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## **Direct payments of housing benefit to private landlords – a guide for tenants**

Understanding the rules about when the council  
can pay your local housing allowance directly to  
your landlord



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[markprichard.co.uk](http://markprichard.co.uk)

## About this guide

**This guide explains when housing benefit (local housing allowance) can be paid directly to a private landlord, rather than to the person claiming housing benefit. If you are claiming housing benefit and want your benefit to be paid to your private landlord this guide is for you.**

This guide applies where you are living in **privately** rented housing (in other words, your landlord is not a council or housing association).

If you are claiming universal credit this guide does not apply to you.

If you need more detailed information, get advice from a housing advice service, such as:

- Shelter (if you live in **England**) – 0808 800 4444
- Citizens Advice (if you live in **England**) – 03444 111 444
- Shelter Cymru (if you live in **Wales**) – 0845 075 5005
- Citizens Advice (if you live in **Wales**) – 08444 77 20 20

A more detailed guide to housing benefit is available on Shelter’s website. You can get a copy at [www.shelter.org.uk](http://www.shelter.org.uk) (search for “Shelter guide housing benefit”).

### Books on housing benefit and help with housing costs

Shelter and the Chartered Institute of Housing publish books that explain all the rules about housing benefit and the housing costs element of universal credit. Details can be found at <http://shop.shelter.org.uk/publications.html>

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## The basics

### Who is housing benefit normally paid to?

If your landlord is a private landlord, housing benefit will usually be paid **to you**. Housing benefit is normally paid directly into your bank account, or paid by cheque. You are then responsible for making sure your rent is paid to your landlord.

However, in some situations you can ask for housing benefit to be paid directly to your landlord. This guide explains the rules the council must apply when deciding which person – you or your landlord – should receive the benefit payments.

### First payments of housing benefit

The council can make the **first** payment of housing benefit directly to your landlord if it believes you have not paid the rent and doing so would be ‘efficient administration’.

But if the council believes you have paid the rent for the period covered by the first benefit payment, it should not pay your landlord directly.

The council does not have to try to find out if you have paid the rent before it decides who should receive the first payment. But if the council is told relevant information they should take this into account when they make their decision.

Ongoing payments (after the first payment) can only be made to your landlord in certain situations. Sometimes the council **must** pay your landlord directly (see pages 9 to 10). In other situations the council **can choose** to make direct payments (see pages 10 to 13).

### Why you may prefer direct payments to your landlord

There are various reasons you may want the council to pay housing benefit directly to your landlord, eg:

- you’re in rent arrears (see pages 9 to 11)
- you’re likely to miss rent payments, eg because of bank charges, debts or another reason (see page 11)
- you can’t manage your finances (see pages 12 to 13)

- direct payments will help you keep your tenancy (see page 12)
- a landlord has offered you a tenancy, but only if housing benefit is paid directly to them (see page 12).

You can check whether you have a good reason for asking for direct landlord payments by checking the rules councils must apply. These rules are explained from page 9 to 13.

### **When can I ask for my housing benefit to be paid to my landlord?**

You can ask the council to pay housing benefit directly to your landlord:

- when making a claim for housing benefit, or
- when housing benefit is already being paid to you.

### **How do I ask for direct payments?**

You can telephone the housing benefit department at your council, or write to them. It is better to write so you can keep a copy. You may in future need to prove you asked for direct payments, eg if the council say there's no record of your request.

The council may ask you to fill a form in. Ask if there is a form.

It's a good idea to get an advice or support worker to support your request by writing a letter on your behalf.

Make sure you keep copies of any letters you send or receive. If you can get a receipt for anything you give the council. If you can't get a receipt record the date your letter or form was posted or handed in. Keep your records safe, as you may need them if you receive a negative decision and want to appeal.

### **If the council asks you for more information**

The council may ask for more information to help them make a decision.

If it's difficult to provide something the council has asked for contact the council and explain the problem. They may be able to ask someone else, like your landlord or a support worker. Sometimes other information you have may be enough.

## **What should I do if I think I could qualify for direct payments?**

Check the rules on pages 9 to 13.

If you want your landlord to be paid directly and your situation is covered by one (or more) of the rules, you can ask the council to pay your landlord. A letter you can use is on page 24.

## **What if an agent collects my rent (rather than my landlord)?**

If your tenancy agreement says your rent must be paid to someone who is not your landlord and direct landlord payments are made, the council must pay the benefit to the agent. However, the agent cannot be sent payments if your tenancy agreement says rent must be paid to the landlord.

