



Council Tax Support

Exceptional Hardship Policy

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1. Introduction

The Exceptional Hardship Fund (EHF) has been set up by Torridge District Council to cover the shortfall between Council Tax liability and payments of Council Tax Support.

Every customer who is entitled to Council Tax Support and has a shortfall is entitled to make a claim for help from the Fund.

The main features of the Fund are that:

- Exceptional Hardship Fund awards are discretionary;
- Customers do not have a statutory right to an award;
- The Exceptional Hardship Fund Policy is held within the main Council Tax Support Scheme;
- Exceptional Hardship Fund awards are not a payment of the main Council Tax Support scheme;
- The Revenues and Benefits Service, in conjunction with the Services' Lead Member, decides how the Fund is administered;
- Council Tax Support must be in payment in the week in which an Exceptional Hardship Fund award is made (unless you are a care leaver, see Care Leavers Discount Policy);
- Torridge District Council may decide that a backdated Exceptional Hardship award is appropriate; which could then settle council tax arrears. This would be the only circumstance where the Exceptional Hardship Fund could be used to facilitate payment of Council Tax arrears.

In addition to this fund there is a Discretionary Housing Payments scheme which covers the shortfall between rent and Housing Benefit or housing costs within Universal Credit.

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 Exceptional Hardship Fund Policy forms part of this Scheme.

3. Exceptional Hardship Fund and Equalities

The creation of an Exceptional Hardship Fund meets Torridge District Council's obligations under the Equalities Act.

The Government has been clear that, in developing a local Council Tax Support Scheme, vulnerable groups should be protected. Other than statutory protection for low income pensioners the Government has not prescribed the other groups that local Councils should support.

We recognise the importance of protecting our most vulnerable customers and the impact these changes have. We have created an Exceptional Hardship Fund to ensure that we protect and support those most in need. An additional Policy has been created which relates specifically to Care Leavers.

The Exceptional Hardship Fund is intended to help in cases of extreme financial hardship and not support a lifestyle.

4. Purpose of this Policy

The purpose of this policy is to specify how Torridge District Council's Revenues and Benefits Service, in conjunction with the Services' Lead Member, will operate the scheme, and to indicate some of the factors which will be considered when deciding if an Exceptional Hardship Fund payment can be made.

Each case will be treated on its own merits and all customers will be treated fairly and equally in the accessibility to the Fund and the decisions made with applications.

Where a customer is not claiming a Council Tax discount or exemption to which they may be entitled; a welfare benefit or additional financial assistance, they will be advised, and where necessary assisted, in making a claim to maximise their income, before their claim for Exceptional Hardship Funds will be decided.

5. Care Leavers

Care Leavers who reside in the Torridge District Council area, who are or have been funded by Devon County Council and are under 25 years of age, can apply for assistance from the Exceptional Hardship Fund, Care Leavers Discount.

A separate Care Leaver Discount Policy has been produced and should be referred to for the qualifying criteria.

6. Statement of objectives

The Revenues and Benefits Service, in conjunction with the Services' Lead Member, will seek through the operation of this policy to:

- Allow a short period of time for someone to adjust to unforeseen short-term circumstances and to enable them to "bridge the gap" during this time;
- Support people in managing their finances;
- Help customers through personal crises and difficult events that affect their finances;
- Aim to help prevent exceptional hardship;
- Support vulnerable young people in the transition to adult life;
- Help those who are trying to help themselves financially;
- Help to alleviate poverty;
- Help to sustain tenancies and assist with the prevention of homelessness;
- Keep families together;
- Encourage and support people to obtain and sustain employment;
- Give support to those who are financially vulnerable.

The Exceptional Hardship Fund is a short-term emergency fund, awarded whilst the customer seeks alternative solutions.

It cannot be awarded for the following circumstances:

- Where full Council Tax liability is being met by Council Tax Support;
- For any other reason, other than to reduce Council Tax liability;
- Where the Council considers that there are unnecessary expenses/debts etc which the customer has not taken reasonable steps to reduce;
- To reduce any Council Tax Support recoverable overpayment;
- To cover previous years Council Tax arrears;
- Where there is a shortfall caused by a Department for Work and Pensions sanction or suspension being applied because the customer has turned down work/interview/training opportunities etc.;
- When Council Tax Support is suspended.

