

Newark & Sherwood District Council

Benefits

Your guide to housing and council tax benefits



What are housing and council tax benefits?

Housing benefit can help you pay your rent if you are on a low income. You can claim if you have to pay rent for the property you live in. You may be a council tenant, pay rent to a private landlord or to a housing association.

Council tax benefit can help you if you have to pay council tax on your home.

What is second adult rebate?

Second adult rebate is for people who cannot get help with their council tax bill but have other people living with them who are on a low income. You must normally be the person responsible for paying the council tax on your home. If you think you may qualify, or you want further information, please ask the benefits section.

Can council tax bills be reduced in any other way?

As well as council tax benefit and second adult rebate, council tax bills can be reduced by:

- council tax discounts
- council tax exemptions
- council tax reductions for people with disabilities

What is council tax discount?

You can get a 25% discount if you are the only adult living in a property. We do not count some adults when we are looking at the number of residents to award a discount.

These include:

- full-time students
- people who are severely mentally impaired
- carers
- 18 and 19 year old people who have left school
- people in prison

What are council tax exemptions?

When a property is empty there may be a period of time when it is

exempt from council tax. Certain properties may be exempt even when people are living in it, for example, if all the residents are full-time students.

What are council tax reductions for people with disabilities?

If a person with disabilities living in a house has to use a wheelchair or has an extra room essential for their needs, they may get a reduced council tax bill.

How do I claim a council tax discount, exemption or reduction?

You will need to fill in a form to claim one of these reductions in your council tax bill. Contact the council at the address at the back of this leaflet.

How do I claim second adult rebate?

You can claim second adult rebate directly from the council. If you complete a form to claim council tax benefit, any entitlement to second adult rebate will be calculated automatically.

What about my family circumstances?

To work out your benefit we need to know who else lives with you. You will get more benefit if you have dependent children. The section ‘How are my housing benefit and council tax benefit worked out?’ gives more details.

If you have a lodger or grown up children living with you, you may get less housing benefit and council tax benefit. The section ‘Do I get less benefit if I have people living with me?’ gives more details.

If I have a partner do we both have to fill in a claim form?

No, you only have to fill in one form but you must both sign it.

If my partner works and I don't, can I claim for myself?

No, when you claim benefit we need to know about your partner. We work out your benefit using your joint income.

How much rent will my housing benefit cover?

If your rent includes charges for services, we may need to take the

cost of these from your rent before we work out your housing benefit. We will also check that your rent is not too high. If it is, we will work out your benefit on a lower rent figure.

In some cases we may reduce the rent if your home is too large for you and your family. The rent figure set by us, less any service charges is called the 'eligible rent'.

Which charges are not covered by housing benefit?

Housing benefit does not cover charges for meals, water rates, heating and some other services included in your rent. If these are included in your rent we will take the costs of the service from your rent before working out your benefit.

The Government sets the maximum weekly deductions for food and fuel but if your landlord provides these at a lower cost we may take off the lower amount instead. We will need to see a letter from your landlord saying what the actual costs are.

Which services can be covered by housing benefit?

These include charges for:

- lifts
- cleaning and lighting of shared areas like staircases and landings.

What if I pay council tax in my rent?

If your rent includes council tax we will treat this as part of your rent when we work out your housing benefit.

How are my housing benefit and council tax benefit worked out?

Housing and council tax benefit will be worked out at the same time and you will only need to fill in one form.

If you get Jobseeker's Allowance (income based) or Income Support you will normally get the maximum benefit. If you do not get Jobseeker's Allowance (income based) or Income Support the amount of benefit will be worked out by comparing the amount of

money the government says you need to live on (applicable amount) with the money you have coming in each week. If your income is more than your applicable amount, the amount of housing benefit and council tax benefit you receive will go down, using a sliding scale.

Do I get less benefit if I have people living with me?

We will reduce your housing benefit and council tax benefit if you have grown up children who have left school, or any other adult who does not pay rent, living with you. We will take a fixed amount off your housing benefit and council tax benefit. These deductions do not depend on what the non-dependant pays, even if they pay nothing at all.

How much second adult rebate will I get?

The most second adult rebate you can get is 25% of the full council tax bill before any discounts are taken off. The amount depends on the gross weekly income of your second adult or adults.

How will my housing benefit be paid?

When we have worked out your benefit we will send you a letter telling you about it.

If you are a council tenant - if your claim is successful, your benefit will automatically be credited to your rent account. This means that you will then pay less rent or no rent at all.

If you are a private tenant - if your claim is successful your housing benefit will be paid to you or in some cases directly to your landlord. Housing benefit is always paid in arrears at the end of each payment period.

How will my council tax benefit be paid?

When we have worked out your council tax benefit we will send you a letter telling you about it. If your claim is successful, we will send you a new council tax bill showing the revised amount to pay.

What if I disagree with the council's decision on housing benefit and council tax benefit?

For more information see the section 'If you think our decision is wrong'.

For people of working age

How do I claim housing benefit and council tax benefit?

If you apply for Jobseeker's Allowance or Income Support an application form will be enclosed with the claim pack. If you make a telephone claim, you will be asked if you want to claim housing benefit and council tax benefit.

A decision on your claim for Jobseeker's Allowance or Income Support will be sent to us. Your housing benefit and council tax benefit application form will also be forwarded to us.

In other circumstances, you must claim housing benefit and council tax benefit directly from the council by filling in a claim form. The contact details are at the back of this leaflet. Once you have filled in this form send it back as soon as possible.

You can download the housing benefit and council tax benefit form from our website.

What information do you need to work out my benefit?

When you claim housing benefit or council tax benefit we need to know:

- your income and savings
- your family circumstances, including details about who lives with you
- your rent, but only if you are claiming housing benefit
- you will also need to provide evidence of you and your partners National Insurance number and identity.

All documents you send to us, as proof, must be original.

How will my income be worked out?

If you get Jobseeker's Allowance (income based) or Income Support we will need proof of this.

The application form will ask you to complete details of any other income you have but we do not usually ask you to provide proof of this.

If you do not get Jobseeker's Allowance (income based) or Income Support we need to know about any income you or your partner get. When you claim you will need to provide proof of all your income.

The types of income we need to know about.

- Earnings, wages or salary from employment. This also includes sickness pay and maternity pay. We will need to see your last five weekly payslips or two monthly payslips. If you prefer, you can ask your employer to fill in an Earnings Certificate, which we will provide.
- Proof of earnings from self-employed work. We will need to see your most recent trading accounts or your day-to-day records of income and expenditure. We also have a self-employed income details form that you can complete if you have not kept a full set of accounts.
- Student grants and loans.
- Other state benefits such as Child Benefit, Child Tax Credit, Working Tax Credit, Incapacity Benefit and Employment and Support Allowance.

- Rent paid to you by lodgers or sub-tenants
- Maintenance received from a former partner

For second adult rebate we only need to know the gross weekly income of your second adult or adults - for example, their wages before tax and National Insurance are taken off.