## **Do direct payments affect how often my housing benefit is paid?**

If you receive the benefit payments you can insist on it being paid fortnightly. Otherwise, the council will choose how often housing benefit is paid.

If the benefit is paid directly to your landlord, payments will be made every four weeks. (This doesn't apply if the council is only sending the first benefit payment to your landlord).

## **Will the council give my personal information to the landlord?**

If you ask for payments to be made to your landlord the council must send a decision letter to the landlord. But the council should not give the landlord any information about you unless you have given the council permission to do so.

It's up to you if you want the council to tell your landlord about your housing benefit claim. The council may have a form for you to give your landlord permission to ask about your claim. Your landlord cannot insist you do this. The council can't tell your landlord about your personal circumstances, eg your income, your age, or details about your family. If you've given the council permission to tell the landlord about your housing benefit claim they can only tell the landlord certain information about your claim, eg:

- if the council are waiting for further information from you
- the date your benefit starts and ends

- the weekly amount of your benefit
- when your benefit will be paid
- if your claim is suspended
- if you've asked for your landlord to receive payments.

### **What if my tenancy agreement says the landlord must receive housing benefit payments but the council refuse?**

Some tenancy agreements say housing benefit **must** be paid directly to the landlord. This is unlawful. The landlord can't insist on it. It's unreasonable because the council (not you) decides who receives the payments. Get advice if your landlord says this (see page 22).

If a landlord is considering offering you a tenancy, they can ask you to **try** to get your benefit paid direct to them (rather than saying you must ensure this happens).

A landlord can say that they'll not (or are unlikely to) offer you a tenancy unless the council pays housing benefit directly to them (this includes a replacement tenancy if you're already their tenant). If a landlord says this to you, you may ask the council to make direct payments because this will help you get a tenancy (see page 12). You can use the letter on page 24 to ask for direct payments. Tell the council you need a written decision to show the landlord if you're not already their tenant.



## When the council **must** pay your landlord directly

### When rent arrears are being paid from income related benefits

If part of your jobseekers allowance, employment support allowance, income support, or pension credit is paid to your landlord for rent arrears, the council **must** pay any housing benefit directly to your landlord.

See page 24 for a letter you can use to ask for direct payments.

Your housing benefit should continue to be paid directly to your landlord until the deductions from your benefit stop. The DWP should tell the council when this happens.

### When rent arrears are over eight weeks' rent

The council **must** pay housing benefit directly to your landlord if you have rent arrears of eight weeks or more (unless they decide this would not be in your best interests).

You or your landlord will need to **tell** the council that there are eight weeks' rent arrears before the council can pay your landlord directly. Tell the council as soon as possible.

The council should accept your rent is in arrears as soon as it hasn't been paid. See the example below:

#### ***Example***

Your rent is due monthly in advance. You do not pay the rent when it becomes due on 1st January and 1st February. On 2nd February you hand a letter into the Council about the two missed monthly payments and provide a rent account statement (or letter from the landlord confirming the arrears).

The council should accept you are in eight weeks rent arrears on 2nd February. They should not say that the arrears only reach eight weeks' rent at the end of February.

See page 24 for a letter you can use to ask for direct payments. The council may also ask you to complete a form.

If you are in eight weeks' rent arrears and **don't** want your landlord to be paid directly, you can ask the council to keep paying you. However, you will need to show why paying your landlord directly would not be in your best interests.

### **What happens if my rent arrears fall below eight weeks' rent?**

If your rent arrears fall below eight weeks' rent after direct payments to the landlord have started, the council can decide to either:

- carry on paying your landlord directly, or
- start paying the benefit to you.

You can ask the council to continue paying your landlord. It is worth checking if one of the other situations explained in this leaflet for making direct payments applies (see pages 11 to 13). If so, this can strengthen your argument that direct payments should continue.

### **What if you and your landlord disagree about the amount of rent arrears?**

If you and your landlord disagree about the actual amount of rent arrears, this may delay the council deciding if the eight weeks' arrears rule applies in your case. The council will probably investigate so they can decide how much they think the arrears are.

### **What if I have rent arrears but they haven't reached eight weeks' rent?**

You can still ask the council to consider paying your landlord directly.

