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## Decision Report - Executive Decision

Forward Plan Reference: FP/22/12/02

Decision Date – 13/02/23

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### Housing Benefit War Pensions Disregard Policy

Executive Member(s): Cllr Liz Leyshon - Deputy Leader of the Council and Lead Member on Finance and Human Resources

Local Member(s) and Division: N/A

Lead Officer: Jason Vaughan, Director of Finance & Governance

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#### 1. Summary / Background

- 1.1** The Housing Benefit scheme is a national scheme which is administered locally by the Council on behalf of Government.
- 1.2** The national scheme provides local authorities with the discretion to increase the amount of income that is disregarded in respect of any War Disablement or War Widows Pension by up to 100%. The Council must make a resolution where it wishes to exercise this discretion.
- 1.3** Currently each of the four districts within Somerset applies the maximum 100% disregard for War Disablement and War Widows Pensions.
- 1.4** This report recommends that the Council resolve to maintain the current 100% disregard for War Disablement and War Widows Pensions, as operated by the existing district councils, in relation to the Housing Benefits scheme for Somerset Council from 1 April 2023 onwards. This is consistent with the approach already agreed by Council in relation to the Council Tax Reduction scheme on 23 November 2022.
- 1.5** Appendix A details the proposed policy in relation to War Disablement and War Widows Pensions disregards for Housing Benefits together with detailed definitions in respect of each of the qualifying pensions.

#### 2. Recommendations

- 2.1.** The Executive are requested to recommend approval of the Housing Benefits War Pensions Disregard Policy to Council on 22 February 2023.

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## **3. Reasons for recommendations**

- 3.1.** The proposal provides for continuity of approach to the disregarding of War Disablement or War Widows Pensions for Housing Benefit purposes between the existing four districts and the new Somerset Council. This is also consistent with the approach taken in respect of the Council Tax Reduction scheme agreed by Council on 23 November 2022.
- 3.2.** The disregarding of these benefits for Housing Benefit purposes helps to support the Council's commitments under the Armed Forces Covenant.

## **4. Other options considered**

- 4.1.** The alternatives would be to either reduce or remove the disregard for Housing Benefit purposes. Whilst doing so may produce a small saving, this, arguably, would not be consistent with our commitments under the Armed Forces Covenant. It would also be inconsistent with the approach agreed in respect of the Council Tax Reduction scheme.

## **5. Links to County Vision, Business Plan and Medium-Term Financial Strategy**

- 5.1.** The corporate priorities for the new council are emerging but not yet agreed. It is reasonable to assume however, that the new Council will wish to protect people who are on low incomes and potentially vulnerable. This proposal supports these aims.
- 5.2.** In addition, the Council has signed-up to the Armed Forces Covenant and this proposal supports the objectives of the Covenant.

## **6. Consultations and co-production**

- 6.1.** This recommendation is simply to continue to maintain the 100% disregard that is currently in force across the existing four district councils and which maximises the support available to those in receipt of War Disablement or War Widows Pensions. Consequently, no consultation exercise has been undertaken.

## **7. Financial and Risk Implications**

- 7.1.** The decision to disregard War Disablement or War Widows Pensions for Housing Benefit purposes is a local discretionary decision provided for within the national Housing Benefit legislation. The costs of the disregard are borne locally by the Council.
- 7.2.** The cost of this disregard is not significant and year-on-year the numbers of claimants qualifying for this disregard is reducing. Consequently, we do not

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anticipate anything more than an inflationary increase in cost for the 2023/24 financial year. Set out below are the costs for the last full financial year (2021/22) for the existing four districts.

Mendip	£19,196
Sedgemoor	£13,250
South Somerset	£21,566
SW&T	£46,777
<b>TOTAL</b>	<b>£100,789</b>

**7.3.** The key risks and proposed mitigating actions are detailed below.

<b>Risk</b>	<b>Mitigation</b>
<p><b>Cause:</b> Reducing or removing the 100% disregard for War Disablement or War Widows Pensions.</p> <p><b>Impact:</b> Potentially significant detrimental financial impact on potentially vulnerable claimants &amp; possible legal action in relation to our commitments under the Armed Forces Covenant.</p>	Continue to provide a full 100% disregard for War Disablement or War Widows Pensions.
<p><b>Cause:</b> Significant increase in the number of claimants qualifying for a disregard.</p> <p><b>Impact:</b> Significant detrimental impact on our budget / increased costs.</p>	In practice the number of claimants qualifying for this disregard is low and is steadily reducing. This is reflective of the increasingly small proportion of the population in receipt of War Disablement or War Widows Pensions.

## **8. Legal and HR Implications**

- 8.1.** This recommendation is made in accordance with Sections 134(8) of the Social Security Administration Act 1992.
- 8.2.** In addition, on 22 November 2022 Government placed a new legal duty on local authorities to consider the Armed Forces Covenant as part of their decision making processes. Housing is one of the three key areas covered by the new requirements so clearly decisions that relate to Housing Benefit entitlement are likely to be included within this requirement.

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**8.3.** There are no HR implications resulting from this report.