What savings count?

We need to know about any savings and investments you or your partner have. This includes:

- bank accounts (current or savings), building society accounts and post office savings
- PEPs, TESSAs and ISAs
- stocks, shares, unit trusts etc
- National Savings Certificates
- cash
- property or land you own (but not the home you live in).

Unless you are a pensioner getting Guarantee Pension Credit, you will not qualify if you have savings and investments exceeding £16,000.

If you get Jobseeker's Allowance (income based) or Income Support the application form will ask you to complete details about your savings but we do not usually ask you for proof of them.

If you are claiming second adult rebate we only need to know the amount of interest your second adult or adults get on their savings.

We do not need to know how much their savings are.

What happens if my circumstances change?

You will need to tell us if your circumstances change.

You must tell us if:

- you change address
- your income or savings go up or down
- your entitlement to any other benefit stops or starts
- your rent changes
- the size of your family changes
- an adult moves into or out of your house

If you receive any other state

benefits you should also inform the appropriate office if your circumstances change.

For people of pensionable age

What are Pension Credits?

Pension Credits are a payment made by the Pension Service to people on low incomes or who have a small amount of savings and modest pensions. Anyone who is 60 or over can claim the Guarantee Credit and anyone who is over 65 can claim the Savings Credit as well.

If you get Pension Credit there are only certain changes in your circumstances that you need to tell us about. We will explain this later.

How do I claim housing benefit and council tax benefit if I get Pension Credit?

When you make a claim for Pension Credit, if you do not already get housing benefit or council tax benefit, you will be asked whether you want to make a claim on your Pension Credit form.

If you claim by phone, the adviser will ask you if you want to claim housing benefit and council tax benefit.

When the Pension Service has assessed your entitlement to Pension Credit they will tell us about this separately.

How do I claim housing benefit and council tax benefit if I am not on Pension Credit?

You may not get Pension Credit if:

- your income or savings are too high
- you do not qualify for some other reason

You must claim housing benefit and council tax benefit directly from the council by filling in a claim form.

The contact details are at the back of this leaflet. Once you have filled in this form send it back to the council as soon as possible.

What information do you need to work out my benefit?

When you claim housing benefit or council tax benefit we need to know:

- your income and savings, unless you are on Pension Credit

- your family circumstances, including details about who lives with you
- your rent, but only if you are claiming housing benefit

You will also need to provide evidence of you and your partners National Insurance number and identity.

How will my income be worked out?

If you get Guarantee Pension Credit we do not need any details about your income. If you only get Savings Credit we need to know about any Child Tax Credit, Child Benefit, Child Special Allowance or Guardian's Allowance you get. If you do not get Guarantee Credit or Savings Credit we need to know about any income you or your partner get. When you claim you will need to provide proof of all your income. The types of income we need to know about include:

- your state retirement pension
- any pension from you or your partners previous employer
- annuities

- other state benefits such as Child Benefit, Child Tax Credit, Working Tax Credit, Incapacity Benefit and Employment and Support Allowance
- rent paid to you by lodgers or subtenants
- maintenance received from a former partner
- earnings, wages or salary from employment. We will need to see your last five weekly payslips or two monthly payslips. If you prefer, you can ask your employer to fill in the form provided inside the housing benefit and council tax benefit claim form.

When we work out your benefit we use all of your earnings, less tax, National Insurance and half of any pension contributions you make. For second adult rebate we only need to know the gross weekly income of your second adult or adults - for example, their wages before tax and National Insurance are taken off.

What savings count?

If you get Guarantee Pension Credit, we do not need to know about your

savings. If you only get Savings Credit, you must tell us if your savings go above £16,000.

If you do not get Pension Credit we need to know about any savings and investments you or your partner have. This includes:

- bank accounts (current or savings), building society accounts and post office savings
- PEPs, TESSAs and ISAs
- stocks, shares, unit trusts etc
- National Savings Certificates
- cash
- property or land you own (but not the home you live in).

If you receive Guarantee Pension Credit you will automatically get full housing and council tax benefit even if you have savings over £16,000. If you do not get Guarantee Pension Credit and you have savings of over £16,000 you cannot claim housing benefit and council tax benefit. This does not stop you claiming second adult rebate.

If you are claiming second adult rebate we only need to know the

amount of interest your second adult or adults get on their savings.

We do not need to know how much their savings are.

How are my housing benefit and council tax benefit worked out?

Housing and council tax benefit will be worked out at the same time and you will only need to fill in one form.

If you get Guarantee Pension Credit you will normally get the maximum benefit. If you do not get Guarantee Pension Credit, the amount of benefit will be worked out by comparing the amount of money the government says you need to live on (applicable amount) with the money you have coming in each week. If your income is more than your applicable amount, the amount of housing benefit and council tax benefit you receive will go down, using a sliding scale.

What happens if my circumstances change?

If you receive Pension Credit you may need to tell the Pension Service if

your income or savings go up or down. They will then tell us. If you only get Savings Credit you must tell us if your savings and investments go above £16,000. If you don't get Pension Credit you will need to tell us if your income or savings go up or down.

You must also tell us if:

- you change address
- your rent changes
- the size of your family changes
- an adult moves into or out of your house
- you stop getting Pension Credit

Discretionary housing payments

What are discretionary housing payments?

We can make discretionary housing payments if we decide someone needs extra help with housing costs.

The payments are on top of any housing benefit and council tax benefit that has been awarded. We only have a certain amount of money to spend on these payments.

What are housing costs?

'Housing costs' means the amount you have to pay for your rent and council tax. But a number of items can't be counted.

These include:

- parts of rent that are not covered by benefit, for example, charges for fuel, hot water or meals
- charges for water and sewerage
- increases in rent due to you paying back rent arrears on top of your normal rent
- benefit that has been suspended because you have not supplied information needed to support your claim
- any reduction in benefit because you did not go to a work-related interview
- any reduction or loss of benefit due to Jobseeker's Allowance employment sanction
- any reduction in benefit due to a reduced benefit direction or because you have not co-operated with the Child Support Agency in arranging maintenance.

We cannot make a discretionary payment to meet any shortfall between second adult rebate and your council tax liability.

Who can apply for a discretionary housing payment?

To be eligible for a payment, you must be receiving housing benefit or council tax benefit, or both. You also have to prove that you need more help with your housing costs. You cannot apply if you do not receive housing benefit or council tax benefit.

If you are getting housing benefit but do not get council tax benefit you will not be able to get help with your council tax.

If you are getting council tax benefit but do not get housing benefit you will not be able to get help with your rent costs. You will not be able to get a discretionary housing payment if you are already getting full benefit.

How can I apply for a discretionary housing payment?

You should write to us straight away. You will need to enclose proof of the money you have coming in and going out. We only have a limited amount of money for discretionary housing payments so not all applicants will be successful. If the application is made by someone acting on your behalf please make this clear in the application.

How will it be paid?