You should check if any of the situations listed below apply to you (pages 11 to 13). For example, your landlord can be paid directly if:

- your landlord may end your tenancy if benefit is not paid directly to them (see page 12)
- your landlord is unlikely to give you a new tenancy if benefit is not paid directly to them (see page 12)
- you're unlikely to pay your rent (see page 12)

- you're unable to manage your finances (see pages 12 to 13).

## When the council can choose to pay your landlord directly

There are some situations where the council can **choose** to pay your housing benefit directly to your landlord.

You will need to show the council how your situation is covered by one of rules described below (pages 11 to 13).

It is usually best to:

- get advice (see page 22)
- get help when writing to the council (or filling in forms), and
- explain to the council how your situation is covered by one (or more) of the rules explained on pages 9 to 13.

## If you are unlikely to pay your rent – housing benefit may be paid to your landlord

If you're unlikely to pay your rent the council can decide to pay your housing benefit directly to your landlord.

You (or someone on your behalf) may support your request by describing the reasons why you are unlikely to pay rent, eg:

- you have an unauthorised overdraft and sometimes your bank doesn't allow you to withdraw the housing benefit money to pay your rent, or
- your housing benefit doesn't cover all your rent and you can't afford to pay the shortfall, or
- any other issue making it unlikely you'll pay your rent.

If you've missed rent payments this may be strong evidence that you're unlikely to pay your rent, especially if you're still having the same problems that led to you not paying rent before.

See page 24 for a letter you can use to ask for direct landlord payments.

## **If direct landlord payments will help you get or keep a tenancy – housing benefit may be paid to your landlord**

If the council believes direct payments will help you get or keep a tenancy, they can pay your housing benefit directly to the landlord.

You (or someone on your behalf) should tell the council about any relevant issues. For example, tell the council if:

- your landlord has said you may be evicted if direct payments are not made. This would be strong evidence that direct payments would help you to keep your tenancy, or
- a landlord is willing to offer you a tenancy but only if the council is willing to pay housing benefit directly to them, or
- your landlord says they are only willing to give you a replacement tenancy if direct payments are made.

You should ask the landlord to confirm any of the above statements in writing, so you can send their letter to housing benefits.

See page 24 for a letter you can use to ask for direct landlord payments.

## **If your landlord reduces your rent**

Government guidance says councils should consider direct payments if your landlord is willing to accept a reduction in rent in exchange for benefit being paid directly to them. If someone, eg a council homeless officer, has negotiated a lower rent for you, you can ask them to tell the housing benefits team.

A council should not say you can receive direct payments only if your landlord reduces your rent.

## **If you are unable to manage your finances – housing benefit may be paid to your landlord**

The council can pay housing benefit direct to your landlord if it believes you may have difficulty managing your financial affairs.

Many issues could lead you to having difficulty managing your finances, eg:

- multiple debts;

- a serious medical condition;
- an unmet support need;
- using drugs or alcohol;
- a gambling problem.

You or someone on your behalf will need to tell the council about your problems and how these problems mean you're unable to manage your finances.

See page 24 for a letter you can use to ask for direct landlord payments.

### **If the council have paid your landlord directly before – housing benefit may be paid to your landlord**

The council can decide to pay housing benefit directly to your landlord if direct payments have been made during your current claim.

The council may refuse to make direct payments if this is the *only* reason for paying the landlord. It is usually better to show the council that one (or more) of the other rules apply (see pages 11 to 13).

### **If you have moved out and left rent arrears**

If you've moved out of a property and housing benefit is in payment and there's rent arrears, the council can pay an amount of benefit to the landlord that will clear the arrears. The council doesn't need your permission to do this.

### **If the council decides your landlord isn't a 'fit and proper person'**

If the council decides the landlord isn't a 'fit and proper person' they can refuse to make direct payments. For example, if your landlord has been convicted of benefit fraud or hasn't paid back benefit overpayments the council could decide they shouldn't receive direct payments. This would apply even if you'd usually qualify for direct payments under one of the above rules.

## After you have asked for direct payments

### What happens while the council makes a decision?

The council can suspend your housing benefit while it decides if it should be paid to your landlord.

The council may contact you to ask for more information before making a decision. They may also contact anyone supporting you. This could include your support worker, advisor, homeless officer, probation officer (if you have them) or other people who know about your situation. They may also contact your landlord to ask them to confirm what you have said, eg about rent arrears or them not offering to extend your tenancy if direct payments aren't made.

### How long should the council take to make the decision on who to pay?

The council should decide who should receive the benefit payments as soon as they are able to. The council should not delay without having a good reason. However, the council can ask people to provide further information before making the decision.

