Local Housing Allowance
Safeguard Policy

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Under the Local Housing Allowance (LHA) the emphasis will be on making payments to tenants. This means that those tenants coming under the scheme as new claimants will in most cases receive payment directly. Under LHA a tenant cannot simply request that their payments are made to their landlord. To protect vulnerable tenants the council will apply a discretion to pay the landlord. This policy sets out the guidelines by which officers will make decisions.

The primary objective is to ensure that tenants 'keep a roof over their heads' therefore officers will apply the policy appropriately to minimise the risk of tenants falling into arrears with their landlord.

Payment can still be made to the landlord if a tenant is eight or more weeks in arrears. This is a statutory safeguard that is not included in the Vulnerability Policy.

If the LHA is greater than the contractual rent, any excess will be paid to the tenant. If the tenant is in arrears, and the decision has been made to pay the landlord, the LHA may include the excess to help clear the arrears.

The Department for Works and Pensions have provided guidance on when direct payments to the landlord may be appropriate, where a tenant 'can’t pay' or 'won’t pay'. These are expanded below:

a) If the tenant is likely to have difficulty managing their own affairs. For example, if a tenant is known to have a learning disability or their drug/alcohol misuse would mean they are likely to have difficulty handling a budget.

b) If it is improbable that the claimant will pay their rent. For example, if the authority is aware that the tenant has consistently failed to pay rent on past occasions without good reason.

Under the LHA rules a tenant cannot simply request that payment is made to a landlord to cover their rent. Benefits officers will consider evidence and make a decision as to whether it is in a tenant’s best interest to make payments of LHA directly to the landlord. In many cases it will be a temporary situation until, for example, the rent arrears are cleared.

**Aims and Objectives of the Local Policy**

- to provide a safeguard for the most vulnerable tenants and reassure them that the benefit and rent will be paid.
- to help prevent rent arrears and tenants being put at risk of eviction.
The policy is not designed to:
- supersede support that is being received by tenants to help them be 
  responsible for their own income and expenditure.
- be a blanket policy for agencies providing support to private tenants.
- be used by landlords to circumvent the aims of the LHA.

**Procedure**

In most cases it will involve the completion of a standard form with evidence 
and signed by the tenant. The information given in the form will allow 
officers to make a decision, based on the evidence given.

1. **Alerting the council of potential vulnerability**

The tenant or their representative makes the council aware that they would 
prefer their LHA to be paid to the landlord. The request needs to be 
supported by written evidence from a third party, but can initially made by:
- a letter/ e mail;
- a phone call; or
- the application form

2. **Gathering information and evidence**

Officers will consider the information that has been received and whether 
there is enough evidence to make a decision. Evidence can be provided by:
- GP
- Adult Social Care teams (Bedfordshire County Council).
- Support or advisory services like the CAB or Age Concern.
- A tenant’s family or friends.

Evidence from a landlord must be supported by additional evidence from 
another source. For example, if a landlord requests direct LHA payments 
because the tenant has a drug or alcohol problem and is unable to manage 
their finances, it will need to be supported by additional information from 
either the tenant’s GP, Social Services or a support provider.
3. Making a decision

One of two decisions will be made:

i) the tenant is considered to be vulnerable and payment of LHA will be made to the landlord.

ii) the tenant is considered to be not vulnerable and payment of LHA will be made to the tenant.

4. Notifying affected parties

The tenant and/or their representative will be written to and advised of the following:

- the decision.
- if and when the decision will be reviewed.
- their appeal rights.
- contact details of advice agencies, voluntary or statutory organisations that may help them.
- contact details of the CAB Money Advice Service if they don’t have a bank account and will be receiving excess LHA themselves.

The landlord will also be written to and advised:

- if the tenant has been found vulnerable and the Council will pay them LHA up to the contractual rent.
- if and when the decision will be reviewed.
- request bank details if not previously received.
- if their tenant has been found not to be vulnerable, the landlord appeal rights against this decision.

Examples of vulnerability

Reasons for paying the landlord instead of the tenant might be because the tenant:

- has a medical condition (affecting their mental or physical health).
- has a learning disability or physical disability.
- does not speak English as their first language.
- is going through some changes that means the tenant needs some extra support.
- is dealing with an addiction (to alcohol or drugs).
- has severe debt problems, for example, CCJs, bankruptcy or a bad credit rating preventing them from opening a bank account.

In all cases, evidence will be sought to support requests to pay LHA direct to landlords.