## **9. Other Implications**

### **9.1. Equalities Implications**

Consideration has been given to our obligations under the Public Sector Equality Duty in proposing the extension of the existing approach currently taken in the existing four districts. An Equalities Impact Assessment has been undertaken and is attached at Appendix B.

This assessment has identified that the policy may impact on the following groups:

- Age
- Disability
- Race and ethnicity
- Veterans

Processes are already in place to provide for additional support, where required, to ensure that people within these groups can understand the benefits and disregards available and are able to claim them.

We have considered the other protected groups when developing the policy but did not identify any specific additional criteria in respect of those groups. The characteristics of the other protected groups are not relevant in regard to determining the applicability of this policy in relation to them.

### **9.2. Community Safety Implications**

There are no direct implications for community safety resulting from this proposal. However, disregarding War Disablement or War Widows Pensions will potentially allow us to pay a greater amount of Housing Benefit to qualifying claimants, which should have a beneficial impact on health and wellbeing.

### **9.3. Sustainability Implications**

There are no sustainability implications resulting from the recommendation in this report.

### **9.4. Health and Safety Implications**

There are no health and safety implications resulting from the recommendation in this report.

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## **9.5. Health and Wellbeing Implications**

Disregarding War Disablement or War Widows Pensions will potentially allow us to pay a greater amount of Housing Benefit to qualifying claimants, which should have a beneficial impact on their health and wellbeing.

## **9.6. Social Value**

There are no social value implications resulting from the recommendation in this report.

## **10. Scrutiny comments / recommendations:**

**10.1** The Scrutiny for Policies and Place Committee considered the report and the proposed scheme at their meeting on 10 January 2023 and are happy to support the proposed approach.

## **11. Background**

**11.1.** The background to this recommendation is covered in Section 1 above.

## **12. Background Papers**

**13.** There are no background papers relating to this report.

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## Report Sign-Off

		Date completed
Legal Implications	Honor Clarke	15/12/22
Governance	Scott Wooldridge	21/12/22
Corporate Finance	Jason Vaughan	13/12/22
Customers, Digital and Workforce	Chris Squire	16/12/22
Property	Paula Hewitt / Oliver Woodhams	08/12/22
Procurement	Claire Griffiths	08/12/22
Senior Manager	Jason Vaughan	13/12/22
Commissioning Development	Sunita Mills / Ryszard Rusinek	08/12/22
Executive Member	Cllr Liz Leyshon - Deputy Leader of the Council and Lead Member on Finance and Human Resources	13/12/22
<b><u>Sign-off Key Decision / Consulted on Non-Key Decision</u></b>		
Local Member		N/A
Opposition Spokesperson	Opposition Spokesperson - Finance and Human Resources - Cllr Mandy Chilcott	10/12/22
Scrutiny Chair	Scrutiny for Policies and Place Committee - Cllr Gwil Wren	10/01/23

## Housing Benefit War Pensions Disregard Policy

### Introduction

This policy sets out the circumstances in which War Pensions will be fully disregarded when working out a claimant's income in their Housing Benefit assessment.

### Background

The Housing Benefit scheme is a national scheme that is administered locally by the Council on behalf of Government. The majority of the scheme is mandatory but the Council has discretion to implement a local scheme which will allow certain incomes to be disregarded.

Under Section 134(8) of the Social Security Administration Act 1992 Local Authorities have the discretion to increase the amount of income that is disregarded in respect of any War Disablement or War Widows pension, up to 100%. (NB. The statutory scheme just disregards the first £10 per week from the payment).

### Purpose and principles of the policy

The purpose of this policy is to:

1. Ensure all Housing Benefit assessments are dealt with in a fair, consistent and equal manner;
2. Make clear the types of pensions to be disregarded under the Housing Benefit War Pensions Disregard Policy; and
3. Ensure consistency with the Local Council Tax Reduction scheme for 2023/24, which has equivalent provisions as approved by full Council on 23 November 2022.

### The policy resolution

In line with Section 134(8) of the Social Security Administration Act 1992, the Council has resolved to disregard 100% of the following prescribed incomes for both working age and pension age claimants, effective from 1 April 2023:

- (a) **War Disablement Pensions** - The war disablement pensions prescribed are:
- any retired pay or pension or allowance payable in respect of disablement under an instrument specified in section 639(2) of the Income Tax (Earnings and Pensions) Act 2003;
  - any retired pay or pension payable to a member of the armed forces of the Crown in respect of a disablement which is attributable to service, under:

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- (i) an Order in Council made under section 3 of the Naval and Marine Pay and Pensions Act 1865
- (ii) the Army Pensions Warrant 1977
- (iii) the Army Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) Warrant 2010
- (iv) any order or regulations made under section 2 of the Air Force (Constitution) Act 1917
- (v) any order or regulations made under section 4 of the Reserve Forces Act 1996
- (vi) any instrument amending or replacing any of the instruments referred to above or any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown; and
- (vii) a payment made under article 14(1) (b) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2005.