Once the council have made their decision, they should send you a decision letter within 14 days or as soon as possible after that.

### What if there's a delay before the council make a decision?

If the council have all the information they need it must have a good reason if they delay making the decision. Having a lot of benefit claims to deal with or too few council staff isn't a good reason.

Tell the council if a delay is causing you problems, eg you can't pay your rent or your landlord is threatening to end your tenancy. It's a good idea to get advice (see page 22).

If you think a delay is unreasonable you can complain (see page 20). The council must have a complaints procedure. If this doesn't sort the problem out contact the Ombudsman (see page 29).

Complaining may be a way of getting the council to deal with your request quicker. Threatening legal action is another option but you would need specialist advice about this.

See page 30 for a letter to complain about a delay in making the decision on direct payments.

## When you get the decision on direct landlord payments

### The decision on direct payments

You may have asked for direct payments:

- when claiming housing benefit, or
- when housing benefit is already being paid to you.

If you asked for direct landlord payments before your claim was processed your benefit decision letter should tell you or your landlord will receive the payments.

If housing benefit was already being paid when you asked for direct payments you should get a separate decision letter.

### Who will receive the decision?

Both you and the landlord must be sent a decision letter. This is because both of you are affected by the decision.

If someone asked for direct payments for you because you were unable to act for yourself they're also a 'person affected', and should be sent a decision letter.

### What must the decision letter contain?

If the council **agrees** to pay housing benefit to your landlord the decision letter must tell you:

- the amount to be paid to your landlord; and
- the date from when direct payments will be made.

If the council **refuses** to make direct payments the decision letter must tell you about:

- your right to ask for a written statement of reasons (see page 16); and
- your right to ask the council to reconsider (see pages 16 to 17);
- your right to appeal to an independent tribunal (see pages 17 to 20).

## I'm not sure what the decision letter means

If there's anything in the council's decision letter you don't understand ask the council to explain. You can ask the council to give you a **statement of reasons** (see the letter on page 16). You have to ask for this in writing and you must sign the letter.

A statement of reasons is very useful if you may want to appeal as it forces the council to explain all the reasons why it refused to pay your landlord. These reasons can help you (or your advisor) decide whether to appeal and help you prepare your reasons for saying the council's decision is wrong.

Your landlord can also ask for a statement of reasons.

## Challenging the decision

### I don't agree with the decision – what can I do?

If you disagree with the council's decision you can:

- ask the council to reconsider (look again at) the decision, or
- tell the council you want to appeal to the independent tribunal.

It is best to get advice. An advisor may be able to:

- check if the decision is correct;
- tell you whether it's better to ask for a review or appeal;
- help you with your review or appeal.

See page 22 for where you can get advice.

### Asking the council to reconsider

You can ask the council to reconsider a refusal to pay your housing benefit directly to your landlord (this is sometimes called a 'review' or 'revision').

You have to ask for this in writing within one calendar month of the date on the decision letter. If you asked for a statement of reasons the days between when



you asked for and received the statement are not counted towards the one month. You can ask the council to extend the time limit if you have a good reason, eg if there was a delay in you getting the decision letter, or if you were ill. But it is better to ask for the review within the one month time limit if you can.

Your letter should explain **why** you think the decision is wrong and provide supporting information if possible. Refer to the rules councils must apply (pages 9 to 13) to work out and explain how your situation means your landlord should be paid directly.

A letter you can use to ask the council to reconsider is on page 27.

Hand the letter in and get a receipt if you can, and keep a copy. Keep all paperwork safe and make a note of the date it was sent.

### **What happens when the decision is reviewed?**

The council will look again at the original decision and any new information you have provided. The council may ask you for more information.

Once the council have looked again at the decision, you will receive a letter telling you if the decision has been changed or not.

### **Appealing a decision not to pay your landlord**

You can ask for an appeal at the same time as you ask the original decision to be reviewed. Or you can wait to see if the council changes its decision at the review stage.

It is free to appeal.

To appeal you need to write to the council. You should make clear you want to appeal to the tribunal. A letter you can use is on page 29. The council may ask you to complete a form. You will need to explain why you think the decision is wrong and provide supporting information if you can.

The council then have to send your case to the tribunal who will look again at the decision.

It is best to get advice if you're thinking of appealing. See page 22 for where you can get advice.

Your landlord can also appeal a refusal to make direct payments to them.

