

**\*PART 1 – PUBLIC DOCUMENT**

**TITLE OF REPORT: DISREGARD OF WAR DISABLEMENT INCOME**

**REPORT OF: SERVICE DIRECTOR - CUSTOMERS**

**EXECUTIVE MEMBER: EXECUTIVE MEMBER FOR FINANCE AND IT, COUNCILLOR IAN ALBERT**

**COUNCIL PRIORITY: SUSTAINABILITY**

**1. EXECUTIVE SUMMARY**

- 1.1 The Council currently disregards in full war widows and war disablement pensions when calculating entitlement to Housing Benefit.
- 1.2 The purpose of this report is to document the existing working practices by way of a policy.
- 1.3 The policy is to ensure that members of the armed forces who have been disabled during service or the widows, widowers or surviving civil partner of those who died in service are recognised and not financially penalised when calculating entitlement to housing benefit.

**2. RECOMMENDATIONS**

- 2.1 That Council adopt the policy at Appendix B.

**3. REASONS FOR RECOMMENDATIONS**

- 3.1 The Housing Benefit Regulations make provision for the first £10 of a war disablement or war widow's pension to be disregarded when calculating an applicant's income relating to an application for housing benefit. The cost of this disregard is fully reimbursed to the Council by government.
- 3.2 The legislation also allows the Council to disregard any other part of these pensions and this Council has wholly disregarded the payments for a number of years when calculating housing benefit or council tax reduction entitlement.
- 3.3 The Council's council tax reduction scheme is aligned to housing benefit regulations and disregards war disablement or war widow pension.

**4. ALTERNATIVE OPTIONS CONSIDERED**

- 4.1 The policy reflects existing working practices that date back many years. The alternative option to not implement this policy would have a negative financial impact on any housing benefit claimants in receipt of war widows and war disablements pensions.

## **5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS**

- 5.1 Consultation has been carried out with the Executive member for Finance and IT, Cllr Ian Albert and with the previous Deputy Executive Member, Cllr Matt Barnes.
- 5.2 Consultation has also taken place with the Money Advice Unit and Citizens Advice.

## **6. FORWARD PLAN**

- 6.1 This report does not contain a recommendation on a key Executive decision and has therefore not been referred to in the Forward Plan.

## **7. BACKGROUND**

- 7.1 Nationally the Department of Work & Pensions (DWP) disregard £10 a week of this income, however councils have the discretion to increase the disregard. North Herts Council have disregarded the income in full for many years to acknowledge the service given by war veterans.
- 7.2 Historically the Council have disregarded in full certain war disablement and war widow incomes that are paid to war veterans. Although this has been the case for a number of years, we are unable to locate a formal policy that relates to this.
- 7.3 The Council has to appoint a Reporting Accountant for Housing Benefit, who report to the DWP on the payments that we have made. This process requires us to have a formal policy in relation to these disregards.

## **8. RELEVANT CONSIDERATIONS**

- 8.1 This policy does only apply to those claimants receiving Housing Benefit who are also in receipt of a war veterans' income. The income is paid by the veteran's agency and not the DWP and therefore comes under different legislation than other legacy benefits for disablement.
- 8.2 Appendix A lists the war disablement and war widows' incomes that are disregarded.
- 8.3 North Herts Council is a member of the Hertfordshire armed forces covenant which was signed on 13 December 2011. A reaffirmation of the covenant took place in June 2022 at Hertfordshire County Hall.
- 8.4 An armed forces covenant is a promise to ensure that those who serve or who have served in the armed forces, and their families, are treated fairly. Local authorities and the armed forces community are encouraged to work together to establish a community covenant in their area to, amongst other things, recognise and remember the sacrifices faced by the armed forces community.
- 8.5 This policy recognises and remembers the service and sacrifices faced by the armed forces community.

## **9. LEGAL IMPLICATIONS**

- 9.1 The Regulations providing for this are the Housing Benefit Regulations 2006 paragraph 40(2) and schedule 5, and Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 paragraph 33(9).

- 9.2 Sections 134 and 139 of the Social Security Administration Act 1992 provide the Council with the discretion to modify the Housing Benefit scheme by disregarding a further amount, or all, of specified war disablement pensions and payments.

## **10. FINANCIAL IMPLICATIONS**

- 6.1 The Council receives 75% subsidy for housing benefit war widow payments and in 2023/24 our expenditure was £6744.88. As in practice, these amounts are already being disregarded, the cost of these disregards are already reflected in existing budgets.

## **11. RISK IMPLICATIONS**

- 7.1. Good Risk Management supports and enhances the decision-making process, increasing the likelihood of the Council meeting its objectives and enabling it to respond quickly and effectively to change. When taking decisions, risks and opportunities must be considered.
- 7.2 This policy reflects what has been happening in practice for many years, there is a risk that without a documented policy supporting working practices there could be uncertainty regarding entitlement and or challenges.
- 7.3 The Council has to appoint a Reporting Accountant for Housing Benefit, who report to the Department for Work and Pensions on the payments that we have made. As we have not been able to provide the Reporting Accountant with evidence of an approved policy in relation to these disregards, they have advised that they would need to include it in the report that they make on our Housing Benefit reimbursement claim. Having a documented policy will mean that this will not need to happen for future claims.

## **12. EQUALITIES IMPLICATIONS**

- 12.1 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.2 An Equalities impact assessment has been completed and attached as a separate appendix.

## **13. SOCIAL VALUE IMPLICATIONS**

- 13.1 The Social Value Act and “go local” requirements do not apply to this report.

## **14. ENVIRONMENTAL IMPLICATIONS**

- 14.1. There are no known Environmental impacts or requirements that apply to the decision as set out in this report.

## **15. HUMAN RESOURCES IMPLICATIONS**

- 15.1 There are no Human Resource implications in this report.

## **16. APPENDICES**

- 16.1 Appendix A – List of war disablement disregards

- 16.2 Appendix B – War Pension Disregard Policy
- 16.3 Appendix C – Equality Analysis Impact Assessment

**17. CONTACT OFFICERS**

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**18. BACKGROUND PAPERS**

- 18.1 None

## Appendix A

The following war disablement and war widows' incomes will be disregarded.

1. A war disablement pension.
2. War widow's/widower's pension.
3. A pension payable a person as a widow, widower or surviving civil partner under any power of Her Majesty otherwise than under an enactment to make provisions 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.
4. Guaranteed Income Payments (GIPs) under the Armed Forces and Reserve Forces Compensation Scheme (AFRFCS) payments.
5. A payment made to compensate for the non-payment of such a pension as is mentioned in any of the preceding sub-paragraphs.
6. A pension paid by the government of a country outside Great Britain which is analogous to any of the pensions or payments mentioned in preceding paragraphs.
7. Any comparable payment paid by the government of a country outside Great Britain a pension paid under the law of the Federal Republic of Germany or Austria to victims of National Socialist persecution.