(b) **War widow's pensions** - The war widow's pensions prescribed are:

- any pension or allowance payable to a widow, widower or surviving civil partner under an instrument specified in section 639(2) of the Income Tax (Earnings and Pensions) Act 2003 in respect of the death or disablement of any person;
- a pension payable, to a widow, widower or surviving civil partner of a member of the armed forces of the Crown in respect of death which is attributable to service, under:
  - (i) an Order in Council made under section 3 of the Naval and Marine Pay and Pensions Act 1865
  - (ii) the Army Pensions Warrant 1977
  - (iii) the Army Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) Warrant 2010
  - (iv) any order or regulations made under section 2 of the Air Force (Constitution) Act 1917
  - (v) any order or regulations made under section 4 of the Reserve Forces Act 1996
  - (vi) any instrument amending or replacing any of the above or any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown; and
  - (vii) a payment made under article 21(1)(a) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2005.

(c) A payment made to compensate for the non-payment of such a pension or payment as is mentioned in any of the preceding sub-paragraphs.

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## APPENDIX B

### Somerset Equality Impact Assessment

Before completing this EIA please ensure you have read the EIA guidance notes – available from your Equality Officer

<b>Version</b>	<b>1.0</b>	<b>Date</b>	<b>5 Dec 2022</b>
<b>Description of what is being impact assessed</b>			
<b>The proposed Housing Benefit War Pensions Disregard Policy</b>			
<b>Evidence</b>			
<b>What data/information have you used to assess how this policy/service might impact on protected groups?</b> Sources such as the <a href="#">Office of National Statistics</a> , <a href="#">Somerset Intelligence Partnership</a> , <a href="#">Somerset's Joint Strategic Needs Analysis (JSNA)</a> , Staff and/ or <a href="#">area profiles</a> ,, should be detailed here			
We have considered data from the existing caseload within the current four district schemes.			
<b>Who have you consulted with to assess possible impact on protected groups?</b> If you have not consulted other people, please explain why?			

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This recommendation is simply to continue to maintain the 100% disregard that is currently in force across the existing four district councils and which maximises the support available to those in receipt of War Disablement or War Widows Pensions. Consequently, no consultation exercise has been undertaken.

## Analysis of impact on protected groups

The Public Sector Equality Duty requires us to eliminate discrimination, advance equality of opportunity and foster good relations with protected groups. Consider how this policy/service will achieve these aims. In the table below, using the evidence outlined above and your own understanding, detail what considerations and potential impacts against each of the three aims of the Public Sector Equality Duty. Based on this information, make an assessment of the likely outcome, before you have implemented any mitigation.

Protected group	Summary of impact	Negative outcome	Neutral outcome	Positive outcome
<b>Age</b>	Age is not a factor in determining whether the disregard should apply. However, it is likely that a high number of those qualifying for the disregard will be of pension age. Consequently, actions need to be taken to ensure that they are aware of the disregard and understand how to inform us that they may qualify.	☐	☐	☒
<b>Disability</b>	This policy is targeted at those who qualify for War Disablement Pension, which may be due to both a mental or physical disability. This group may find it more difficult to understand and notify us of the applicability of the disregard.	☐	☐	☒
<b>Gender reassignment</b>	This is not a factor when considering the applicability of the disregard.	☐	☒	☐

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<b>Marriage and civil partnership</b>	This is not a factor when considering the applicability of the disregard.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Pregnancy and maternity</b>	This is not a factor when considering the applicability of the disregard.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Race and ethnicity</b>	War Disablement or War Widows Pensions are potentially in payment to a range of people from different ethnic backgrounds and potentially different nationalities. Some may require additional support to ensure that they understand the disregard available to them and generally in claiming Housing Benefit. Processes to ensure we pay due regard to circumstances where language may be a barrier are built into our Housing Benefit application procedures already and will cover this aspect as well. Appropriate steps are taken to support people where language is an issue in understanding and applying for Housing Benefit.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Religion or belief</b>	This is not a factor when considering the applicability of the disregard.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Sex</b>	This is not a factor when considering the applicability of the disregard.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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<b>Sexual orientation</b>	This is not a factor when considering the applicability of the disregard.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Other, e.g. carers, veterans, homeless, low income, rurality/isolation, etc.</b>	This disregard is directly aimed at claimants in receipt of War Disablement or War Widows Pensions and around ensuring they can maximise the support provided through Housing Benefits.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Negative outcomes action plan

Where you have ascertained that there will potentially be negative outcomes, you are required to mitigate the impact of these. Please detail below the actions that you intend to take.

Action taken/to be taken	Date	Person responsible	How will it be monitored?	Action complete
	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>

**If negative impacts remain, please provide an explanation below.**

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<b>Completed by:</b>	<b>Mark Antonelli</b>
<b>Date</b>	<b>5 Dec 2022</b>
<b>Signed off by:</b>	<b>Richard Sealy</b>
<b>Date</b>	<b>8 Dec 2022</b>
<b>Equality Lead/Manager sign off date:</b>	<b>Tom Rutland 9 Dec 2022</b>
<b>To be reviewed by: (officer name)</b>	<b>Mark Antonelli</b>
<b>Review date:</b>	<b>Nov 2023</b>