You must appeal within one month of the date on the decision letter (either the original decision or the review decision if you asked for a review). If your application is late it may still be accepted, but you will need to show a good reason for being late.

If you asked for an appeal at the same time as you asked for a review but the review is unsuccessful the appeal should go ahead automatically after the council make the review decision. Check with the council that they have done this.

### **What if the council delays telling the tribunal about your appeal?**

You can complain about an unreasonable delay in sending your appeal to the tribunal.

You may also be able to go to court using a process called judicial review. This is a complicated process and you'll need a solicitor. You may be eligible for legal aid funding. For more information call the Civil Advice helpline on 0845 345 4345 or visit [www.gov.uk/check-legal-aid](http://www.gov.uk/check-legal-aid).

Complaining may be easier. See page 18 and the letter on page 30.

### **What happens next if you have appealed?**

If an appeal hearing is arranged the council must invite both you and your landlord to the hearing.

After you have told the council you want to appeal you will be sent a pre-hearing enquiry form. You must complete this and send it back within 14 days or the appeal will end. If you can't get the form back in time it's very important to contact the tribunal and tell them why.

When you fill the form in you need to say if you want:

- an oral hearing (that you or someone on your behalf will have to attend),  
or
- a paper hearing, that no one has to attend.

An oral hearing is usually better. You can put your case to the tribunal in person and answer any questions about your situation.

Contact Shelter or Citizens Advice if you need help filling in the form or help preparing what to say at the hearing (see page 22).

Explain **why** you think the decision is wrong and provide supporting information if you can. Refer to the rules councils must apply (pages 9 to 13) and explain how your situation means your benefit should be paid directly under one or more of these rules.

You can get more information on how the appeals process works and what you need to do at each stage from Her Majesty's Courts and Tribunals Service. Their telephone number is 0300 123 1142.

### **Representation at the tribunal hearing**

Housing rights or welfare rights advisors may be able to support you and speak on your behalf.

You could employ a solicitor but you can't get legal aid for tribunal hearings.

If you need a translator or interpreter at the hearing to help you communicate tell the tribunal well in advance.

### **What happens next?**

If you asked for an oral hearing you'll be told by letter of the date, time and place of the hearing at least 14 days beforehand. The hearing will be held near to where you live.

The appeal is decided by a legally qualified chairperson who doesn't work for the council.

You (or your representative) will get a chance to explain your situation. If you're representing yourself try not to be nervous or emotional, and present the facts to the tribunal as clearly as you can. The council may send someone to explain their case.

The chairperson usually decides the appeal and tells you the result on the day of the hearing. If not, they will write to you with the decision.

If you asked for a paper hearing you won't be told when it will take place. Make sure you send in your evidence as soon as possible after you appeal.

If you do not hear from the tribunal for several weeks, contact them to check the progress of your case.

### **What will the independent tribunal look at when deciding if the landlord should be paid directly?**

The tribunal will look at all the facts again and make their own decision.

You will need to show that direct payments should be made. The tribunal will use the rules in this guide (see pages 9 to 13) to decide if you or your landlord should receive the benefit payments.

### **What if I don't agree with the appeal decision?**

You may be able to appeal again to the Upper Tribunal. You can only appeal to this tribunal if you believe the chairperson did not apply the law correctly. You should get advice from a solicitor or specialist advisor before you try to do this (see page 22 for where to get advice).

## **Making a complaint**

### **Complaining to the council**

If you're not happy with the way your benefit claim or request for direct payments has been handled, you can complain using the council's complaints procedure.

For example you may complain if council staff have:

- been rude or unhelpful
- unreasonably delayed in dealing with your claim (or any part of your claim)
- not applied the benefit rules correctly, or misled you about the rules.

You should complain in writing, and make clear you want to make a 'formal' complaint. It's a good idea to ask for details of the council's complaints policy (see the letter on page 30). Details of the council's complaints procedure should also be on their website.

## Complaining to the Ombudsman

If you are not satisfied with the council's response to your complaint, you can complain to the Local Government Ombudsman (or the Public Services Ombudsman if you live in Wales). Complaint forms are available online ([www.lgo.org.uk](http://www.lgo.org.uk) for England; [www.ombudsman-wales.org.uk](http://www.ombudsman-wales.org.uk) for Wales).

It is free to complain to the Ombudsman.

The Ombudsman will usually expect you to have complained to the council and given them a chance to respond before looking into your complaint.

