



DISTRICT COUNCIL  
NORTH OXFORDSHIRE

## **Cherwell District Council**

### **Council Tax Discount Scheme for Care Leavers**

#### **Background**

1. The government made recommendations in its Care Leavers Strategy “Keep on Caring” published in July 2016, that local authorities should consider exempting care leavers from council tax, using their existing discretionary powers under Section 13a of the local Government Finance Act 1992.
2. Many councils have since introduced discounts for care leavers, including Oxfordshire’s neighbours, the 6 Gloucestershire District Councils (billing authorities) and Gloucestershire County Council, who worked together to agree a common council tax discount scheme for Care Leavers from April 2019.
3. Oxfordshire County Council has worked to agree similar arrangements with Oxfordshire’s 5 District Councils.
4. Discounts made using this power must be funded by the billing authority. Oxfordshire County Council and precept partners will accept their proportions of the financial liability, in the same proportions as the Council Tax Reduction Schemes (CTRS) that are already established in the five billing authorities: Oxford City Council, Cherwell District Council, West Oxfordshire District Council and South & Vale District Councils.

#### **Legal Provision**

5. Billing authorities have discretion under Section 13A(1)(c) of the Local Government Finance Act 1992 to reduce the amount of council tax payable for individuals, or for classes of council taxpayer. This includes the power to reduce the amount payable to nil.
6. This provision is separate to and distinct from the council tax support scheme which is made under Section 13A(1)(a) of the Local Government Finance Act

1992. It allows the council to reduce the amount payable after all statutory discounts and exemptions and local council tax support.

## **Eligibility Criteria**

### **18 - 21-year olds**

7. The care leaver discretionary discount will be awarded after statutory discounts, exemptions, disability discount and local council tax support have been applied. This will also include accounts where a care leaver is jointly and severally liable with others.
8. The discount for care leavers aged 18-21 years old will ensure that any gap between their eligible discounts under their local authority's CTRS and the individual's liability for council tax will equate to 100% reduction, in all cases.
9. A care leaver, for the purpose of this policy, is defined as a young person aged 18 – 21 who was formerly a child in the care of Oxfordshire County Council and then became a 'Former Relevant Child' as defined by The Children (Leaving Care) Act 2000. The Care Leaver must be resident and liable for council tax on a property within Oxfordshire.
10. The care leaver must be the liable person for council tax, either solely or jointly and severally with other(s), at the dwelling in respect of which the application is made. The council tax bill must be in their name.
11. Where a care leaver lives in a HMO or other property where they are not the council tax payer no discount will be awarded.
12. The care leaver discount will apply to occupied properties only.
13. Confirmation that a claimant is an Oxfordshire County Council Former Relevant Child must be received from the county council's Leaving Care team.

### **21 - 25-year olds**

14. In the interests of young adults gradually progressing to full independence from 21 – 25 years of age, care leavers will be means tested for CTRS with no automatic discount applied additionally. However, where the individual's financial liability for council tax is judged to be unmanageable due to their specific circumstances and vulnerabilities, a written statement by their personal advisor or social worker from Oxfordshire County Council, with statutory responsibility, can be provided to justify the case for the S13A care leaver's discount to apply for the whole (or remainder) of that financial year.
15. The discount will be subject to annual written statement and review, up to the individual's 25<sup>th</sup> birthday.

## **Oxfordshire County Council care leavers resident outside of Oxfordshire**

16. It is proposed that where Oxfordshire care leavers are living outside the county, Oxfordshire County Council negotiates on a case-by-case basis for that individual's access to reductions or discounts. Advocating for the young person to gain complete reduction of council tax wherever possible has been implemented as standard practice within the personal advisor's role.

### **Application Process and Administration**

17. Oxfordshire County Council's Leaving Care team will seek consent from care leavers to provide information confirming the name, address and date of birth of care leavers living in Oxfordshire who will qualify for the discount to billing authorities.

18. A care leaver discount may also be awarded where the following information is provided, and the care leaver status has been verified with Oxfordshire County Council's Leaving Care team.

- Full name;
- Date of birth;
- Current address;
- Details of any other adults in the property and relationship to them;
- Details of any circumstances that would be relevant to entitlement to legislative discounts, disregards or exemptions;
- Contact details;
- Name of Leaving Care Worker if known.

19. Awards will be made directly by a discount in council tax liability and notification of the discount being awarded will be by way of the council tax bill.

20. The billing authority will undertake periodic reviews appropriate to the individual circumstances of each case.

21. The care leaver (or his/her appointee or a recognised third party acting on his/her behalf) must advise their billing authority of any change in circumstances which may affect entitlement to the discount within 21 days of the change occurring.

22. Any overpaid Care Leaver discount will be reclaimed through the relevant council tax account and collected and recovered under the Council tax (Administration and Enforcement) Regulations 1992.

It is Oxfordshire County Council's Leaving Care team's responsibility to support individual care leavers to access all their council tax reduction entitlements, with their consent.

### **Review of Decision / Backdating**

The Care Leaver discount scheme is administered in accordance with the Local Government Finance Act 1992 and is subject to a statutory appeals process. If the applicant disagrees with the decision, they must put this in writing giving their reasons. This should normally be received by the billing authority within a month of the date of the decision although more time can be given in exceptional circumstances.

If a decision is challenged a reconsideration will be made by the billing authority. The applicant will then be notified of the reconsideration which will clearly state the reasons for the decision made.

If the applicant remains dissatisfied with the decision, an appeal may be made to the independent Valuation Tribunal. Further details on this process will be notified to the applicant with the outcome of any previous review of the decision.

The billing authority will accept applications backdated to the beginning of the financial year, or to the date the care leaver became responsible for council tax so long as the date is not more than 12 months prior to the date of the application. The Care Leaver discount cannot be awarded prior to 1 April 2020.