



SELF HELP BOOKLET

CAN I CLAIM HOUSING BENEFIT?

Eildon Housing Association

October 2008

You can contact our Welfare Benefits Officer or your Housing Officer at one of our area offices:

125 High Street
Galashiels
TD1 1RZ
Tel. 01896 755700

9a Bridgegate
Peebles
EH45 8RZ
Tel. 01721 729500

Eildon House
Dingleton Rd
Melrose
TD6 9QY
Tel 01896 822121

Or email

benefitenquiries@eildon.org.uk

enquiries@eildon.org.uk

housing@eildon.org.uk

CONTACTS

You can contact our Welfare Benefits Officer or your Housing Officer at our area offices:

The Weaving Shed
Dunsdale Road
Selkirk
TD7 5EB
Tel: 0845 604 3733

You can also contact the Welfare Rights Service at Scottish Borders Council (Tel 01896 848351) for advice

Citizens Advice Bureaux

111 High St, Galashiels	01896 753889
42 Old Town, Peebles	01721 721722
Community Centre, Albert Rd, Eyemouth	018907 50500
1Towersdyke, Hawick	01450 374266
20 Shedden Park Rd, Kelso	01573 223516
Veitch's Close, Castlegate, Jedburgh	01835 863554
Southfield Community Centre, Station Rd, Duns	01361 883340

If you are having any problems paying your rent you must contact your Housing Officer.

It is your responsibility to provide Scottish Borders Council with all the information they require.

Failure to do this may result in benefit not being paid—you are liable for any arrears that result.

But a payment can be made if you have been awarded less Housing Benefit because you have a non-dependent deduction (see page 19) or if you have other financial commitments that limit your ability to pay your rent or Council Tax.

How to Apply

You will need to speak to Scottish Borders Council to find out how to apply, making it clear you want to apply for a Discretionary Housing Payment.

What happens next?

Scottish Borders Council will notify you in writing of their decision along with their reasons. If you are awarded a payment from this fund and any of your circumstances change, you must notify Scottish Borders Council of these changes and provide any information they require.

Can I appeal?

Discretionary Housing Payments are not classed as Housing or Council Tax Benefits so the same appeal rules do not apply. You do have the right to ask them to look again at their decision if you are unhappy.

How will it affect my other benefits?

Because a Discretionary Housing Payment does not count as benefit, it will be ignored in the assessment of income-related benefits such as Income Support, Jobseeker's Allowance, Housing Benefit and Council Tax Benefits.

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RENTAL RESPONSIBILITY

One of the conditions of your tenancy is that you pay your rent, monthly in advance. Housing Benefit may help you fulfil this responsibility but ultimately it is down to you to get all your rent paid.

Depending on your circumstances, Housing Benefit may help you with all or just some of your rent. It is up to you to pay any amount that Housing Benefit does not.

This leaflet explains how Housing Benefit can help you pay your rent.

Any problems with your Housing Benefit claim will be your responsibility to sort out. One of the commonest problems is simply that the Council's Housing Benefit team have not received all the information they need.

ANY RENT ARREARS THAT BUILD UP AS A RESULT OF HOUSING BENEFIT BEING DELAYED OR NOT PAID AT ALL ARE YOUR RESPONSIBILITY.

WHAT IS HOUSING BENEFIT

Housing Benefit helps you pay your rent if you are on a low income and have savings of less than £16,000. (If you are aged 60 or over and receive the Guarantee Credit element of Pension Credits, your savings will be ignored.) It can help pay for both rent and some of the service charges included in your rent. If you are a sharing owner, you can also claim it for the rental liability of your monthly charges.

To get Housing Benefit you will normally need to make a claim on one of the Council's forms. When your benefit ends or you have a change in circumstances you will need to renew your claim – **it is therefore essential that you respond to any letters from the Council.**

The Housing Benefit scheme is run by local Councils. If you have any questions or any problems with your claim, you should contact Scottish Borders Council, Revenues and Benefits – tel: 01835 824000 and ask for your local office.

