conclusions drawn (e.g. survey results, customer complaints, monitoring data etc).</p> <p>This is based on an evaluation of the payments made over the last two years and the reason for the payments. It has also taken into consideration a survey carried out by the DWP and the outcomes of that survey.</p>
17.	<p>Have you engaged or consulted with any identified groups or individuals if necessary and what were the results, e.g. have the staff forums/unions/ community groups been involved?</p> <p>No</p>
18.	<p>Have you considered the impact the policy might have on local community relations?</p> <p>Yes</p>

19.	<p>What plans do you have in place, or are developing, that will mitigate any likely identified negative impacts? For example what plans, if any, will be put in place to reduce the impact?</p> <p>In 2015-16 the policy will remain as now and there will be no negative impacts</p>
20.	<p>What plans do you have in place to monitor the impact of the proposals once they have been implemented? (The full impact of the decision may only be known after the proposals have been implemented). Please see action plan below.</p> <p>The current spend is monitored on a monthly basis to ensure that the spend remains within budget, the details of the customers that receive LWP are available to the Partnership Development and Client Monitoring Team who regularly monitor the payments made, and ensuring that the payments made are in line with the policy, they also monitor the refusals made.</p>

<b>What course of action does this EIA suggest you take? More than one of the following may apply</b>	✓
<b>Outcome 1: No major change required.</b> The EIA has not identified any potential for discrimination or adverse impact and all opportunities to promote equality have been taken	✓
<b>Outcome 2: Adjust the policy</b> to remove barriers identified by the EIA or better promote equality. Are you satisfied that the proposed adjustments will remove the barriers identified? (Complete action plan).	
<b>Outcome 3: Continue the policy</b> despite potential for adverse impact or missed opportunities to promote equality identified. You will need to ensure that the EIA clearly sets out the justifications for continuing with it. You should consider whether there are sufficient plans to reduce the negative impact and/or plans to monitor the actual impact (see questions below). (Complete action plan).	
<b>Outcome 4: Stop and rethink</b> the policy when the EIA shows actual or potential unlawful discrimination. (Complete action plan).	

**Action Plan and Timetable for Implementation**  
At this stage a timetabled Action Plan

should be developed to address any concerns/issues related to equality in the existing or proposed policy/service or function. This plan will need to be integrated into the appropriate Service/Business Plan.

Action	Target Groups	Lead Responsibility	Outcomes/Success Criteria	Monitoring & Evaluation	Target Date	Progress to Date

Name:  
Signed: .....Jackie Adams .....(Person completing the EIA)

Name: .....Joseph Holmes .....  
Signed: .....( Policy Lead if not same as above)

Date: 26<sup>th</sup> February 015