Payment will be made along with your housing benefit or council tax benefit. It will normally start from the Monday following the day we receive your application. Discretionary housing payments are paid for at least one week.

What do I do if my circumstances change?

You must tell us as soon as possible if your circumstances change. We may need to change an award of discretionary housing payment if your circumstances have changed. If the change means that you have

received money you are not entitled to you may be asked to pay it back.

Examples of changes in income and family circumstances are:

- when Income Support or Jobseeker's Allowance stops or starts
- change of address
- changes in income or savings
- when someone moves in or out of your home.

This list cannot cover everything. If you don't know if a change in your circumstances will alter your discretionary housing payment, tell us anyway.

What do I do if I do not agree with your decision?

Discretionary housing payments are not part of the housing benefit and council tax benefit scheme. Therefore you have no legal right to appeal.

However, if you disagree with the decision you can write and ask us to look at your application again. You must contact us within one month of the date on the decision letter, giving the reasons why you disagree. You

can phone, write or visit us and ask us to explain the decision. You can also ask us for a written statement of reasons, which will show more information about the decision.

Housing and council tax benefit on two homes

Housing benefit is normally only paid for the rent you pay on one home at a time.

There are a few exceptions to this and you may be able to get extra help if:

- you have moved into other rented accommodation due to fear of violence
- you are a student or trainee, are one of a couple, and have to live in separate rented accommodation from your partner
- you have a large family and the council has housed you in two properties
- you have moved to a new home which you pay rent on and still have to pay rent on your old home.

If you think any of these may apply to you, you will find more details below.

Fear of violence

You may get benefit if you have left your former home and are staying away because of violence or fear of violence. This can be either in your home by another person, or outside your home by a former member of your family.

We always have to consider if it is reasonable to pay benefit and we may pay for up to 52 weeks.

For benefit to be paid you must intend to return and live in the home you left.

Students or trainees

Couples who are living in separate rented accommodation may receive benefit for both properties.

We must agree that you cannot avoid living in separate accommodation and that it is reasonable to pay benefit on both homes. There is no time limit on these payments.

Large families

If you have a large family and the council has housed you in two separate homes because your household is too large to be placed in one home, we can pay benefit for both properties. To qualify, both properties must be public housing (whether or not provided directly by the council) and should be next to each other or within a few streets of each other. There is no time limit on these payments.

Unavoidable overlap

If you have moved to a new home which you rent and still have to pay rent on your old home, you may be able to get some help.

The situation has to be unavoidable, for example if you were offered a new home to rent but were unable to give your old landlord the notice he needed. Benefit may be paid for up to four weeks on your old home. For this to be considered you must have moved to your new home.

If you think you should get extra benefit

If you think your circumstances meant that you should get benefit for two homes please write to us. Our contact details are at the end of this leaflet.

Claiming housing or council tax benefit if you're away from home

Am I still entitled to housing and council tax benefit if I am away from my home?

Normally housing and council tax benefit can only be paid if you are actually living in the property you are claiming benefit for.

But there are situations where we may still pay housing and council tax benefit if you are temporarily away from your home.

Depending on the reason why you are away, we may be able to pay housing and council tax benefit for up to 13 weeks, or even 52 weeks in special cases (see over).

What does temporarily away from home mean?

To keep receiving housing and council tax benefit, all the following must apply:

- you must intend to come back to live in the property.
- the part of the property you normally live in must not have been re-let or sub-let to someone else.
- you must not be likely to be away for more than 13 or 52 weeks.

Also, to keep receiving council tax benefit, you must still be responsible for paying the council tax on the property. Normally you can only be away for up to 13 weeks and still be able to receive housing and council tax benefit. If it appears from the outset that you are likely to be away longer than 13 weeks we cannot normally pay any housing and council tax benefit.

What are the special cases when housing and council tax benefit can be paid for up to 52 weeks?

If you are away for any of the following reasons, we may be able to

pay housing and council tax benefit for up to 52 weeks (as long as at the outset it appears that you will not be away for much more than 52 weeks):

- a prisoner on remand
- in hospital as a patient
- having medical treatment or medically approved convalescence, but you are not in residential care
- on an approved training course;
- providing medically approved care
- caring for a child whose parent or guardian is receiving medical treatment or medically approved care
- receiving medically approved care, but you are not in residential care
- certain students who are entitled to housing benefit
- away due to fear of violence
- receiving temporary care in residential care, but not if you are living there as a trial.

Medically approved care must be certified by a medical practitioner (*for example your doctor or a nurse*).

What happens if my circumstances change?

On page 16 we gave three conditions you have to meet to still receive housing and council tax benefit.

If there is a change in your circumstances which means that you no longer intend to return to the property you are claiming housing and council tax benefit for, we will no longer be able to pay benefit. This will not affect any benefit paid while you still intended to return to the property.

If the part of the property you normally live in is re-let or sub-let to someone else, we will no longer be able to pay benefit. This will not affect any benefit paid before this happened.

If it comes to light that you are going to be away for more than 13 or 52 weeks, then we will stop paying you housing and council tax benefit.

If you are one of the 52-week special cases, we may be able to pay benefit a little longer depending on the reasons.

If there is any change in your circumstances you must always let us know, so that we pay your benefit correctly.

What happens if I go into residential care?

If you go into residential care for a trial stay, for example to see if it suits you, we can still pay you housing and council tax benefit for up to 13 weeks as long as:

- **you still intend to return home if the residential care does not meet your need**
- **your property is not sub-let or re-let.**

The 13 weeks starts from the date you go into residential care. But your total time away, including for example any time spent staying with a relative immediately before going into residential care, must not be more than 52 weeks.

If you go into residential care permanently, you will no longer be entitled to housing and council tax benefit.

You may receive housing and council tax benefit for up to 52 weeks if you go into residential care (not permanently and not for a trial stay), as long as you still intend to return home and your property is not sub-let or re-let.

What happens if I return home for a short time but then have to leave again?

If you return home and live there, and then have to leave again, you must let us know. We will normally start a new period of 'temporary absence' as long as you meet the conditions above.

Backdated benefits

I am 60 or over. When will my benefit start?

If you, or your partner, are over 60 and qualify for housing benefit or council tax benefit (or both), we can backdate your benefit up to three months before the date you made your claim (as long as you were entitled to benefit for that period). If you are 60 or over and you are entitled to benefit from a date

before you claimed, we will give you your benefit automatically. We do not need to know why you did not claim sooner to backdate your benefit.

For us to work out how much benefit you will be entitled to, you will need to give us proof of your income, savings and rent for the period you want to claim. Please contact us if you think your claim should start from an earlier date.

I am under 60. When will my benefit start?

If you qualify for housing benefit or council tax benefit (or both), we will normally pay your benefit on the Monday after you asked us for an application form (as long as you return the application form within one calendar month of contacting us).

When you make a claim for housing benefit or council tax benefit (or both) over the phone through Jobcentre Plus, we will treat the date of your claim as the same date you contacted Jobcentre Plus.

