

PART B

Discretionary Council Tax Support (DCTS)

The Welfare Reform Act 2012 abolished the national Council Tax Benefit scheme and replaced it with a local Council Tax Support scheme from 1 April 2013. Due to Council Tax Benefit being abolished from the 1 April 2013, residents were no longer able to apply for a Discretionary Housing Payment to help with the short fall between their Council Tax Liability and any Council Tax Support (nee Benefit) they received.

Subsequently, to help Trafford residents who are experiencing severe financial difficulty due to a shortfall in their Council Tax liability and the amount of Council Tax Support (CTS) they receive, the Council has set aside a limited Discretionary Council Tax Support Scheme (DCTS) fund.

The total amount awarded cannot be more than the customer's Council Tax liability and can only be awarded to Trafford residents.

The main features of the scheme are:

- it is discretionary - a customer does not have a statutory right to a payment;
- DCTS is not a CTS award, however, the customer must be entitled to CTS, or have an underlying entitlement to it, in the benefit week of the DCTS award.
- a maximum period of award as 13 weeks, except in exceptional circumstances where a maximum period of award is 12 months
- Care Leavers resident in Trafford will receive full DCTS (or part share where jointly liable) from the date they first become liable until their 25th birthday after all other exemptions and CTS has been applied.

1. What DCTS can be used for

In deciding whether to award DCTS, Exchequer Services will consider:

- the shortfall between Council Tax liability and the amount of CTS;
- if there is an underlying entitlement to CTS which has not been awarded due to backdating limitations in the CTS scheme;
- the financial 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 income and expenses of the customer, their partner and any dependants or other occupants of the customer's home;

- any savings or capital that might be held by the customer or their family;
- the indebtedness of the customer and their family;
- the exceptional nature of the customer and his/ her family's circumstances;
- any other special circumstances brought to the attention of Exchequer Services.

2. What DCTS cannot be used for

(a) Suspensions

- Where a person's Council Tax Support or any other benefit has been suspended, it is not appropriate to pay DCTS. The aim of the suspension provision is to act as a lever to ensure the customer provides necessary information or evidence – paying DCTS could reduce the effectiveness of this lever.

(b) Sanctions

- where a reduction has been applied to a state benefit due to a Reduced Benefit Direction for failing to comply with the Child Support Agency, the claim for DCTS should assume such a sanction has not been applied;
- where a reduction has been applied because of absence at a work-focussed interview, the claim for DCTS should assume such a sanction has not been applied.

(e) Non Dependent Deductions (NDD)

- where a reduction from CTS is made for a NDD and it would be reasonable for that NDD to be met by the non- dependent member of the household.

(f) Enforcement Costs

- To pay for enforcement costs applied as a result of non-payment of Council Tax

(g) Recovery

- Where a customer is refusing to provide documentary evidence to the Council Tax team to establish correct liability and/or recovery methods

(h) AOB/AOE

- Where income is reduced due to an attachment of benefit and/or earnings by the Council Tax team the claim for DCTS should assume such income is being received.

The DCTS scheme should be seen in the majority of cases as a short-term emergency fund.

The Council is committed to working with the local voluntary sector, social landlords and other interested parties in the Borough to maximise claims for all available state benefits and will reflect this in running the DHP scheme. Where the evidence provided shows the customer is not claiming CTS, an appropriate Council Tax exemption and/or another state benefit they may be entitled to, we will advise them to make such a claim and provide details of other agencies in the Borough who may be able to help.

3 What is taken into account when deciding to award DCTS

The Council will consider awarding DCTS to any applicant who meets the qualifying criteria set out in this policy. We will treat each case strictly on its merits and all customers will receive equal and fair treatment. Through this policy we will seek to:

- relieve poverty;
- support Care Leavers;
- help those who are trying to help themselves;
- support the vulnerable in the local community;
- help customers through personal crises and difficult events;
- support foster carers;
- support disabled residents within Trafford to live independently within their own home.

4 The application process

A claim for a DCTS must be made online at www.trafford.gov.uk/CTS_DHP, support is available for anyone unable to make a claim online.

- On request the customer must supply any relevant supporting evidence within one month, although we can extend this in appropriate circumstances
- If the customer fails to provide additional evidence requested, we will refuse the customer's application. A letter will be sent to the customer informing them of the decision along with reasons why the application has been refused.
- The Council reserves the right to verify any information or evidence provided by the customer in appropriate circumstances.

In the following circumstances a formal application form will not be required:

- Where there is already an open CTS claim and the request (which should come from an internal team or one of the Council's stakeholders/partners) is to cover a backdated period where a DWP means tested benefit has been awarded.
- Where the request is received from an internal team within Trafford Council i.e. Stronger Families, Social Workers, Care Leavers, Revenues and Benefits etc. and there is enough personal and financial data (as determined by the qualifying criteria within the CTS scheme) already held by the Council to make an award

The Council will decide the length of time to award a DCTS from the evidence supplied and the facts known. Awards are expected to last for a fixed period, of between one week and 13 weeks. Cases will be reviewed on a case by case basis and in exceptional circumstances a DCTS can be awarded up to 52 weeks depending on the individual circumstances. The start date of an award will normally be:

- the Monday after we receive the claim for a DCTS; or
- the date the CTS starts (providing we get the application for the DCTS within one month of the decision on the claim for CTS) whichever is the earlier, or the most appropriate.
- The only exception to this is Care Leavers who will be awarded from the start date of their Council Tax liability (or proportion of where they are jointly liable) up to their 25th birthday.

DCTS awards will be credited directly to the customers Council Tax account.

Subsequent consideration of an award of DCTS, irrespective of any break and/or in different financial years, will require engagement with advisory agencies such as budgeting and debt support **before** an application will be considered.

It is the customer's responsibility to immediately inform the Council of any changes in their circumstances. The Council may need to revise an award of a DCTS where the customer's circumstances have changed. Any revision to the award will take effect from the Monday following the date of the change.

The Council will recover any overpaid DCTS from the recipients Council Tax account. It is most unlikely that the Council will seek recovery of any overpayment caused by an "official error". However, where it is reasonable to expect the claimant of a DCTS to have realised an overpayment was occurring, we may seek recovery.

5 Reviews and Appeals

DCTS is not a payment of CTS and is therefore not subject to the statutory appeals mechanism. A customer (or their appointee or agent) who disagrees with a DCTS decision may dispute the decision. The Council must receive a request for a review within one month of the issue of the written decision about the DCTS to the

customer. An Officer of the Council will review the decision; this will not be the Officer who made the original decision.

Where the customer is still not satisfied, they will be entitled to a final review which must be made in writing within one month of the date on the review outcome letter.

An Exchequer Services manager will conduct this final review and the decision made will be reported in writing to the customer. This decision is binding and may only be challenged through judicial review or by complaint to the Local Government Ombudsman.

The Council is committed to the fight against fraud in all its forms and has a zero tolerance fraud policy. A customer who tries to fraudulently claim a DCTS by falsely declaring their circumstances, providing a false statement or evidence in support of their application, may have committed a criminal offence. Where fraud is suspected, the Council will investigate and this may lead to criminal proceedings.