DISCRETIONARY HOUSING PAYMENTS

Do you need more help to pay your housing costs? For example, you may get some Housing Benefit but find it difficult to pay the rest of the rent yourself. If so, a fund administered by Scottish Borders Council may be available to help you. Scottish Borders Council will decide if they can give you more money to pay your rent and Council Tax from their Discretionary Housing Payment budget.

You can claim if:

- You are already getting some Housing or Council Tax Benefit but still have some housing costs to pay yourself, and
- You are a tenant or you own your home.

Scottish Borders Council will ask you to provide evidence of your circumstances. They have the discretion to decide the amount and how long the award is for.

What housing costs can be covered?

No payment will be made for housing costs such as:

- 'ineligible services' such as those for heating and hot water
- Water charges
- Extra charges you have to pay to reduce rent arrears
- Benefit reductions caused because of sanction by the Child Support Agency
- When Housing Benefit has been suspended
- Council Tax liability when you are entitled to Housing Benefit but not Council Tax Benefit
- Rent liability that can be met by Housing Benefit if you are entitled to Council Tax Benefit but not Housing Benefit.

BACKDATING OF HOUSING BENEFIT

Although there are strict time limits for Housing Benefit, if you feel you have been eligible for Housing Benefit but have failed to make a claim, it is possible to request up to a 12 months backdate of your claim up until 06/10/2008 and for 6 months from this date as long as you can prove 'good cause' for a late claim.

Seek advice as to what may be considered 'good cause', but examples include "you were unable to claim due to physical or mental ill health". You will need to supply supporting evidence.

Housing Benefit after an award of a qualifying benefit.

You might not be entitled to Housing Benefit currently but would qualify if you or a family member become entitled to another 'qualifying benefit' e.g. disability living allowance or carer's allowance. Make a claim immediately and request that SBC wait to make a decision on your claim until the award of the qualifying benefit is made. If they refuse please seek further advice. If you are currently getting Housing Benefit but at a lower rate, ask SBC to revise or supersede your award once the 'qualifying benefit' is in place.

If your request is refused you have a right to appeal (please see previous section).

WHAT HOUSING BENEFIT CANNOT HELP WITH

- Mortgage payments (but you may get Housing Costs through Income Support or Income-based Jobseeker's Allowance for these – contact your local Jobcentre Plus)
- Personal heating and hot water charges in your rent
- Water rates
- Service charges for things like personal laundry and household cleaning
- Charges for 'general counselling and support' such as Service Support Officer (warden) charges and emergency pull-cord alarms will be paid by the 'Supporting People' fund

HOW TO CLAIM HOUSING BENEFIT

Getting a form

You can get a claim form from the Council or Eildon Housing Association when you start your tenancy.

Not claiming Income Support (IB), Jobseekers Allowance (JSA) or Pension Credit

If you are not claiming Income Support, Income-based Jobseeker's Allowance or the Guarantee Credit element of Pension Credit and you become responsible for paying your rent, then you may wish to make a claim for Housing Benefit. You will need to complete a standard housing benefit claim form which you can get from Scottish Borders Council or Eildon Housing Association. When you have filled in this form, return it direct to Scottish Borders Council straight away.

Already claiming IS/IBJSA/GC?

If you are already getting Income Support, Income-based Jobseeker's Allowance or the Guarantee Credit element of Pension Credit and you move to a new address (*you must also remember to change your address details with any agency that pays your benefits such as the Pension Service. if you don't this could delay your Housing Benefit and you may lose out*) and pay rent there, then you will need to make a claim for Housing Benefit. If you have already been claiming Housing Benefit for your previous address, Scottish Borders Council may decide not to ask you to complete the full standard claim form. You will need to check with Scottish Borders Council what you must do.

Always ask for a receipt for any form you submit and keep it in a safe place.