Sometimes we can pay benefit for a period before the date you claimed. This is called backdating. The law says we can backdate your benefit for up to six months. However, you must have a good reason why your claim is late. This is known as ‘good cause’.

What is considered to be good cause?

We will look at each case individually. ‘good cause’ is a reason that prevented you from claiming benefit earlier for example, if you were ill and no one could claim for you.

How do I claim backdated benefit?

If you think you have good cause for making a late claim, you should tell us in writing straight away. You must tell us the period you want to backdate your benefit for and tell us why your claim is late. We will need to see proof of your income, savings and rent payments for the period you want to backdate your benefit for and any proof to support your reasons (for example, medical certificates or hospital letters).

If you would like some help, please ask us. You can also get help from an advice agency, such as a citizens’ advice bureau. You can find their phone numbers at the back of this booklet.

What happens then?

We will decide if we can backdate your benefit based on the information you give us. We will write to you and tell you our decision. If we decide not to backdate your benefit, we will tell you why.

What if I do not agree with your decision?

We may decide that your reasons are not good enough for us to backdate your benefit. If you do not agree with our decision, you should write and ask us to look at the decision again. You must contact us within one month of the decision letter. You can also phone us, write to us or visit us to ask us to explain our decision. You can also ask for a written statement of our reasons for our decision which will give you more information.

If you are still not satisfied, you can appeal to us in writing. The Tribunals Service will then decide on your appeal at a tribunal hearing. See the section 'If you think the decision about your housing or council tax benefit is wrong' for more information.

Overpayments

What is an overpayment?

An overpayment is when benefit has been paid to someone but they are not entitled to it.

How do overpayments happen?

Benefit overpayments happen for a number of reasons:

- a claimant does not tell us about a change of circumstances at the time, or not at all. (By law, claimants and landlords must tell us about changes in circumstances. They can be fined if not).
- a claimant or landlord has deliberately claimed benefit to which they are not entitled, or they have given false information to get benefit.

- a mistake has been made by us, the Department for Work and Pensions or another government agency.

How is the amount of overpayment worked out?

The weekly amount of the overpayment will be the difference between the 'wrong' rate of benefit and any benefit you are entitled to based on your new circumstances.

For instance, your benefit may have stopped because you have started work and there has been an overpayment. If you give us details of your earnings we will work out your benefit based on these new circumstances, even if you have not put in a claim. We will then reduce the amount of the overpayment by the benefit you should have had.

Do all overpayments have to be paid back?

Most overpayments have to be paid back and can be recovered from the person the benefit was paid to. This means we can recover an overpayment from a landlord, even if

they did not know about a change in their tenant's circumstances.

Overpayments that are caused by 'official error' might not be recovered, unless it was reasonable for the tenant or landlord to have known they were being overpaid. Each case is looked at separately.

An overpayment can be recovered from either the person who caused the overpayment, or the person who received the overpayment.

Recovering an overpayment does not affect any criminal proceedings we may take over a fraudulent claim.

How are overpayments recovered?

We would usually send a new council tax bill to recover overpaid council tax benefit. If you can't afford to pay the bill all at once, phone the number on your bill and make a repayment arrangement.

We may be able to accept payments by instalments if repaying the whole amount would cause hardship. You must contact us quickly to arrange

this otherwise we might start legal action. This would run up more costs which you will have to repay.

There is a limit to the amount we can recover each week from housing benefit.

Do we always recover an overpayment?

If you want us to reconsider a decision to recover an overpayment from you please write to us and enclose any supporting evidence.

How is benefit recovered from a tenant?

If the tenant is receiving housing benefit, we will take an amount off their benefit payments each week. If the payments are made direct to the landlord, this will mean the benefit payment that is issued every four weeks will be less.

The tenant is responsible for paying any difference between the rent due and the reduced amount paid to the landlord. If the tenant is not receiving housing benefit, the overpayment may be recovered from

other benefits. We may send the tenant an invoice for payment.

How is benefit recovered from the landlord?

If we have decided to recover an overpayment from a landlord we will issue an invoice. If the landlord has other tenants claiming housing benefit, we may make deductions from the other tenants' benefit paid to that landlord. The amount of these deductions should not be treated as unpaid rent for those tenants, and the landlord must not try to recover the shortfall from them.

Is there a right of appeal?

For more information on appeals see the section - 'If you think our decision is wrong'.

If an overpayment is being recovered by deductions from benefit, then only the tenant can appeal or ask us to reconsider the decision. The deduction might be for an overpayment at a previous address. The tenant would have been told in writing that a weekly deduction was being made.

The landlord will be told about a deduction from a tenant's entitlement if housing benefit is paid directly to that landlord.

If an overpayment is being recovered from a tenant's benefit, benefit regulations do not allow the landlord to appeal or ask us to reconsider our decision. Neither can we discuss details of the tenant's claim with the landlord.

A landlord can only appeal or ask us to reconsider a decision if the overpayment is to be recovered from him personally. In other words, if an invoice for payment has been sent to him, or a deduction is being made from the benefit he receives for other tenants.

If the overpayment is owed by the landlord personally, he will be told in writing about a decision to recover from him.

A claimant or landlord can write to us at any time asking for a written statement of reasons for the recovery of an overpayment from them.

What will happen if an overpayment is not repaid?

If an invoice remains unpaid, or someone does not keep to an arrangement to repay the debt over time, we may take action to register the debt in the County Court, or take money from other benefits.

Important notes

Not telling us about changes of circumstances straight away is the biggest cause of overpayments. If your circumstances change, tell us straight away so that your benefit can be corrected before there is an overpayment. You must tell us even though you may not have to tell other agencies, such as the Department for Work and Pensions.

If a landlord makes a habit of not repaying overpayments that are recoverable from him, we can decide that the landlord is not a 'fit and proper person' under the Benefit Regulations. This means we can refuse to make direct benefit payments to the landlord.

If you think the decision about your housing or council tax benefit is wrong

If you have received a decision about housing or council tax benefit, you may want to know what you can do if you think it is wrong.

If you think the decision is wrong, you can ask us to explain it. If you still think it is wrong after we have explained it to you, we will look at our decision again.

For some decisions, you can appeal to an independent tribunal. They can change the decision if they agree that it is wrong.

There are time limits for asking for decisions to be looked at again and for appealing. We tell you about these time limits in this leaflet.

Find out what to do

- It may help if you ask us to explain our decision: read **Do you want more information about the decision?** (*see page 25*).

- If you want us to look at our decision again: read **Do you want us to look at the decision again?** (*see page 25*).
- If you want to appeal against the decision: read **Do you want to appeal against the decision?** (*see page 27*).
- If you want to know what to do after you appeal: read **After you have appealed** (*see page 29*).
- If you want to know what to do when you think the result of an appeal is wrong: read **If you disagree with the tribunal's decision** (*see page 32*).
- If you need help with your appeal: read **Other organisations that can help** (*see page 33*).

The decision

If you get a decision in writing from us about housing or council tax benefit, you can ask us to look at it again. If we do not change our decision you may be able to appeal to an independent tribunal.

