

**Barrow Borough Council
Overview and Scrutiny Committee
Wednesday, 2 November 2022
Supported Accommodation**

Report from: Director of Resources
Report Author: Director of Resources
Wards: (All Wards);

1.0 Summary and Conclusions

- 1.1 The Council is responsible for administering the Housing Benefit regulations on behalf of the Department of Works and Pensions.
- 1.2 The determination of Housing Benefit claims is prescribed with external routes for redress where that is required.
- 1.3 The Council has a duty to prevent homelessness under the Homelessness Reduction Act 2017.

2.0 Recommendation

2.1 It is recommended that Overview and Scrutiny Committee:-

- 1. Receive the report; and**
- 2. Consider the direction of the review and establish any requirements.**

3.0 Background and Proposals

- 3.1 The Council administers the Housing Benefit regulations on behalf of the Department of Works and Pensions (DWP) as this is a district council function within a two-tier area.
- 3.2 Specified or exempt accommodation is generally referred to as supported accommodation for Housing Benefit purposes and is provided by non-profit making organisations as landlords.
- 3.3 For those living in supported accommodation Housing Benefit covers the rent element and eligible service charges (eligibility is set out in the DWP regulations); payment is referred to as enhanced housing benefit.

- 3.4 For supported accommodation Housing Benefit claims, the Council must have the evidence to support their determination that:
- the landlord falls within the prescribed categories – non-metropolitan county council, housing association that does not trade for profit, registered charity or non-profit making voluntary organisation, and
 - the landlord or person acting on its behalf is responsible for providing care, support, or supervision beyond the level any tenant would expect from any landlord, and
 - the tenant has an actual or potential need for the available support which must relate to giving advice and assistance to the claimant in coping with practicalities of everyday life, and
 - the care, support or supervision is an obligation of the landlord, and
 - there is an explanation about how much the ineligible service charge is and how it is funded – if there is no separate identifiable funding stream there is a deduction from the eligible rent to cover the cost of the provision.
- 3.5 The Council is able to determine a reduced Housing Benefit payment or to pay no enhancement where the criteria are not met; the Council must disclose to the landlord the reason for any reduction.
- 3.6 Where no enhancement is paid, the Local Housing Allowance (LHA or rent element) is paid.
- 3.7 There are several supported accommodation providers within the Borough, particularly within Barrow-in-Furness, which brings a high volume of claims.
- 3.8 Gathering and verifying the evidence to determine such claims is far greater than an individual claimant application and the Housing Benefit department have established systems and processes to cover schemes where that is possible; scheme means a particular landlord and a particular building or property.
- 3.9 The level of care provided to those in supported accommodation is not for the Council to determine, but for the Housing Benefit determination the care must be needed and goes sufficiently beyond what any non-supported tenant would receive.
- 3.10 Where enhanced Housing Benefit is not paid or is reduced from the amount claimed, the landlord may appeal to the Tribunal Service.
- 3.11 The Council and the landlord may proceed to the High Court following the tribunal, but that is uncommon.

- 3.12 The conflict with the Homeless Duty potentially arises where the enhanced Housing Benefit does not meet the DWP criteria and payment is reduced or only LHA can be paid; this may lead to individuals being turned away from accommodation and presenting as homeless.
- 3.13 The Council cannot pay enhanced Housing Benefit pending a tribunal decision as to knowingly pay without the supporting evidence may remove the Council's entitlement to subsidy from the DWP, and could bring into question the Council's ability to administer the regulations.
- 3.14 Where supported accommodation is provided by an organisation that is not a Housing Association, there is a limitation on the DWP subsidy which results in the Council directly funding the difference.
- 3.15 This is a budget impact the Council has no control over from a Housing Benefit perspective.

4.0 Consultation

- 4.1 Consultation is not relevant as this report is for noting.

5.0 Alternative Options

- 5.1 There are no alternatives to recommend as this report is for noting.

6.0 Contribution to Council Plan Priorities

- 6.1 The Housing Benefit service and the Homelessness service both aim to support those households on low income and in need of support.

7.0 Implications

7.1 Financial, Resources and Procurement

- 7.1.1 There are no direct financial, resource or procurement implications from the recommendation.

7.2 Legal

- 7.2.1 There are no specific legal implications arising from the report.

7.3 Local Government Reorganisation

- 7.3.1 The Housing Benefit and Homelessness services will continue to be provided by Westmorland and Furness Council.

7.4 Equality and Diversity

- 7.4.1 There are no equality and diversity implications from the recommendation.

Risk

Risk	Consequence	Controls required
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Maladministration of Housing Benefit.	Significant financial loss; reputational damage.	Robust systems, processes and procedures. DWP sample re-work of determinations and DWP Housing Benefit accuracy review.
Risk	Consequence	Controls required
Compliance with Homelessness Duty.	Increased service demand; additional costs to meet capacity.	Links with providers and knowledge of accommodation and providers.

Contact Officers

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