

Huntingdonshire District Council

Council Tax Support Exceptional Hardship
Policy

2024-25

1.0 Background

- 1.1 An Exceptional Hardship Fund has been created by the Council to assist applicants for Council Tax Support (CTS) who are facing 'exceptional hardship' due to the implementation of a new CTS scheme for 2024-25.
- 1.2 The fund has been created to provide further assistance for the financial year 2024-25 only to support transition to the new scheme rules.
- 1.3 The Exceptional Hardship Fund will be available to any applicant who is of working age where:
- a) They had a live CTS claim in payment (ie with an entitlement to CTS) on 31st March 2024; and
 - b) On 1st April 2024, the amount of CTS entitlement is reduced, or they no longer qualify for CTS, as a result of changes to the scheme for 2024-25.
- 1.4 The Exceptional Hardship Fund will not be available to those that have a nil award within the revised CTS scheme as a result of capital exceeding the threshold of £10,000. Nor will it be available to those who are precluded from the scheme under the Prescribed Requirement Regulations (ie pension age cases).
- 1.5 The main features of the fund are as follows:
- The operation of the fund will be at the total discretion of the Council;
 - The fund will be operated by the Revenues and Benefits service on behalf of the Council;
 - There is no statutory right to payments from the fund although the Council will consider all applications received;
 - Exceptional Hardship Fund payments are not payments of Council Tax Support (as defined within S13a of the Local Government Finance Act 1992);
 - Exceptional Hardship Fund payments will not be available for any other debt other than outstanding Council Tax;
 - Where an Exceptional Hardship Payment is requested for a previous period, Exceptional Hardship must have been proven to have existed throughout the whole of the period requested;
 - Exceptional Hardship Payments are designed to support those negatively impacted as a result of changes to the CTS scheme design, and will be offered for a period of up to 1 year only; and
 - All applicants will be expected to engage with the Council and undertake the full application process. Failure to do so will inevitably mean that no payment will be made.

2.0 Exceptional Hardship Fund and Equalities

- 2.1 The creation of an Exceptional Hardship Fund facility meets the Council's obligations under the Equality Act 2010.
- 2.2 This policy has been created to ensure a level of protection and support is available to those applicants most in need due to the transition to the new scheme rules. It should be noted the Exceptional Hardship Fund is intended to help in cases of extreme financial hardship and not support a lifestyle or lifestyle choice. Any payment made will be at the total discretion of the Council. Exceptional Hardship should be considered as 'hardship beyond that which would normally be suffered'.

3.0 Purpose of this policy

- 3.1 The purpose of this policy is to specify how the Council will:
- operate the scheme,
 - to detail the application process, and
 - indicate the factors that will be considered when deciding if an Exceptional Hardship Fund payment can be made.
- 3.2 Each case will be treated on its own merits and all applicants will be treated fairly and equally in terms of access to the fund and the decisions made.

4.0 The Exceptional Hardship Fund Process

- 4.1 As part of the process of applying for additional support from the Exceptional Hardship Fund, all applicants must be willing to undertake all of the following:
- (a) Make a separate application for assistance;
 - (b) Provide full details of the household income and expenditure;
 - (c) Accept assistance from either the Council or third parties such as debt advice agencies to enable them to manage their finances more effectively, including the termination of non-essential expenditure;
 - (d) Maximise their income through the application of other Council Tax discounts or reductions, welfare benefits, cancellation of non-essential contracts and outgoings and identifying the most economical tariffs for the supply of utilities and services generally.
- 4.2 It cannot be awarded for the following circumstances:
- Where full Council Tax liability is already being met by Council Tax Support;
 - For any other reason, other than to reduce Council Tax liability;
 - Where the Council considers there are unnecessary expenses/debts etc. and that the applicant has not taken reasonable steps to reduce these; or
 - To pay for any additional Council Tax caused through the failure of the applicant to notify changes in circumstances in a timely manner or where the applicant has failed to act correctly or honestly.
 - To cover previous years' Council Tax arrears.

