



HOUSING BENEFIT POSITION STATEMENT

NORFOLK COUNTY COUNCIL EXTRA CARE HOUSING

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Summary

This document sets out a consistent and County wide position regarding Housing Benefit payments in respect of Extra Care (EC) in Norfolk. District housing benefit officers are responsible for assessing and awarding housing benefit on an individual case by case basis. The determination of housing benefit award is subject to the regulations set at the time of the determination and by the funding made available by Central Government.

Partners

This Housing Benefit position statement has been agreed by Housing Benefit Officers of the following Districts, Boroughs and City Councils:

- Breckland District Council
- Broadland District Council
- Great Yarmouth Borough Council
- King's Lynn and West Norfolk Borough Council
- North Norfolk District Council
- Norwich City Council
- South Norfolk Council

What is Extra Care Housing

Extra Care (EC) housing is an effective way of supporting people to be more independent in their own homes, providing safety, security, social interaction and care.

- EC is self-contained accommodation with staff available 24 hours a day.
- EC offers a higher level of care than sheltered housing.

In Norfolk, data and research have identified that EC housing is not fully utilised, suggesting that there are some issues in getting potential residents to consider, and then ultimately access this form of care and accommodation.

The route into Norfolk County Council's EC schemes for an individual is via a social care assessment. The availability, or lack of, may prevent a patient receiving an appropriate level of care in the most appropriate accommodation. The present issues with the supply of EC accommodation in Norfolk, and which provide barriers to access, can be identified such;

1. Not enough EC accommodation to meet demand.
2. Eligibility for EC accommodation varies by scheme and location.
3. EC, as a form of care accommodation, is not widely recognised by the general population who tend to associate it with residential care home accommodation.

Management and Implementation of Norfolk County Council EC

Engagement with Norfolk partners has identified that there is motivation for designing a centralised management system for EC housing. This team would manage EC on a county-wide basis and liaise with partners throughout the person's application and help to track progress.

This centralised approach would help to and align to the fulfilment of statutory housing duties, as well as administer the referral-to-accepted-tenancy process and also be a point of contact for individuals and their families undertaking the application. This would improve communication for potential residents and also provide accurate and up to date tracking information for all partners. It would also enable access to information and advice on EC housing in Norfolk with one message for people, their families and carers.

Eligibility and Housing Benefit regarding Norfolk County Council EC Housing

One of the main concerns that some potential Extra Care housing customers have is their eligibility for Housing Benefit.

EC accommodation is treated differently from standard housing options and has been removed from the benefit cap and under occupation regulations. This is because EC accommodation is usually more expensive to rent, due to the care and/or support being

provided to the tenant. EC is defined as 'exempt accommodation' under the housing benefit rules.

"Exempt Accommodation is an individual dwelling for which a person is liable to make payments, that they occupy as their home and which is a resettlement place provided by persons to whom the Secretary of State has given assistance by way of a grant pursuant to section 30 of the Jobseeker's Act 1995 (grants for resettlement places), or provided by a non-metropolitan County Council, in England, a housing association, a registered charity or voluntary organisation where that body or person acting on its behalf also provides the claimant with care, support or supervision."

In this respect help with housing costs will be covered by Housing Benefit, not Universal Credit. A critical factor when assessing whether individuals qualify under the 'exempt accommodation' definition attached to the Housing Benefit regulations. The regulations require that a 'de-minimis' amount of care should be provided to enable qualification as exempt accommodation.

What is covered by Housing Benefit?

The list of items that are covered by HB is restricted to the following:

- Services for the provision of adequate accommodation including some warden and caretaker services, gardens, lifts, entry phones, porter service, rubbish removal, TV and radio relay charges.
- Laundry facilities like a laundry room in a sheltered housing scheme but not personal laundry services
- Cleaning of communal areas and windows.
- Minor repairs and maintenance.
- House insurance if it has to be paid under the terms of the lease.

It should be noted that service charges for community/emergency alarm systems, catering, and personal care and support services are not covered by housing benefit.

Broad Rental Market Areas and Local Housing Allocation

Local Housing Allowance (LHA) rates are used to calculate Housing Benefit for tenants renting from private landlords. LHA rates relate to the area in which the HB claim is made. These areas are called broad rental market areas (BRMA). A BRMA is where a person could reasonably be expected to live while considering access to facilities and services. Norfolk is covered by four Broad Rental Market Areas (BRMA's):

- Bury St Edmunds BRMA.
- Central Norfolk & Norwich BRMA
- Kings Lynn BRMA
- Lowestoft & Great Yarmouth BRMA

LHA rates are based on private market rents being paid in the BRMA which can differ from advertised rents. Valuation Office Agency (VOA) Rent Officers collect the rental information from letting agents, landlords and tenants.

Local Authority Area	Bury St Edmunds BRMA.	Central Norfolk & Norwich BRMA	Kings Lynn BRMA	Lowestoft & Great Yarmouth BRMA
Breckland District Council	X	X	X	
Broadland District Council		X		
Great Yarmouth Borough Council		X		X

King's Lynn and West Norfolk Borough Council	X		X	
North Norfolk District Council		X	X	X
Norwich City Council		X		
South Norfolk Council		X		X

Table of BRMA areas by Local Authority.

District Consensus

The housing benefit regulations are quite clear when it comes to what costs are eligible for payment through housing benefit (see above). They are also clear as to what constitutes 'exempt accommodation'. The opinion that accommodation provided under the EC programme, having greater than de-minimis care service, qualifies as exempt accommodation needs to be confirmed by District Housing Benefit Officers.

It is important to recognise that rent levels that are above the LHA rates within the Broad Rental Market Area (BRMA) (due to certain service charges being levied) may be approved under the terms of EC schemes falling under the 'exempt accommodation' allowance.

That being said, the amount of variance above LHA levels will need to be carefully monitored. The recovery of high levels of Housing Benefit from the Department of Work and Pensions (DWP) is subject to the annual audit process applied to Housing Authorities, who may well be challenged regarding high rent levels that are being claimed under "Exempt Accommodation".

If the DWP decides to reject the Housing Authorities justification, then severe penalties can be imposed on the subsidy claim.

It is therefore advisable to avoid rent settlements that are major variances from the Local Housing Allowances, or if they are major variances, that a full analysis and comparison of similar market rents is undertaken and recorded. Similarly, careful examination of associated service costs will need to be monitored and their application applied consistently throughout EC Schemes.

Proposed maximum LHA variance

It is proposed that the maximum housing benefit payable under the exempt accommodation rule should be set at 135% of the LHA for the appropriate BRMA.