

HOUSING BENEFIT AND COUNCIL TAX BENEFIT

A guide to how antisocial behaviour may affect your Housing Benefit



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This leaflet explains about how we might reduce your Housing Benefit if you have previously been ordered to leave your home because of your behaviour. We call this 'applying a sanction'.

We want to offer you help to deal with the behaviour that led to you losing your home. If you don't accept this help, we may reduce the amount of Housing Benefit that you get to help with your rent.

We will give you a warning notice that will tell you what you must do. If you don't do what it says in the warning notice, and you don't have a good reason for this, we may reduce the amount of Housing Benefit that you get.

If you accept the help that we are offering, you will not lose your Housing Benefit.

How much of my Housing Benefit will I lose?

We will reduce your Housing Benefit in the following steps.

- For the first four weeks we will take away 10%. This means that if you get £60 a week now, you will only get £54 a week for the first four weeks.
- For the second four weeks we will take away 20%. This means that if you get £60 a week now, you will only get £48 a week for the second four weeks.
- After that, we will take away all of your Housing Benefit and you won't get any help towards your rent, unless you have claimed and been awarded hardship (see 'Who can claim hardship?'). If you have been awarded hardship, we will take away 30% of your Housing Benefit instead of all of it. This means that if you get £60 a week now, you will only get £42 a week.

This will carry on for up to two years or until you agree to accept the help we have offered you.

What sort of help will you offer me?

It depends on what you need. We will make sure that the help we are offering you is right for you.

We will look at the reasons why you were ordered to leave your home and try to help you to stop it happening again.

You will also have a say. We will ask you what you think would help you and work with you to

make sure that what we are offering you is right for you.

For example, we might offer help to improve your skills as a parent, help with drug or drink problems, or help dealing with problems with your neighbours.

What if I don't agree that the help you have offered is right for me?

Tell us. We want the help we offer to be right for you and we will work with you to make sure that it is.

There may come a point when we can't agree. If this happens, you should accept the help we are offering you or we may reduce your Housing Benefit.

What must I do to avoid losing my Housing Benefit?

Accept the help we have offered you. We want to help you to change your behaviour and you will have to put in a lot of effort, and sometimes we may ask you to do things you don't want to do.

If you stop making an effort to change your behaviour, we may reduce your Housing Benefit until you start again.

Who can claim hardship?

You can claim hardship and get a 30% reduction instead of losing all your Housing Benefit after eight weeks if:

- you or your partner is pregnant;
- you are single and under 18;
- you are in a couple and you are both under 18;
- you are responsible for a child or young person who lives with you; and
- you are 60 or over.

You may also get hardship if you are claiming Attendance Allowance or Disability Living Allowance, or if you care for someone who does.

You might also get the 30% rate if we think you should, for any other reason, especially if losing your benefit would mean that you couldn't afford to buy things like food, heating or clothes.

How do I claim hardship?

As soon as possible, you must tell us why you think you should get hardship. We will give you a form to fill in and sign. Don't wait until eight weeks after your Housing Benefit is reduced, because we cannot pay back any amounts we have taken from your Housing Benefit before the date you claimed hardship.

Won't this mean I can't pay my rent?

Maybe. You will still need to pay your rent – you just won't be getting as much Housing Benefit to help you pay for it. You will have to find the money from somewhere else.

If you don't pay your rent, your landlord may take you to court and you may lose your home again.

If you find that you don't have enough money to pay for basic things like food, heating or clothes, you must contact us and tell us.

Can I have a discretionary housing payment (DHP) to cover the amount taken away?

No. You can get a DHP to cover other amounts, but not to cover the amount you have lost because you have refused the help we have offered you.

I have changed my mind and now want your help. What do I have to do?

Tell us. You can call us at any time. There is no time limit for accepting the help we have offered you.

Will I get the money back that has been taken away?

No. You won't get back the money we have already taken, but we will start paying your Housing Benefit again when we are sure that you are serious about accepting help.

I think that I have been treated unfairly. What can I do?

Tell us. We will tell you about our complaints procedure and help you through the process.

Can I appeal?

Yes. If we reduce your Housing Benefit, you can appeal against this.

Ask us to look at our decision again. Most mistakes are sorted out at this stage.

You also have the right to appeal to an independent appeal tribunal. You can appeal for any reason.

Here are some examples of reasons for appealing.

- We have made a mistake and got you mixed up with someone else for example 'a different Mr Smith'.
- You haven't been evicted for antisocial behaviour.
- You had a good reason for not doing what the warning notice said.
- You have not been given the hardship rate when you should have been.

If you want to appeal, you should contact the person named on your notification letter.

Where can I get more advice?

Contact us if you want more help or advice. (You can find our contact details on your council tax bill or in your local phone book.)

Independent advice

If you need independent advice, contact your local citizens advice bureau. You can find their phone number and other local advice agencies in your local phone book and at your local library.

Other formats

You can get the information in this booklet in large print, in Braille and in other languages. There is also an audio version on our website.

Visit our website at www.benefit-leaflets.org for more information.