But the Ombudsman may agree to look into your complaint earlier, eg if:

- the council hasn't responded to your complaint within the time period stated in their policy, or
- your complaint is very urgent, eg you are at risk of being evicted because of the council's actions.

The Ombudsman may refuse to look into your complaint if you have another legal route for challenging a decision.

There's a letter on page 32 you can use to ask the Ombudsman to look into your case where the council have delayed in responding to your formal complaint.

## What will the Ombudsman look at?

The Ombudsman will look at:

- if the council was at fault (this is called 'maladministration'), and
- if you have suffered injustice as a result of the council's mistake.

If the Ombudsman decides the council is at fault and you have suffered injustice, it can recommend the council puts things right. The Ombudsman also sometimes recommends compensation.

## Getting help and advice

If your situation isn't covered by this guide, you can contact an advisor to discuss your situation.

An advisor may be able to help by:

- helping you make a claim for housing benefit
- helping you explain to the council why your housing benefit should be paid directly to your landlord
- helping you gather information that supports your case
- explaining the housing benefit rules
- checking if a decision by the council is correct
- helping you challenge a decision you are unhappy with
- helping you apply for a discretionary housing payment
- explaining complicated legal issues.

If you live in **England** you can get free advice from:

- Shelter  
[www.shelter.org.uk](http://www.shelter.org.uk)  
0808 800 4444
- Citizens Advice  
[www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)  
03444 111 444

If you live in **Wales** you can get free advice from:

- Shelter Cymru  
[www.sheltercymru.org.uk](http://www.sheltercymru.org.uk)  
0845 075 5005
- Citizens Advice  
[www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)  
08444 77 20 20



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## Online versions

You can download these letters (and other housing benefit letters) online at:  
[markprichard.co.uk/resources](http://markprichard.co.uk/resources)



## Letter 1

### Asking for housing benefit to be paid directly to your landlord

Fill in all the 'blanks' that are shown in red. Some parts of the letter need you to describe your own situation in detail. Contact an advisor from Shelter, Citizens Advice or another advice service if you need help writing the letter.

*[Insert your address]*

*[Insert your telephone number]*

*[Insert the date]*

*[Insert the address of the council's benefits department]*

By *[first class post / hand / email to: [insert benefit department's email address]]*

Dear Sir/Madam

**Re: Request for housing benefit to be paid directly to landlord**

**Housing Benefit Regulations 2006, SI No. 213, Regs 95 and 96**

**Your ref: *[Insert your benefit reference number (if you have one)]***

I write to ask you to pay my housing benefit directly to *[insert the name of your landlord, or the person you must pay rent to under your tenancy, if this is a different person]*, who is the person to whom I must pay rent.

I am asking this because:

*[insert whichever of the following bullet points apply; delete the bullet points that don't apply]*

- deductions are being made from my income support / employment support allowance / income support / pension credit *[delete as appropriate]* and being paid to my landlord for rent arrears;
- I have rent arrears equivalent to eight weeks' rent or more. My arrears stand at £*[enter amount]* as at *[insert date]*
- I am unlikely to pay my rent because:
  - *[fully describe situation, and reasons why above rule is met]*
- direct payments to my landlord are likely to help me get a tenancy at *[insert address]* because:
  - *[fully describe your situation, and give reasons why above rule is met]*
- direct payments to my landlord are likely to help me keep my tenancy, because:
  - *[fully describe your situation, and give reasons why above rule is met]*
- I am unable to manage my financial affairs because:
  - *[fully describe your situation, and give reasons why above rule is met]*





*[If possible enclose a supporting letter from someone like a doctor, support worker, health visitor, homelessness officer etc.] I enclose a letter from [insert name] who is my [describe who they are, eg support worker / housing advisor / homeless officer].*

I am anxious to demonstrate to my landlord that I am taking appropriate steps to address my rent arrears. I am aware that, whatever your decision, you must notify the landlord (as a 'person affected' by the decision) of the decision in writing (Regulations 2 and 90(1), Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001 SI No 1002, Regulation 3(1)(e)).

Please contact me if you need any further information.

Yours faithfully

*[Insert your name]*

Copy: *[insert name & job title of anyone you want to forward a copy of this letter to eg support worker, homelessness officer, legal advisor, landlord etc.]*



## Letter 2

### Asking for a statement of reasons

Fill in all the 'blanks' that are shown in red. Some parts of the letter need you to describe your own situation in detail. Contact an advisor from Shelter, Citizens Advice or another advice service if you need help writing the letter.

