



Council Tax Support

Exceptional Hardship Policy

Care Leavers Discount

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1. Introduction

Torrige District Council recognises that young people's transition out of care and into adulthood can be a challenging time for care leavers.

As they move into independent accommodation, managing money for the first time, without the support from family, leaves care leavers at real risk of falling into debt.

The Council wants to support care leavers **up to the age of 25**, by granting a discretionary reduction of up to 100% of the Council Tax liability.

This means that Torrige District Council will be providing financial support to care leavers whilst they develop independent lives and life skills; the Policy is effective from 01st October 2023.

Assistance will only be provided to care leavers who reside within the Torrige District Council area and who are or have been funded by Devon County Council.

This policy, as a subsidiary of the Exceptional Hardship Policy, outlines the approach agreed by the Council to support certain care leavers with their liability for Council Tax.

2. Legislation

The Local Government Finance Act 2012 amends Section 13A of the Local Government Finance Act 1992 and sets out the requirement for Councils to develop and adopt a localised Council Tax Support Scheme. This Council Tax Care Leavers Discount Scheme forms part of the Exceptional Hardship Fund Policy.

The Council has the ability to reduce liability for Council Tax in relation to individual cases or class(es) of cases that it may determine where national discounts and exemptions cannot be applied.

This is a general power which is available to the Council.

3. Definition of a care leaver for the purposes of this scheme

The term 'care leaver' is defined in The Children (Care Leavers) Act 2000 and refers to eligible, relevant and former relevant children:

- the person is someone for whom Devon County Council has acted previously as a corporate parent;
- relevant children are those young people aged 16 and 17 who have already left care and who were 'looked after' for at least 13 weeks from the age of 14 and have been 'looked after' at some time when they were 16 or 17; and
- former relevant children are those young people aged 18, 19 or 20 who have been eligible and/or relevant.

Care leavers can also be classified as a 'qualifying' care leaver. This category applies to young people who:

- (a) left care after 01st October 2001, after they had turned 16, but who are not 'eligible' or 'relevant' because they did not fulfil the 13-week criteria;

- (b) were accommodated, but in residential education, mental/health provision, private fostering or Special Guardianship; or
- (c) for the purposes of this policy 'qualifying care leavers' will be treated in the same way as 'care leavers'

Additionally former care leavers born before 2001 will be designated as a qualifying care leaver for the purposes of this policy.

The Council will only consider a reduction in liability where it receives confirmation that the applicant is a Devon County Council former Relevant Child. The confirmation **must** be received from Devon County Council's Children's Health and Wellbeing team.

4. Care Leavers discounts

Any reduction in liability will only be applied after the entitlement to other national discounts or reductions have been applied and will only apply to council tax liabilities within the Torridge District Council area.

Any reduction will only be considered by the Revenues and Benefits Service from 01st October 2023.

The discount will apply up to and including the day before the care leavers 25th birthday, or the day the care leaver ceases to become responsible for Council Tax, whichever date occurs first.

The Revenues and Benefits Service shall operate the Scheme as follows:

Part 1

This applies to the following:

- (a) care leavers who are sole occupants of a dwelling and who have a liability for council tax; or
- (b) dwellings that are solely occupied by care leavers, where one or more of the residents are liable for council tax

The Revenues and Benefits Service will reduce the amount of Council Tax payable to nil, after the application of all other discounts or reductions, where a care leaver, as defined in this policy, is **solely liable** for Council Tax, or any other adult residents in the dwelling also meet the definition of care leaver.

Part 2

This applies to the following:

- (a) care leavers who are jointly and severally liable with one or more other liable person(s) who is/are not a care leaver

The Revenues and Benefits Service will reduce the amount of Council tax payable where there is a shared liability, where one or more of the liable person(s) is not a care leaver. However, the discount will only be applied, after the application of all other discounts and reductions, to cover the share that the care leaver would be liable for.

5. Exclusions

A reduction will only apply where the property is occupied. No reduction will apply where premises are no one's sole or main residence or where the premises is defined as a second home.

