**Adviser Checklist – Benefits Cap**

**Benefit Issues**

* Check the calculation of benefits – is it correct? Note that only working age claimants on HB or those in receipt of UC are affected and only ‘specified benefits’ are taken into account for the cap so some benefits are NOT included (e.g. Council Tax Benefit, one-off payments, free school meals, the childcare element of Universal Credit)
* Is the client, or could the client be exempt? The cap won’t apply to households where:
  + someone is working and claiming Working Tax Credits
  + they are on Universal Credit earning £520 net or more per month (or combined income is at least this if couple)
  + where the claimant, partner or dependent child are receiving DLA, Attendance Allowance or Personal Independence Payment, or the claimant is a war widow or widower.
* If the claimant has been in work for the previous 12 months and lost the job through no fault of their own, they will be exempt for a period of 9 months.
* If the total amount they receive is below a certain level they will not be affected.

**Even if the claimant is not exempt now, can they become exempt?**

* Check eligibility for disability benefits – if not getting could they/member of family be eligible
* Can they find work or increase hours at work?
* Make a claim to DHP

**Debt/Money Management Issues**

* Could the shortfall between Housing Benefit and rent be met through better budgeting?
* Is the client repaying credit debts that could be written off or have the repayments reduced?
* Are there ways to reduce other essential costs such as fuel costs?
* Is the client getting Council Tax Benefit?
* Could non-dependents contribute more?

In all cases, referral for a financial statement/ debt advice/financial literacy support should be considered.

Check [www.thcan.org.uk](http://www.thcan.org.uk) website debt page for Tower Hamlets organisations offering financial literacy support

**Housing Issues**

* Is the client in private or public sector housing? If private, can rent be negotiated down to an affordable level?
* If unaffordable, is the client eligible to apply for social housing (long term solution)?
* Are the client’s circumstances likely to improve significantly in the foreseeable future (e.g. by obtaining work, increasing hours of work) – if so, it may be possible to get a Discretionary Housing Payment to cover the interim period.
* Is there any potential for legal challenges to repossession on housing or public law grounds (specialist referral CPAG)?

In any cases where repossession is actually threatened, the client should be referred for specialist housing advice wherever possible. If there is no prospect of the client being able to afford the rent then information should be given on:

* Accessing more support to find employment – including ESOL classes, volunteering, training opportunities – not only for the client but for any non-dependents in the household
* Homelessness applications (if client is eligible) – but note that temporary accommodation may also be subject to the benefit cap
* Finding cheaper accommodation. This may be outside the borough.

The above checklist can also be used when advising clients about the effect of the new Local Housing Allowances AND THE Housing Benefit reduction for under-occupation.