*[Insert your address]*

*[Insert your telephone number]*

*[Insert the date]*

*[Insert the address of the council's benefits department]*

By *[first class post / hand / email to: [insert benefit department's email address]]*

Dear Sir/Madam

**Re: Decision dated [date]**

**Request for written statement of reasons**

**Housing Benefit Regulations 2006, SI No. 213, Reg.90 and Schedule 9**

**Your ref: *[Insert your benefit reference number]***

Please send me a written statement of reasons for the above decision, including the reasons why you decided to pay me instead of my landlord directly.

I'm aware you must send me the statement within 14 days, or as soon as reasonably practicable thereafter.

Yours faithfully

*[Insert your name]*

Copy: *[insert name & job title of anyone you want to forward a copy of this letter to eg support worker, homelessness officer, legal advisor, landlord etc.]*



## Letter 3

### Asking for a negative direct payments decision to be reconsidered

Fill in all the 'blanks' that are shown in red. Some parts of the letter need you to describe your own situation in detail. Contact an advisor from Shelter, Citizens Advice or another advice service if you need help writing the letter.

*[Insert your address]*

*[Insert your telephone number]*

*[Insert the date]*

*[insert address of benefits department]*

By *[first class post / hand / email to: [insert benefit department's email address]]*

Dear Sir/Madam

**Re: Revision request**

**Housing benefit decision dated *[insert date of decision]***

**Child Support, Pensions and Social Security Act 2000, Schedule 7, para 4(1)**

**Your ref: *[Insert your benefit reference number]***

Please reconsider the decision not to pay my housing benefit directly to my landlord.

I believe my circumstances qualify me for direct payments because:

- *[fully describe your situation];*
- *[explain how your situations comes within direct payments criteria the Council must apply];*
- *[if you're likely to suffer hardship if direct payments aren't made, say this and explain the reasons why].*

*[If you have not already asked for a statement of reasons, include the following sentence]*

*Please also forward a statement of reasons for your original decision, including the reasons why you decided to pay me instead of my landlord directly.*

If you uphold the original decision by deciding payments will not be made to my landlord, please treat this letter as a request for an appeal to the independent tribunal.

Yours faithfully

*[Insert your name]*



Copy: *[insert name & job title of anyone you want to forward a copy of this letter to eg support worker, homelessness officer, legal advisor, landlord etc.]*



## Letter 4

### Appealing a negative direct payments decision

Fill in all the 'blanks' that are shown in red. Some parts of the letter need you to describe your own situation in detail. Contact an advisor from Shelter, Citizens Advice or another advice service if you need help writing the letter.

*[Insert your address]*

*[Insert your telephone number]*

*[Insert the date]*

*[Insert the address of council's benefits department]*

By *[first class post / hand / email to: [insert benefit department's email address]]*

Dear Sir/Madam

**Re: Request for appeal of housing benefit decision dated *[insert date of original decision OR review decision as appropriate]***

**Your ref: *[Insert your benefit reference number]***

I wish to appeal the above decision, when you decided not to make benefit payments directly to my landlord, to the independent tribunal.

Please forward a statement of reasons for the above decision.

On receipt of the statement of reasons I will submit my full reasons for appealing.

Please confirm in due course that the appeal has been forwarded to the tribunal.

I look forward to hearing from you shortly.

Yours faithfully

*[Insert your name]*

Copy: *[insert name & job title of anyone you want to forward a copy of this letter to eg support worker, homelessness officer, legal advisor, landlord etc.]*



## Letter 5

### Making a formal complaint because of delay

Fill in all the 'blanks' that are shown in red. Some parts of the letter need you to describe your own situation in detail. Contact an advisor from Shelter, Citizens Advice or another advice service if you need help writing the letter.

*[Insert your address]*

*[Insert your telephone number]*

*[Insert the date]*

*[Insert address; it's a good idea to send the complaint to the council department that deals with complaints, but this isn't essential]*

By *[first class post / hand / email to: [insert email address]]*

Dear *[insert name]*

**Re: Formal complaint about housing benefit claim**

**Your ref: *[Insert your benefit reference number]***

I wish to complain about how my housing benefit claim has been dealt with. Please treat this as a formal complaint under the Council's complaints policy.