Scottish Borders Council deals with Housing Benefit claims and all forms should be returned to them. Always get a receipt for any claim form you submit.

WHAT YOU MUST PROVIDE WITH THE FORM

Under Government guidelines (called the Verification Framework), when you make a claim for Housing Benefit you have to prove your identity and give Scottish Borders Council detailed information about your income, capital, household details and rent.

No benefit will be paid until you have given them all the information and proof they need.

To get your Housing Benefit, you will have to provide Scottish Borders Council with the following information, **as original documents NOT photocopies.**

If you appeal

If the Council's decision is not revised you can take the issue to Tribunal, run by the Appeals Service.

The Appeal Service is independent of Scottish Borders Council.

What is a Tribunal?

The Tribunal takes an independent look at the appeal
It is carried out by one legally qualified person
It can be attended by you or your representative or both
A decision will usually be made on the day

Scottish Borders Council will send you a copy of the relevant papers and a questionnaire to complete. You will be asked if you or your representative would like to attend or not. This is required so that a date for a hearing can be arranged.

You must return the questionnaire within 14 days or your appeal will be withdrawn.

The Appeal Service will notify you in writing at each stage of the tribunal process.

CAN SOMEONE APPEAL FOR ME?

For an appeal to be accepted it must come from the 'person directly affected' by the decision – this will be you if you are the claimant.

A representative can write the appeal on your behalf but you must make sure that you have signed it or have given written authorisation for that person to act on your behalf.

COUNCIL TAX BENEFIT

Your Housing Benefit claim also acts as a claim for Council Tax Benefit, so you will also receive a decision about any Council Tax Benefit you may be entitled to.

Again you should check the details of their decision and keep the council informed of any changes in your circumstances and household.

APPEALING AGAINST THE COUNCIL'S DECISION

When Scottish Borders Council makes a decision about your claim, they will inform you in writing.

If you are unhappy with the decision you can:

- Write to Scottish Borders Council asking for a written statement of the reasons the decision was made
- Ask Scottish Borders Council to explain or revise its decision
- Write to Scottish Borders Council to appeal against it. If you request an appeal, Scottish Borders Council can automatically revise their decision so this is the preferred option.

If you have asked Scottish Borders Council to revise their decision and they do not change their mind, you then have the option to appeal.

Time limits

You only have **one calendar month**, starting from the day after the date of the letter, to request a revision or appeal.

In certain circumstances a late revision or appeal may be accepted. If you request a statement of reasons, the time taken for Scottish Borders Council to reply to you is not included in the one-month time

List A: Proof of identity

Birth certificate

Driving licence

Passport – current and valid

Marriage certificate

Divorce papers

Most recent utility bill paid

Bank statement (covering last 4 weeks)

Home Office Letters

Letter from solicitor, social worker, probation officer, doctor or Inland Revenue

UK residence permit

List B: Proof of National Insurance Number

Various benefit books including State Retirement Pension, Income Support.

P45/60 – current employment year only

Wage slips (current job) with your address on

Tax letters or tax code notices

Letters to you from DWP (Department for Work and Pensions)

National Insurance Number Card

Occupational pension slip

Both you and your partner (if you have one) must provide 2 of the documents on the previous page. Your own documents can either **both come from list B, or one from list A and one from list B.**

If you do not have 2 of the appropriate documents available to you contact Scottish Borders Council to see what alternative documents they will accept instead. If you do not have a National Insurance number, or have forgotten it, Scottish Borders Council should ask you for information that enables your number to be allocated or traced.

Proof of income (originals only – not copies)

Your benefit book or your entitlement letter detailing the amount of benefit that is payable.

If employed, you must provide your most recent 5 weekly or 2 monthly wage slips.

If a non-dependant is living with you (such as grown up children, relatives or friends) you will need to provide proof of their income, if any to Scottish Borders Council.