The letter telling you about the decision will tell you if you can appeal.

If you get a decision in writing it is usually because you have:

- **claimed housing or council tax benefit**
- **had a change of circumstances which affects your benefit**
- **been told you have to pay back benefit.**

You may be able to ask us to look again at a decision or appeal against it.

There are special rules if you are not claiming the benefit yourself. These cover, for example, if you are a landlord and a decision is made about whether housing benefit is to be paid directly to you, or if you are a landlord and a decision is made to recover an overpayment of housing benefit or council tax benefit from you.

If you are an 'appointee' for another person you can ask us to look again at a decision about their benefit, and you may be able to appeal for them. The letter telling you about the decision will tell you if you can appeal.

An ‘appointee’ is someone appointed to act for a person who cannot act for themselves.

Do you want more information about the decision?

You have had a letter from us telling you about your housing or council tax benefit decision.

Do you:

Want more information about that decision?

If you do, contact us about the decision letter straight away.

You can phone, write to us or visit us.

You must do this straight away.

If you want us to look at the decision again, or if you want to appeal against it, you must tell us within **one month** of the date on the decision letter.

When you contact us

You can ask us to explain the reasons for the decision.

Also, if you want more information to help you decide what to do, you can

ask us for a written statement of reasons for the decision (if we have not already sent you one). You must do this within one month of the date on the decision letter.

We will send the statement of reasons to you as soon as we can.

If you still disagree with the decision, you can:

- **ask us to look at it again**
(see page 26).
- **appeal against the decision**
(see page 27).

If you just ask for an explanation first, the one month is still counted from the date on the decision letter.

Do you want us to look at the decision again?

You have had a letter from us telling you the decision

or

you have had a written statement from us explaining the decision

or

we have explained our decision and you still think it is wrong.

Do you:

Want us to look at the decision again?

If you do, we will look at the decision again.

Let the office that sent you the decision letter know within one month of the date on the letter.

If you ask for a written statement of reasons you will have the one month from the date on the decision letter plus the time we took to send you the statement of reasons.

If there are special circumstances which mean you cannot contact us within one month, we may still be able to change the decision. Tell us what the special circumstances are when you contact us.

If you ask us to look at a decision again more than one month after the date on the decision letter and you do not have special circumstances, we may still be able to change the decision. But this will usually only take effect from the date you wrote to us.

What happens next?

When you ask us to look at a decision again, we will check that the decision is correct.

A different member of staff will usually do this.

If the decision is wrong we will change it.

If the decision can be changed

If you asked us to look at our decision again within one month, or had special circumstances which meant you could not, we will change the decision from the date of the original decision.

If you do not agree with the new decision, you can ask us to look at it again.

If you asked us to look at our decision again after one month, and did not have special circumstances, the decision will usually be changed from the date you asked us.

We will send you a letter telling you what the new decision is.

If the decision cannot be changed

If the decision cannot be changed, we will send you a letter telling you that we cannot change it. The letter will confirm the original decision.

The letter will tell you if you can appeal against the original decision.

If you can appeal, the one month time limit starts again from the date on the letter confirming the decision.

Do you want to appeal against the decision?

You have had a letter from us telling you the decision

or

you have had a written statement of reasons explaining the decision

or

we have explained our decision and you still think it is wrong.

The letter telling you about the decision tells you if you have the right to appeal against it.

Do you:

Have the right to appeal against the decision?

Believe the decision is wrong?

Want to appeal to an independent tribunal?

If you can answer YES to all these questions, you should write to us.

This is important because the tribunal can only look at things you mention. Make sure that you sign the letter.

Send your letter to the office shown on your decision letter within one month of the date of the decision letter.

The Tribunal Service will decide your appeal at a tribunal hearing. The tribunal is made up of people who are not from the council.

If you cannot appeal against the decision you can still ask us to look at it again.

See 'Do you want us to look at our decision again?' On page 26

What the tribunal looks at

The tribunal can only look at the evidence, the law and your circumstances at the time we made the decision you are appealing against.

The tribunal cannot look at changes of circumstances that happened after we made the decision.

If a change of circumstances could affect your benefit or mean you could claim again, tell us straight away. Do not wait for the appeal hearing. Contact us using the details shown on your decision letter.

Late appeals

The Tribunal Service may not be able to accept your appeal if it is received more than one month after the date on the decision letter.

They can only accept a late appeal if there are special circumstances that caused the delay. These could include a death, a serious illness, being abroad or a postal strike. You must explain why you could not appeal within one month.

A legally qualified tribunal member will look at the reasons you have given for not appealing in time. They will decide if your appeal can be accepted.

They will look at:

- whether there were special reasons for the delay
- the length of time since you received the decision
- whether it is in the interests of justice that your appeal is accepted,
- whether your appeal is reasonably likely to succeed.

The Tribunal Service cannot accept a late appeal if the only reason is that you misunderstood the law, or that interpretation of the law has changed since the decision was made.

Your appeal cannot be accepted if you appeal **13 months** or more after the date on the decision letter.

Appeals tribunals

Tribunals are made up of one or two members, neither of whom is from the council.

Tribunal members will be experts on the issues involved in your appeal.

All tribunals have a legally qualified member to help apply the law to your appeal.

Tribunals may also include someone with financial qualifications.

After you have appealed

After you have appealed we will offer you an explanation of our decision, if we have not already done this.

We will look at the decision again if we have not already done this.

If we agree that the original decision is wrong, and the new decision is to your advantage, we will send you a new decision and your appeal will stop. If you do not agree with the new decision, you can appeal against it.

If we agree that the original decision is wrong but the new decision is not to your advantage, we will send you a new decision. Your appeal will continue against the new decision. You will have another month to comment on the new decision.

If we do not change the decision, we will send your appeal to the Tribunal Service. We will also send them an explanation of the law and the facts we used to make our decision. We will also include any other relevant papers.

A copy of the appeal papers will be sent to you and your representative if you have one.

You will also receive a form. You must fill in this form and send it to the Tribunal Service within **14 days** of the date the form was sent to you. **If you do not, your appeal will stop.**

Read the appeal papers very carefully. If you do not understand something, ask us, an advice centre or a solicitor to explain.

The form also asks you questions about how you want your appeal to be looked at. You can choose between an **oral hearing** and a **paper hearing**.

Oral hearing

This is an appeal hearing which you can go to.

The tribunal may ask you questions. You can ask questions.

You can take someone with you to represent you.

You can call witnesses to give evidence to the tribunal.

One of our representatives may be at the hearing. They may ask you questions and call witnesses.

People who go to their hearing usually do better than those who do not.

If you choose an oral hearing but find you cannot go, you must let the Tribunal Service know straight away. You must have a good reason why you cannot go, such as illness. You may be able to arrange another date.

If you do not let the Tribunal Service know you cannot go to the hearing, the tribunal may hear your appeal without you.

