

## **Discretionary awards (DA) for council tax reduction**

### **Officer guidelines**

#### **Background**

From April 2013 all local authorities are required to operate a local scheme to provide council tax reductions. This scheme replaces council tax benefit that ends on the 31st March 2013. The scheme agreed for Wycombe District Council will mean that some applicants will get less support than they did under the council tax benefit scheme.

A discretionary award (DA) is only available to customers who are in receipt of council tax reduction (persons in receipt of council tax discounts and exemptions only cannot claim a DA), particularly those facing **extreme** hardship in transition to the new scheme. These guidelines explain what factors will be taken into account when considering claims for a discretionary award.

The main features of the scheme are:

- It is purely discretionary; an applicant does not have a statutory right to an award;
- The total amount that can be paid out in any financial year is cash-limited;

#### **Purpose**

The purpose of these guidelines protocol is to specify how Wycombe District Council's council tax reduction service operates the scheme and to indicate some of the factors that will be considered when deciding if a discretionary award can be made. Each case is treated strictly on its merits and all customers will be treated equally and fairly when the scheme is administered.

The council tax reduction service is committed to working with the local voluntary sector, social landlords and other interested parties in the district to maximise entitlement to all available state benefits and this will be reflected in the administration of the discretionary scheme.

Where the evidence provided indicates that an applicant is not claiming another state benefit that they may be entitled to, the council tax reduction service will advise them to make such a claim and provide details of other agencies in the district that may be able to help them with such a claim.

## **Statement of objectives**

The council tax reduction service will consider making a DA to applicants who meet the qualifying criteria as specified in this policy. All applications will be considered on their individual merits and through the operation of these guidelines the service aims to:

- Alleviate poverty;
- Encourage and sustain people in employment;
- Sustain tenancies and prevent homelessness;
- Safeguard residents in their own homes;
- Help those who are trying to help themselves;
- Keep families together;
- Reduce the number of vulnerable people in the local community;
- Help applicants through personal and difficult events; or
- Help young people in the transition to adult life

Discretionary awards should be seen as a short-term emergency fund. It is not and should not be considered as a way around any current or future entitlement restrictions set out within the Council's council tax reduction scheme, and cannot be used to offset court costs.

## **Claiming a DA**

A claim for a DA must be made in writing/email. Claims may be accepted from someone acting on behalf of the person concerned where written authorisation for that person to act on behalf of the applicant is held.

If a DA is made it will normally start from the Monday following receipt of a completed application.

If the applicant is asked to provide any additional supporting evidence, this must be supplied within one month of such a request although this may be extended in appropriate circumstances.

If the applicant is unable to or does not provide the required evidence, the application will still be considered, taking into account any other available evidence including that held on file. The council tax reduction service reserves the right to verify any information or evidence provided by the applicant in appropriate circumstances.

## **The amount of the discretionary award**

Discretionary awards will be shown as a lump sum reduction on the council tax bill. The amount of the award will be assessed on a case-by-case basis, based on all evidence provided.

## Awarding a DA

In deciding whether to award a DA, the following will be taken into account:

- DA must not exceed the shortfall between CTR and the council tax charge;
- The medical circumstances (including ill health and disabilities) of the applicant, their partner and any dependants and any other occupants of the applicant's home;
- The income and expenditure of the applicant and their partner;
- Whether the applicant has lost income due to any other welfare cuts in the current financial year;
- Any savings or capital that might be held by the applicant or their family;
- The level of debt of the applicant and their family;
- The exceptional nature of the applicant and their family's circumstances;
- The amount available in the DA budget at the time of the application;
- The possible impact on the council of not making such an award, e.g. the pressure on priority homeless accommodation;
- DA can only be considered for a period where council tax reduction is awarded;
- All other council tax reliefs/discounts (such as single person discount) should be claimed and applied **before** DA is awarded;
- Any other special circumstances provided by the applicant.

The amount awarded will be based on all of the above circumstances. The award of a DA does not guarantee that a further award will be made at a later date even if the applicant's circumstances have not changed.

## Changes of Circumstance

The council tax reduction service may revise an award of a DA where the applicant's circumstances have materially changed, or where facts become known after the award, which were not provided when the application was first made.

## Notification

The applicant will be informed in writing/email of the outcome of their application within 14 days of receipt of the claim and supporting information. Where the application is unsuccessful, the reasons will be explained, together with the right of review.

## **The right to seek a review**

The Council has set up its own review process to cover a refusal to award a DA, a decision to award a reduced amount of DA, and the effective date of the award or a decision that there has been an overpayment of a DA.

1. An applicant (or someone acting on their behalf) who disagrees with a DA decision may dispute the decision. A request for a review shall be delivered in writing/email to the council tax reduction service within one calendar month of the written decision.
2. The decision will be reviewed by an independent officer within 14 days or as soon as practicable thereafter.
3. The applicant will be notified in writing of the outcome of the review setting out the reasons for their decision. This decision will be final. If the applicant feels that the authority has failed to deal with their application properly, they may make a complaint to the local government ombudsman. Decisions which have been properly made according to the Council's procedure will not be overturned unless the decision making process was faulty.
4. Unless a change in circumstances has occurred, the officer dealing with the review may not recommend a reduction in an award already notified.

## **Overpayments**

The revenues and benefits service will recover any DA found to be overpaid by issuing a revised council tax bill.

## **Publicity**

A copy of these guidelines will be posted on the Wycombe DC website ([www.wycombe.gov.uk/benefits](http://www.wycombe.gov.uk/benefits)).

## **Fraud**

The council tax reduction service is committed to the fight against fraud in all its forms. An applicant who tries to fraudulently claim a DA by falsely declaring their circumstances, providing a false statement or evidence in support of their application, may have committed an offence under the Theft Act 1968 &/or the Fraud Act 2006. Where it is suspected that such a fraud may have occurred, the matter will be investigated as appropriate and this may lead to criminal proceedings being instigated.