5.0 Awarding an Exceptional Hardship Fund Payment

5.1 The Council will decide whether or not to make an Exceptional Hardship Fund award, and how much any award might be.

5.2 When reaching a decision the Council will consider:

- The shortfall between Council Tax Support and Council Tax liability;
- Whether the applicant has engaged with the Exceptional Hardship Payment process;
- The personal circumstances, age, and medical circumstances (including ill health and disabilities) of the applicant, their partner, any dependants and any other occupants of the applicant's home;
- The difficulty experienced by the applicant, which prohibits them from being able to meet their Council Tax liability, and the length of time this difficulty will exist;
- All income received by the applicant, their partner, and any member of their household irrespective of whether the income may fall to be disregarded under the Council Tax Support scheme;
- The expenditure of the applicant, their partner and any dependants or other occupants of the applicant's home;
- How reasonable expenditure exceeds income;
- Any savings or capital that might be held by the applicant, their partner, and any member of their household irrespective of whether the capital may fall to be disregarded under the Council Tax Support scheme;
- Other debts outstanding for the applicant and their partner;
- The exceptional nature of the applicant and/or their family's circumstances that impact on finances;

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

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

5.5 An Exceptional Hardship Fund payment may be less than the difference between the Council Tax liability and the amount of Council Tax Support paid. The level of payment may be nil if the authority feels that, in its opinion, the applicant is not suffering 'exceptional hardship' or where the applicant has failed to comply with the Exceptional Hardship process.

6.0 Claiming an Exceptional Hardship Fund payment.

6.1 An applicant must make a claim for an Exceptional Hardship Fund award by submitting an application to the Council. The application form can be obtained via the telephone, in person, at one of the Council offices and/or via the Council's website.

- 6.2 Applicants can request assistance with the completion of the form from the Revenues and Benefits Service or Customer Services at the Council.
- 6.3 The application form must be fully completed and supporting information or evidence provided, as reasonably requested by the Council.
- 6.4 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.
- 6.5 A person claiming an Exceptional Hardship Fund payment is required to:
- Provide the Council with such information as it may require making a decision;
 - Tell the Council of any changes in circumstances that may be relevant to their ongoing claim within 21 days; and
 - Provide the Council with such other information as it may require in connection with their claim.

7.0 The award and duration of an Exceptional Hardship Payment

- 7.1 Both the amount and the duration of the award are determined at the discretion of the Council and will be done so on the basis of the evidence supplied and the circumstances of the claim.
- 7.2 The start date of such a payment and the duration of any payment will be determined by the Council. In any event, the maximum length of the award will not exceed the end of the financial year in which the award is given.
- 7.3 Any Exceptional Hardship Fund payment will be made direct onto the applicant's Council Tax account, thereby reducing the amount of Council Tax payable.
- 7.4 The Council will notify the outcome of each application for Exceptional Hardship Fund payments in writing. The notification will include the reason for the decision and advise the applicant of their appeal rights.

8.0 Appeals

- 8.1 Exceptional Hardship Fund payments are subject to the statutory appeal process as they are made as part of the Council's Council Tax Support scheme under Section 13A 1A of the Local Government Finance Act 1992.
- 8.2 If the applicant is not satisfied with the decision in respect of an application for an Exceptional Hardship Fund payment, a decision to reduce the amount of Exceptional Hardship Fund payment, a decision not to backdate an Exceptional Hardship Fund payment or a decision that there has been an overpayment of an Exceptional Hardship Fund payment, the Council will look at the decision again.

- 8.3 An officer, other than the original decision maker, will consider the appeal by reviewing the original application and any other additional information and/or representation made, and will make a decision within 21 days of referral or as soon as practicable.
- 8.4 The outcome of the appeal will be set out in writing, detailing the reasons for the decision, or upholding the original decision.
- 8.5 Where the applicant remains aggrieved with the decision, further appeals can be made as per Council Tax Support to an independent Valuation Tribunal.

8.0 Changes in circumstances

- 8.1 The Council may revise an award from the Exceptional Hardship Fund where the applicant's circumstances have changed which either increases or reduces their Council Tax Support entitlement.
- 8.2 Overpaid Exceptional Hardship Fund payments will generally be recovered directly from the applicant's council tax account, thus increasing the amount of council tax due and payable.

9.0 Fraud

- 9.1 The Council is committed to protect public funds and ensure funds are awarded to the people who are rightfully eligible to them.
- 9.2 An applicant who tries to fraudulently claim an Exceptional Hardship Fund payment 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.
- 9.3 Where the Council suspects that such a fraud may have been committed, this matter will be investigated as appropriate and may lead to criminal proceedings being instigated.

10.0 Complaints

- 10.1 The Council's 'Compliments and Complaints Procedure' (available on the Council's website) will be applied in the event of any complaint received about this policy.

11.0 Policy Review

- 11.1 This policy will be in place for the financial year 2024-25 only and will be updated as appropriate to ensure it remains fit for purpose. However, a review may take place should there be any significant changes in legislation.