Oral hearings are open to the public, but usually only people who are involved in the appeal will go to the hearing. You can ask to have your appeal heard in private.

If you live abroad and want an oral hearing, let the Tribunal Service know. Tell them whether you want to go to the hearing or want to send someone to represent you. The Tribunal Service can arrange for your appeal hearing to be:

- as near as possible to the place you will arrive in Great Britain
- as near as possible to your representative, if you have one
- delayed until you are in Great Britain.

Paper hearing

This is an appeal hearing which you do not go to. (At an oral hearing, you can deal with any questions or issues that arise.)

You should use the form the Tribunal Service send you to add any more information which you think will help your case.

Do not delay sending information as you will not be told the date of a paper hearing.

The appeal will be heard and the Tribunal Service will send you the decision.

If the tribunal think they need you to go to an oral hearing they can refuse your request for a paper hearing.

If you choose a paper hearing but change your mind, you can choose to have an oral hearing. Write to the Tribunal Service straight away.

Expenses

The Tribunal Service may pay some of your expenses for going to the tribunal, for example travel costs. If you want more information about expenses, contact the Tribunal Service office handling your appeal.

If you live abroad you will have to pay your own fares to and from Great

Britain. You may be able to get expenses while you are in Great Britain and the appeal hearing is going on.

The result

Whether you have an oral or paper hearing

You will be given or sent a decision notice explaining the tribunal's decision as soon as possible after the appeal hearing. A copy will be sent to the office that made the original decision.

You can also ask for a statement of reasons. This gives an explanation of the tribunal's decision including the facts and the law used. You must ask for a statement of reasons within one month of the date you are given or sent the decision notice. You must have a copy of the statement of reasons if you want to appeal to the Upper Tribunal. See **If you disagree with the tribunal's decision?** (*see page 32*).

If you want a record of the appeal hearing, you can get a copy of the 'record of proceedings' up to 6 months from the date of the hearing.

If your appeal is successful, we will usually put the decision right as soon as we receive our copy of the tribunal's decision. We may not put it right straight away if we appeal to the Upper Tribunal.

If you disagree with the tribunal's decision

Appeals to the Upper Tribunal

If you do not agree with the appeal tribunal's decision you may be able to appeal to the Upper Tribunal.

All the decision makers in the Upper Tribunal are judges or expert members sitting in a tribunal chaired by a judge. The judges are called Judges of the Upper Tribunal.

They have taken the judicial oath and their judicial independence is protected in the same way as court judges under the Constitutional Reform Act. They are specialists in the areas of law they handle.

They are independent of both the Department for Work and Pensions and the council.

Who can appeal to the Upper Tribunal?

Appeals can be made by:

- anyone who has already appealed to the Tribunal Service
- the local authority
- the Department for Work and Pensions

What you can appeal to the Upper Tribunal about

You can only appeal to the Upper Tribunal on a point of law.

You cannot appeal to the Upper Tribunal about:

- questions of fact
- a tribunal's findings or conclusions.

How to appeal

Your decision letter from the Tribunal Service will tell you what to do if you are unhappy with the decision. Read this carefully. It tells you important time limits for your appeal.

You cannot appeal unless you first get the statement of reasons for the tribunal's decision.

See the result (on page 31).

Late applications

You should read the statement of reasons carefully. If you think the tribunal did not apply the law correctly, you can apply for leave to appeal to the Upper Tribunal. You must do this within **one month** of the date the statement of reasons was sent to you.

If you appeal to the Upper Tribunal, you must send the statement of reasons with your application. If you do not, your application may not be looked at.

A legally qualified tribunal member will decide if your appeal can be sent to the Upper Tribunal or if the appeal should be looked at again by a different tribunal.

You can ask an advice centre, solicitor or another suitable person or organisation to help with your application.

Late applications for a statement of reasons or for leave to appeal to the Upper Tribunal can only be accepted if there are special circumstances or special reasons that caused the delay.

You will need to show why you were not able to make your request on time.

Other organisations that can help

Advice centres

Advice centres, like the Citizens Advice Bureau and law centres, can represent you. They can also help you understand the reasons for decisions about housing and council tax benefits.

They can also help you to fill in forms or to write a letter. They will sometimes go with you to the tribunal that hears your appeal.

It will help the advice centre if you show them any letters you have about the decision that you think is wrong. Trade unions may also offer free advice to their members. They may also be able to speak for you at the tribunal that hears your appeal.

You can find addresses for these organisations in the business section of the phone book, the Thomson Local directory, the Yellow Pages or at a library.

Other organisations that can help

Solicitors

You may be able to get advice from a solicitor under the Legal Advice and Assistance Scheme. You can find out about this from a solicitor. But if you decide to use a solicitor, the scheme does not cover the cost of a solicitor to help you at a hearing. You cannot get any money for things like solicitors' fees from us or the Tribunal Service.

For details of solicitors and advice centres, contact:

The Legal Services Commission
4 Abbey Orchard Street
London SW1P 2BS.

If you are in the UK you can call 0845 345 4345.

If you live abroad

You can ask someone in Great Britain to act for you. They may be able to get help from a solicitor under the Legal Advice and Assistance Scheme. The scheme does not cover the cost of a solicitor to help you at a hearing.

Local housing allowance for private tenants

What is local housing allowance?

On April 7 2008 a new form of housing benefit called local housing allowance (LHA) was introduced for tenants who rent properties from private landlords.

LHA is for people on a low income who rent from private landlords. It is based on the number of bedrooms your household needs, not how much the rent is. The number of bedrooms used to work this out depends on who lives in the property.

Who is affected by local housing allowance?

LHA affects:

- people who claim help with their rent after April 7 2008 for the first time
- existing benefit claimants who move house into a privately rented property after April 7 2008

- existing claimants who have a break of one week or more in their benefit entitlement, and who do not move house

LHA does not affect

- council tenants
- tenants of registered social landlords (eg housing associations)
- tenants who live in houseboats and caravans
- tenants who have substantial board and lodgings included in their rent
- tenancies prior to January 1989
- supported housing provided by social landlords, charities and voluntary organisations

What is the difference between LHA and the old rent allowance scheme?

There are two main differences.

- The way we work out the amount of rent we use to base your allowance on.
- The way we pay your allowance in future

These are explained further below.

The way we work out the amount of rent we use to base your allowance on

This will be based on the number of bedrooms your households needs and not necessarily the number of rooms you have.

The way this works will be based on the following:

For LHA you would need one bedroom for:

- every adult couple (married or unmarried)
- any other adult aged 16 or over (eg single adult)
- any two children of the same sex aged under 16
- any two children aged under 10
- any other child
- from 1st April 2011 the maximum LHA rate will be for a four bedroom property even if your household needs more than this

Example - a couple who live in a three-bedroom house with two children of the opposite sex, but both children are under 10, would be

assessed as needing two bedrooms and would therefore have their future LHA based on the rate for a two-bedroom house.

In the above example, when the elder child reaches 10, the LHA rate would increase to the three-bedroom rate. This is because a bedroom would now be allowed for each child.