Proof of savings (originals only – not copies)

Scottish Borders Council will need to see statements that cover a period of TWO months for ALL your accounts **even if you have no savings in the accounts.** If you have capital investments, you will need to get a statement showing the amount of capital and how it is invested.

When you provide documents, get a receipt stating what you have provided (you may need this if Scottish Borders Council mislays part of the claim).

It is not a good idea to send important documents (such as birth certificates) through the post. Either take them to Scottish Borders Council office in person or, if you are unable to do this, for example because of age or disablement, ask Scottish Borders Council for a home visit.

OVERPAYMENTS OF HOUSING BENEFIT

If Scottish Borders Council thinks they have paid you too much Housing Benefit, they can take this money back. However, if you disagree or think they have made a mistake, you can appeal. But you should do this immediately as there is a **strict one-month time limit** for appealing – see the later section in this leaflet, 'Appealing against the Council's decisions'.

STUDENTS

Most full-time students do not qualify for Housing Benefit. Exceptions to this include students who are disabled, lone parents and couples who are both students and who have dependent children.

NON DEPENDENTS

If you have other people living in your property (not including your partner and/or children that you receive Child Benefit for) such as grown-up children, parents, other relatives or friends, these are called non-dependants.

They may be expected to pay towards the rent and Council Tax depending on their age and income. The amounts they are expected to pay are called non-dependant deductions and are fixed by the Government.

If you have non-dependants living with you when you put in your Housing Benefit claim, you must put in proof of their income. If the non-dependant is unwilling to give you this information, they must take it in themselves

If they don't, Scottish Borders Council may assume the highest rates of deduction – you will receive a reduced amount of Housing Benefit and will be responsible for paying the difference between this and your rent.

FAILING TO REPORT CHANGES IN BENEFIT

You should be aware that if you fail to inform Scottish Borders Council of a change in your circumstances, the following could happen:

Lost Benefit

Any change to your circumstances that means you are entitled to more Housing Benefit must be reported within a month. If you take longer than a month to tell Scottish Borders Council about the change, your benefit will only be increased from the Monday following the day you tell them about the change. Delays will result in you losing benefit.

Fraud Prosecution

If you claiming a benefit and fail to report a change in your circumstances, you are committing a criminal offence under the Fraud Act. Scottish Borders Council could take action against you, which could ultimately lead to a criminal conviction, up to 3 months in prison and/or a fine of up to £5,000.

If you are interviewed by Scottish Borders Council about a fraudulent claim, please seek advice from a local advice agency, law centre, Citizens Advice Bureau, solicitor or Eildon's Welfare Benefits Officer. In some cases of fraud an alternative to prosecution may be offered such as a 30% penalty fine (you end up paying the amount of the overpaid benefit back plus a further 30% on top). Again you should seek advice before accepting such an offer.

Do not delay sending in the claim.

If you cannot send all the proofs at the same time, send the form back anyway and send the proofs later. But remember if you then fail to provide the proofs Scottish Borders Council need, they will not be able to pay you.

Once you have provided a completed claim form and all the documents required, Scottish Borders Council should make a Housing Benefit payment within 14 days. If they cannot do this, they should at least start making interim payments (partial weekly payments towards the rent) until the full assessment can be made.

HOW LONG WILL HOUSING BENEFIT BE PAID?

Housing Benefit claims are no longer for set periods of time but Scottish Borders Council will make 'in claim checks by post, phone or home visit. You must respond within 4 weeks or your benefit may be stopped if you don't.

Your benefit may also end if you have a change in circumstances that means you are no longer entitled to it. If you need to claim Housing Benefit because of your new circumstances, you must complete a new standard claim form. If you do not, there may be a gap in your entitlement and you will need to have a good reason for Scottish Borders Council to backdate your claim.

Even during your claim Scottish Borders Council may send you a new form in the post. **You must always complete and return these forms or your benefit could stop.** If you are not sure why they have sent you a new form, contact them to find out why – you should never just throw it away.