Where the care leaver is liable for more than one property, the reduction will only be awarded in respect of the dwelling which is deemed to be their sole or main residence, if this property is within the Torridge District Council area.

Where a care leaver lives in a household and the dwelling would be deemed exempt from Council Tax if the care leaver did not reside at the property, a 100% reduction will be awarded.

No reduction will be granted where the care leaver resides in a House in Multiple Occupation (HMO), or where the care leaver resides in a property for which they are not liable for Council Tax.

6. Making a claim

Devon County Council's Children's Health and Wellbeing team will periodically provide data to the Revenues and Benefits team detailing Care Leaver Data.

However, a care leaver must make a claim for a Care Leaver Discount by completing an Exceptional Hardship Fund application and submitting the form to Torridge District Council. The application form can be obtained on-line, on the website, via the telephone, or in person at the Council office.

Customers can get assistance with the completion of the form from the Revenues and Benefits Service, Customer Services or Housing Services at the Council.

The application form must be fully completed and all supporting information or evidence provided, as reasonably requested by the Council. This must include evidence from Devon County Council of their Care Leaver status.

In most cases the person who claims the Exceptional Hardship Fund (Care Leavers Discount) award will be the person liable for Council Tax. However, a claim can be accepted from someone acting on another's behalf, such as an appointee, if it is considered reasonable.

7. Change of circumstances

The Revenues and Benefits Service may revise any reduction granted under the Care Leavers Discount Policy where the customer's and/or household circumstances have changed which either increases or reduces their council tax liability.

8. Effective date

The effective date of this policy shall be 01st October 2023. Any care leaver meeting the criteria and who is liable for Council Tax with effect from 01st October 2023 shall have the reduction applied from that date, following completion of the relevant application form.

9. Amount and duration of a reduction in liability

Both the amount and duration of the reduction are at the discretion of the Revenues and Benefits Service and the reduction will be awarded on the basis of the evidence supplied and the circumstances of the individual.

Reductions can only be considered from 01st October 2023, up to the day before the care leavers 25th birthday or the day the care leaver ceases to become responsible for Council Tax, whichever date occurs first.

10. Payment of reduction

Any reduction awarded under this Policy will be made directly onto the Care Leaver's Council Tax account, thus reducing the amount of Council Tax payable.

11. Overpayments

Overpaid reductions will generally be recovered directly from the customers council tax account, thus increasing the amount of Council Tax due and payable

Overpayments may occur as a result of the subsequent application of a national discount or reduction or any adjustment in banding by the Valuation Office Agency.

Changes in circumstances that subsequently negate the need for a reduction in liability under this policy will be recovered by the Council. Where this occurs, the Council shall notify the taxpayer accordingly.

12. Notification

The Council will issue a written decision either by a letter or by a revised demand notice, to the applicant within one month of receiving sufficient information to make a decision, or as soon as practicable thereafter.

13. Review of decisions

If the applicant is dissatisfied with the decision, they can ask for a review. Any request for a review must be made, in writing or by e-mail, within one calendar month of the date of the decision letter/revised demand notice, stating the reason for their review and providing additional evidence to support their request, if applicable.

A relevant officer of the Council shall undertake the review and will respond, in writing, within two calendar months of receipt of the request.

14. Misrepresentation

The Revenues and Benefits Service is committed to protect public funds and ensure discounts are awarded to the people who are rightfully eligible to them.

A customer who tries to fraudulently claim a discount by falsely declaring their circumstances, providing a false statement or evidence in support of their application, may have committed an offence under The Fraud Act 2006.

Where the Revenues and Benefits Service suspects that such a fraud may have been committed, this matter will be investigated as appropriate and may lead to criminal proceedings being instigated.

15. Delegated Powers

The Care Leavers Discount Policy has been approved by the Council. However, the Revenues and Benefits Manager is authorised to make technical amendments to ensure the policy meets the criteria set by the Council.

16. Policy Review

This policy will be reviewed at least every 3 years and updated as appropriate to ensure it remains fit for purpose. However, the review may take place sooner should there be any significant changes in legislation.