What's the next step?

Once the number of bedrooms you need is worked out, the next step is to look at the LHA 'area' which is called a broad rental market area (BRMA).

What's the broad rental market area?

The Valuation Office Agency (VOA) has reviewed all areas of the UK containing privately rented accommodation and has set these areas depending on their access to services, transport and schools etc.

These are called broad rental market areas (BRMA). Each area will have a set of LHA rates for different sized accommodation including shared

Example of BRMAs and the LHA categories that the VOA sets.

Number of bedrooms	VOA category	BMRA1	BMRA2	BMRA3	BMRA4
Shared accommodation	A	<p>You will be able to access this information through your council website, or phone us on the numbers which follow later in this booklet.</p> <p>The VOA website will also have an online calculator and maps available to help you decide how much you might be entitled to for an area you live in or want to live in.</p>			
1 bedroom, self contained	B				
2 bedrooms	C				
3 bedrooms	D				
4 bedrooms	E				

accommodation. An example of the way this looks is shown opposite. You will be able to see the areas covered by your local authority by accessing the council's website.

Each district will have different numbers of broad rental market areas due to their locality and size. Some districts in Nottinghamshire could have up to four of these rental areas. Each area will have its own set of LHA rates.

When you apply for housing benefit

Each month the VOA will publish figures for each category (number of bedrooms) and rental area.

The amount used in your benefit calculation will be fixed for a period of 12 months, unless there is a change in circumstances which would affect the number of bedrooms you need or the area you live in. It would still be based on the fixed LHA rate even if your rent increases during the 12 month period.

To work out a claim, the council still needs to collect the same

information and evidence as before for rent, capital and income. This has not changed. The LHA rate is used in the calculation of entitlement in the same way as before, so your income level could affect the amount you are entitled to.

There will be no right of appeal against the LHA rates provided by the VOA but a tenant would still be able to appeal to the council, as usual, about the level of benefits awarded.

The way we pay your allowance in future

Under the old rent allowance rules we could pay housing benefit either to the claimant or direct to the landlord or someone else. Under the new rules we will pay the LHA directly to the claimant who will be responsible for paying the rent themselves.

However, there may be occasions where it would be more appropriate to make the LHA payments direct to the landlord. This will be looked at on an individual claim basis by the council and applies to tenants who

think they may have difficulties paying the rent themselves.

Will I need a bank account?

It would be better if we could pay your LHA directly into a bank account, not by cheque. Receiving your LHA this way means you can:

- get your money quicker, with funds clearing straight away
- get your money at cash machines, your bank branch, the post office and at supermarkets which offer cashback facilities
- set up a standing order from your account to pay your rent to the landlord

in addition

- your money is safer, as cheques can go missing or be stolen
- no more queuing up to cash a cheque or to pay it into your bank. Sooner or later, cheques will be phased out
- it's cheaper for the council to pay direct to a bank

The council will ask you for your bank account number and sort code. All details are kept strictly confidential and secure and won't be used for any other purpose.

Where can I get more information?

You can visit the council's website www.newark-sherwooddc.gov.uk for more information.

You can also call into one of our offices and speak to an adviser.

Alternatively you can get more information of LHA rates and the BRMAs from the VOA website www.lha-direct.voa.gov.uk

Housing benefit, a guide for landlords

What are housing benefit and council tax benefit?

Housing benefit and council tax benefit are national welfare benefits which help people on low income pay rent or council tax, or both, on the home they live in.

Local councils run the schemes using regulations set out by the Government.

Housing benefit and council tax benefit are means-tested benefits. This means that the amount people get depends on:

- their income
- their savings
- the size and condition of their home
- their rent
- who lives with them.

To get housing benefit or council tax benefit, tenants must fill in a benefit claim form.

Who can claim housing benefit?

Anyone who pays rent for the home they live in can claim. But not everyone who pays rent will qualify.

Tenants may not qualify if:

- their income is too high
- they live with, and pay rent, to a close relative
- they used to live with the landlord as a family member, relative or friend, and now pay that person rent

- they are a member of a religious order
- they live in a care home such as nursing or old people's home
- it is not a business arrangement
- they rent a former joint home from their ex-partner
- they are responsible for a child of their landlord
- they rent their property from a company, and they are a director or employee of that company
- they rent from a trust and they are the trustee or a beneficiary
- they used to own the property which they now rent
- they live in the home as part of their job
- they are students. Most students don't qualify but some do, so please ask us.

If your tenant is not sure if they qualify, get them to fill in a form and return it to us straightaway.

We will write to tell them whether we can pay benefit.

Please note

- You or your tenant should not assume that benefit will be paid, or how much will be paid, until we tell them in writing.

Who must pay council tax?

An owner-occupier or tenant aged 18 or over living in the property is usually responsible for paying the council tax.

In certain circumstances, owners who do not live in the property must pay the council tax. The most common example of this is a house in multiple occupation (HMO).

What is an HMO (house in multiple occupation)?

An HMO is where:

- a tenant or tenants rent a room in the property and share facilities, for example a bathroom or kitchen (or both)
- each has a separate tenancy agreement with only their name on it.

Generally, this is an HMO and the landlord or owner is responsible for paying council tax.

Do students have to pay council tax?

If all the tenants are full-time students in further or higher education, the property will be exempt from council tax during term time, even if it is an HMO.

Courses must be for at least one academic year, and periods of study, tuition or work experience must be at least 21 hours a week.

All the students must provide a student certificate from their college for the exemption to apply.

What about joint tenants?

If a property is rented out to more than one person and is not classed as an HMO, the tenants are responsible for paying the council tax.

If you rent out a joint tenancy like this, there should usually only be one tenancy agreement. It should show all the tenants' names and should have only one rent charge.

If you have any questions about council tax, please contact us.

How much housing benefit can be paid?

This depends on things like:

- how much income a tenant and their family has
- how much rent the Valuation Office Agency says we can use in our calculation.

What is 'eligible rent'?

'Eligible rent' is the rent we use to work out your tenant's housing benefit.

Eligible rent is not always the same as the rent being charged for the following reasons.

- Housing benefit does not cover some service charges like heating, water or meals, so we cannot include those in the rent.
- We must base housing benefit on a rent level set by the Valuation Office Agency (a government agency independent of local authorities), not on the rent you

charge your tenant.

- You can't appeal about the figures the Valuation Office Agency sets for us to work out your tenant's benefit.
- We must usually limit benefit for single people under 25, without children, to a 'single-room rent' set by the Valuation Office Agency.

Housing benefit is not always the same as the 'eligible rent'.

Once we have the eligible rent, we then have to take off certain amounts because of the tenant's income, or because they have other adults living with them - for example, an adult son or daughter, other relative or friend.

If housing benefit does not cover the full rent, the tenant is responsible for paying any difference to the landlord.

Tenants are also responsible for paying rent for any periods not covered by housing benefit.

How does my tenant make a claim for benefit?