WHAT PROOFS DO I NEED TO PROVIDE WHEN I RENEW?

When you renew your application, if you provided proof of your identity and National Insurance number with your last claim you will not have to do this again (except if you are now claiming with a new partner). However, you *will* need to prove your other circumstances again such as income, earnings, savings and rent.

Sample Letter

Housing Benefit Office

Your name and address

Dear Sirs

Claim for Extended Payments of Housing Benefit and Council Tax Benefit

I would like to claim Housing Benefit and Council Tax Benefit Extended Payments.

I believe I meet the conditions for this payment because:

- I have been getting Income Support / Income-based Jobseekers Allowance / Incapacity Benefit / Severe Disablement Allowance for the past 6 months, *and*
- I started work on (date) _____ *or*
- Had an increase in hours as from (date) _____ *or*
- Had an increase in pay as from (date) _____ *and*
- My entitlement to Income Support/Income-based Jobseekers Allowance/Incapacity Benefit/Severe Disablement Allowance has now ended as a result of this, *and*
- The job or increase is expected to last 5 weeks or more.

If there is any more information you need to process this request, please let me know immediately.

Thank you

Yours Faithfully

Signed

To claim this extra benefit use the sample letter on the next page, filling in your own details, and send it Scottish Borders Council within 4 weeks of your Income Support/Income-based Jobseeker's Allowance stopping.

From 6 October 2008 the law has changed and it should no longer be necessary to make a claim for extended payments. SBC should determine entitlement as part of processing the change of circumstance relating to you entering work / changing your pattern of work.

MOVING IN

If you do not move into the property in the first week of your tenancy, Scottish Borders Council will not pay your benefit until you do actually move in. Therefore it is vital you do all you can to make sure you move in during the first week. The alternative is that you pay the rent, for the period that Housing Benefit will not cover, from your own pocket.

If you have to move into your new home before the notice on your old property expires, you may be able to claim Housing Benefit on both homes at the same time, for up to 4 weeks. But you must be living in your new home to do this – Scottish Borders Council will not consider paying for this if you are still living in your old property. You will need to show that your move was **unavoidable** and that you had a **good reason to move**. If in doubt, contact Scottish Borders Council. You can use the sample letter over the page to ask for benefit on the two homes.

If you sign up for a tenancy and cannot move in that first week, you will not get Housing Benefit until you do move in, except in very limited situations – contact Eildon Housing Association's Welfare Benefits Officer or Scottish Borders Council with any queries or problems you have about moving in. Ask if your circumstances entitle you to benefit before you move in.

Sample Letter

Housing Benefit Office

Your name and address

Dear Sirs

Housing Benefit on Two Houses

I moved to my current address on and claimed Housing Benefit. I had to move to this address because.....

.....

After taking over the tenancy at my new address I continued to be responsible for paying rent at my old address for the period fromto

Because.....
.....
.....

I wish to claim Housing Benefit at my old address for the period of the overlap.

Yours faithfully

Signed

YOUR RESPONSIBILITIES

You must tell Housing Benefit of any changes in your circumstances that occur during the period of your claim, such as:

- If you move
- If you or your partner stop getting Income Support or any other state benefit
- If you become entitled to any extra benefit
- If you or your partner's wages go up or down
- If the number of people living with you changes
- If any of your children leave school
- If you have another child
- If you or your partner go into hospital
- If you start work.

You should put any changes in your circumstances in writing to Scottish Borders Council.

Increasingly Scottish Borders Council is visiting claimants during the claim period, checking they have all your correct details on record. If they visit and you are not in, they should leave a calling card – you must get in touch with them within the time they specify otherwise you could risk your claim being cancelled.

If you start work and as a result come off Income Support, Income-based Jobseekers Allowance, Incapacity Benefit or Severe Disablement Allowance you may be able to continue getting the same rate of Housing Benefit and Council Tax Benefit for an extra 4 weeks.