I wish to complain about an unreasonably long delay in:

*[explain below why you think the council hasn't acted properly; cover all the relevant points but be as brief as you can]*

- *[eg making a decision on whether my benefit can be paid directly to my landlord, after I asked the Council to do this on [insert date]. The Council should have made this decision without delay or as soon as reasonably practicable, and notified me and my landlord in writing of all prescribed matters within 14 days of the decision (HB Regulations 2006 No. 213, Reg.90(1), Schedule 9.)*
- *[eg arranging for my appeal to be forwarded to the independent tribunal, after I asked for an appeal on [insert date]].*

*[Enclose copies of any relevant documents – but only if this will help the complaint officer understand your complaint. For example, you may want to include a note you or your advisor made of a previous visit or telephone call with the benefits department. Make sure you keep copies of documents you send with the letter]*

I enclose the following in support of my complaint:

- *[describe the document(s)].*

The Council's delay has caused me the following problems: *[explain what problems or hardship you have suffered as a result of the delay]*

- *[eg my landlord is growing impatient with me as a tenant because of the problems I am experiencing with getting my benefit paid directly to him. I am concerned he may end my tenancy]*
- *[eg I am experiencing financial hardship as a result of the delay because my bank has deducted bank charges from housing benefit paid into my account. This has caused me to fall further into debt and prevented me from paying my rent].*

I would like the Council to: *[explain what you would like the council to do; bearing in mind what you ask for should be reasonable]*

- *[eg make a decision on whether my benefit can be paid directly to my landlord, and send me and my landlord a written decision, so we know the decision, and can exercise our right to appeal if it is a negative decision];*
- *[eg forward my appeal immediately to the independent tribunal and confirm in writing the date this was done].*

Please forward me a copy of the Council's complaints policy and procedures, and confirm the name and contact details of the officer who is dealing with my complaint.

**Please note that if my complaint is not satisfactorily dealt with within your published timescales I may complain to the Ombudsman without further reference to you.**

I look forward to hearing from you.

Yours sincerely

*[Insert your name]*

Copy: *[insert name & job title of anyone you want to forward a copy of this letter to, eg support worker, homelessness officer, legal advisor, landlord etc.]*

## Letter 6

### Asking the Ombudsman to look into your complaint before your formal complaint to the council is completed, because the council has delayed and not made a decision on your formal complaint

Fill in all the 'blanks' that are shown in red. Some parts of the letter need you to describe your own situation in detail. Contact an advisor from Shelter, Citizens Advice or another advice service if you need help writing the letter.

*[Insert your address]*

*[Insert your telephone number]*

*[Insert the date]*

*[insert Ombudsman's address:]*

*[If you live in England:]*

Local Government Ombudsman  
PO Box 4771  
COVENTRY  
CV4 0EH

*[If you live in Wales:]*

Public Services Ombudsman for Wales  
1 Ffordd Hen Gae  
Pencoed  
PEN-Y-BONT AR OGWR  
CF35 5LJ

Dear Sir/Madam

**Re: Complaint about *[insert name of council]***

**Request for Ombudsman to investigate complaint before Council's formal complaints procedure is exhausted**

I write to ask if the Ombudsman could investigate the following complaint. I enclose your complaint form, which I have completed.

I also enclose a copy of my original complaint to the Council dated *[insert date]*.

Unfortunately, the Council have not responded fully to my complaint within the timescale contained in their complaints policy.



I would like the Ombudsman to exercise its discretion to investigate my complaint even though the Council have not responded fully to my complaint. I ask this because:

*[explain your reasons]*

- *[eg The Council has failed to make a decision on the complaint within the timescale in their Complaints Policy]*
- *[eg My complaint is urgent, because I am at risk of becoming homeless. My landlord is threatening to evict me because of rent arrears that have been made worse by the Council's actions that I have complained about].*

I would ask you to note that it is simply not possible for me to exercise a legal remedy because of my financial and personal circumstances.

*[Include the following paragraph if you have instructed a legal advisor or have a representative:]*

The following person is my representative. Please copy all correspondence in this matter to them:

Name: [name]  
Organisation: [name of organisation]  
Address: [full postal address]  
Postcode: [postcode]  
Telephone no: [number]  
E-mail address: [email address]

Thank you for your help.

Yours faithfully

*[Insert your name]*

Enc: Complaint form

Copy: *[insert name & job title of anyone you want to forward a copy of this letter to, eg the council's complaints officer, support worker, homelessness officer, legal advisor, landlord etc.]*



**MARK  
PRICHARD**  
SOCIAL HOUSING CONSULTANT

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