7. Awarding an Exceptional Hardship Fund payment

The Revenues and Benefits Service, in conjunction with the Services' Lead Member, will decide whether or not to make an Exceptional Hardship Fund award, and how much any award might be.

When making this decision consideration will be given to:

- The shortfall between Council Tax Support and Council Tax liability;
- The steps taken by the customer to reduce their Council Tax liability;
- Changing payment methods, reprofiling Council Tax instalments or setting alternative payment arrangements in order to make them affordable;
- Ensure all discounts, exemptions and reductions are granted;
- Steps taken by the customer to establish whether they are entitled to other welfare benefits;
- Steps taken by the customer in considering and identifying where possible the most economical tariffs for supply of utilities;
- Whether a Discretionary Housing Payment has already been awarded to meet a shortfall in rent;
- The personal circumstances, age and medical circumstances (including ill health and disabilities) of the customer, their partner and any dependants and any other occupants of the customer's home;
- The difficulty experienced by the customer, which prohibits them from being able to meet their Council Tax liability, and the length of time this difficulty will exist;
- Shortfalls due to non-dependant deductions;
- The income and expenditure of the customer, their partner, any dependants or other occupants of the customer's home;
- How deemed reasonable expenditure exceeds income;
- That all income may be taken into account, including those which are disregarded when calculating Council Tax Support;
- Any savings or capital that might be held by the customer and their partner;
- Other debts outstanding for the customer and their partner;
- Whether the customer has already accessed or is engaging for assistance with budgeting and financial/debt management advice. An Exceptional Hardship Fund award may not be made until the customer has accepted assistance either from the Council or third party, such as the Citizens Advice or similar organisations, to enable them to manage their finances more effectively, including the termination of non-essential expenditure;
- The exceptional nature of the customer and/or their family's circumstances that impact on finances;
- The length of time they have lived in the property;

The list is not exhaustive and other relevant factors and special circumstances will be considered.

An award from the Exceptional Hardship Fund does not guarantee that a further award will be made at a later date, even if the customer's circumstances have not changed.

An Exceptional Hardship Fund award may be less than the difference between the Council Tax liability and the amount of Council Tax Support paid.

8. Making a claim

A customer must make a claim for an Exceptional Hardship Fund award by submitting an application 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.

In most cases the person who claims the Exceptional Hardship Fund award will be the person entitled to Council Tax Support. However, a claim can be accepted from someone acting on another's behalf, such as an appointee, if it is considered reasonable.

9. Change of circumstances

The Revenues and Benefits Service, in conjunction with the Services' Lead Member, may revise an award from the Exceptional Hardship Fund where the customer's circumstances have changed which either increases or reduces their Council Tax Support entitlement.

10. Duties of the customer

A person claiming an Exceptional Hardship Fund payment is required to:

- Give the Council such information as it may require to make a decision;
- Tell the Council of any changes in circumstances that may be relevant to their ongoing claim;
- Give the Council such other information as it may require in connection with their claim.

11. Amount and duration of award

Both the amount and duration of the award are determined at the discretion of the Revenues and Benefits Service and will be done so based on evidence supplied and the circumstances of the claim.

- The start date will usually be the Monday after the written claim for an Exceptional Hardship Fund award is received by the Revenues and Benefits Service, although in some cases it may be possible to backdate this award, based upon individual circumstances of each case.
- The Exceptional Hardship Fund will normally be awarded for a minimum of one week.
- The maximum length of the award will not exceed the end of the financial year in which the award is given.

12. Payment of award

Any Exceptional Hardship Fund award will be made directly onto the customer's Council Tax account, thus reducing the amount of Council Tax payable.

13. Overpayments

Overpaid Exceptional Hardship Fund awards will generally be recovered directly from the customers council tax account, thus increasing the amount of Council Tax due and payable.

14. 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.

15. 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.

16. Misrepresentation

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

A customer who tries to fraudulently claim an Exceptional Hardship Fund award 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.

17. Delegated Powers

The Exceptional Hardship Fund 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.

18. 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.