Tenants must fill in and sign a benefit claim form. We also ask the tenant's partner to sign the form.

If someone helps your tenant to fill the form in, we ask them to sign it too.

Your tenant must show us some documents. Please see the section below called 'What documents can you accept?'. Your tenant can speed things up by sending us these in with their claim.

What documents can you accept?

Your tenant and their partner must each provide separate proof of their identity and National Insurance number because the law says we must see these before we can deal with a claim.

We will tell your tenant what they need to provide as proof, and we usually need to see original documents.

However, no one should delay a claim because they do not have these documents. They should send their application in straightaway and tell us that they will send us the documents later.

What proof of rent do you need?

We need proof of the rent the tenant has to pay. This is usually a tenancy agreement, which must include:

- the full name and home or business address of the landlord
- the full name and home or business address of any agent
- the date the tenancy will start
- the full address of the property they are renting
- the amount charged
- the landlord's or agent's signature
- the tenants' signatures
- the date the document was signed
- what is included in the rent, for example, meals, gas, electricity and water rates

- the amount included for these services
- the full names of those renting the property
- how often the rent is payable - usually every week, four weeks or month
- how long the tenancy will last for

When is benefit paid?

We pay benefit in weeks, and a benefit week usually starts on a Monday and ends on a Sunday. We usually pay benefit from the Monday after we get the claim.

If we get a claim in the same benefit week as the tenancy starts, we will pay benefit from the start of the tenancy unless we have paid benefit at a previous address.

Sometimes we can pay benefit for an earlier period. This is called 'backdating' benefit, and strict rules apply. For more information see the section backdated benefits.

What if my tenant's circumstances change?

You, or your tenant, must tell us straightaway, in writing, of any changes that may affect benefit.

If you or your tenant are not sure what to report, tell us anyway. We will let you or your tenant know if it affects benefit.

What should a tenant do if they change address?

If a tenant leaves your property, their benefit will end even if you are still charging them rent. The tenant is responsible for any rent due after benefit ends.

You or your tenant should tell us straightaway if they are moving out.

If a tenant changes rooms in a house in multiple occupation, or board and lodge accommodation, you or your tenant must tell us in writing straightaway and your tenant must send us a new claim form.

What information can you give the landlord?

We can't tell you anything if we pay housing benefit direct to your tenant.

All details about your tenant's claim are confidential. We cannot give them to anyone without the tenant's permission, in writing.

We cannot even confirm that a claim has been made.

If we pay housing benefit to you direct, we can tell you:

- the date benefit started and ended
- the weekly amount of benefit and how often it was paid
- the amount we are taking directly from benefit to recover an overpayment
- details of any payments paid directly to you.

If we start or stop paying you direct, we will write to you to tell you.

It is up to you to collect any difference between the benefit we pay and the rent that is due.

What could delay benefit being paid?

There are various things that could delay benefit being paid.

For example, if:

- we have not received a claim
- the tenant hasn't filled the form in properly
- we haven't got all the proof we've asked for
- we need to make further enquiries.

Please note that the tenant is solely responsible for supplying proof of identity, income, rent and so on.

What are the general rules on payments?

Payments are usually made every four weeks, for the previous four weeks, by BACS.

The Housing Benefit Regulations say that if a tenant has not paid you eight weeks' rent or more, we must:

- pay the landlord direct
- suspend payment altogether, if it is in the best interests of the person claiming not to pay the landlord direct.

Please write and tell us as soon as your tenant owes you eight weeks' rent or more.

Your tenant can ask us to stop paying you direct. We will write and tell you if this happens.

If we pay you direct because your tenant owes rent, we can only start paying the tenant instead if we are satisfied that they owe you less than eight weeks' rent.

We will not pay you direct if we decide that you are not acting correctly over benefit matters.

If we pay you direct, we can ask you to repay any overpayment.

If the overpayment was because of a change in the tenant's income or family, we may ask the tenant rather than you to repay it.

If you think your tenant is making a

fraudulent claim for benefit, please tell us straightaway. We would not normally expect you to pay back the overpayment.

We do not assume any of the tenant's responsibilities by agreeing to pay housing benefit directly to you.

You must write to tell us immediately if the tenant moves out, or to tell us any other information that may affect their benefit.

If you have several tenants on benefit, we will combine all the payments in one payment.

We include a list of payment details with every payment.

What if there has been an overpayment of benefit?

If we find we have paid too much benefit, we can ask you or your tenant to pay it back.

How can you recover the overpayment?

The main ways are by:

- taking money from the ongoing benefit of the person claiming
- taking money from other benefit that is due to the tenant
- taking money from your payments for other tenants
- sending a bill.
- By taking money from ongoing benefit

If a tenant's circumstances change and there is an overpayment, we often take the money back by weekly deductions from their continuing benefit, even if they live at an address that is different from where the overpayment happened.

The tenant should pay the difference in the rent that is due direct to you.

By sending a bill

We can send a bill to recover:

- an overpayment from a tenant who is no longer on benefit
- payments from landlords when, for example, you have been paid after your tenant has moved out

If we send you a bill you disagree with, get in touch with us straightaway.

As a landlord, you have the right to appeal against our decision to recover an overpayment from you.

If you don't repay overpayments when we ask you to, we can take the money out of benefit we're due to pay you for other tenants. We may decide not to pay you at all.

What if I or my tenant do not agree with your decision - can we appeal?

That depends. As a landlord, you have fewer appeal rights than a tenant.

Appeals by tenants

Your tenant can appeal against any decision we have made about their benefit claim.

We tell them their appeal rights and the time limits on the decision letters we send out.

They have one month from the date of the decision letter in which to ask us to reconsider our decision. There are full details in the section ‘If you think the decision about your housing or council tax benefit is wrong’.

If the tenant appeals, they must sign all the letters.

Landlords have no right to appeal against a tenant’s claim and the details are confidential. We cannot give you any details.

Appeals by landlords

Landlords can only appeal against our decision if:

- we refuse to pay benefit direct
- we decide they should repay an overpayment.

Landlords can’t appeal about the amount of a tenant’s benefit, or which weeks it’s been awarded for.

Where can I or my tenant get help?

You can always contact us for help and advice. Or, you could contact your local Citizens Advice Bureau.

Benefits office opening hours

Monday – Thursday

8.45am-5.15pm

Friday

8.45am-4.45pm

The office is closed on the third
Wednesday of every month
from 2pm to 4.30pm

Benefits Section

Newark and Sherwood District Council
Kelham Hall
Kelham, Newark
Notts.
NG23 5QX

www.newark-sherwooddc.gov.uk/benefits

Telephone
01636 650000

For independent advice contact

Ollerton & District Citizens Advice Bureau

5 Forest Court, New Ollerton
Newark, Notts.
NG22 9PL
01623 861808

Citizens Advice Bureau

2 Castlegate
Newark, Notts
NG24 1AX
01636 704391

FRAUDLINE

Do you know someone who is falsely
claiming benefit?

Call the fraudline on 01636 655346