

# Discretionary up to £150 Energy Rebate Payments

## West Sussex Guidelines 2022/23

1. The West Sussex local authority Boroughs and Districts utilising these guidelines are:
  - Adur District Council
  - Arun District Council
  - Chichester District Council
  - Crawley Borough Council
  - Horsham District Council
  - Mid Sussex District Council
  - Worthing Borough Council
2. This guidance sets out the guidelines under which residents in West Sussex will qualify for the discretionary Energy Rebate Payment of any amount.
3. As part of the Government's ongoing support to rising fuel costs the Government on the 3rd February 2022 announced the £150 Energy Rebate Payment for most households in Council Tax Bands A to D. The Government also announced the Discretionary Energy Rebate Scheme. It is up to each individual Local Authority to decide who to pay and the amount, which include a top up of the main £150 energy scheme. The Government guidelines for the Energy Rebate Payment scheme is at <https://www.gov.uk/government/publications/the-council-tax-rebate-2022-23-billing-authority-guidance/support-for-energy-bills-the-council-tax-rebate-2022-23-billing-authority-guidance>.
4. This document provides guidance to authorities about the operation and delivery of the discretionary energy rebate payment. These guidelines will be published on each Local Authority's website. Authorities will want to make the local population aware of how the discretionary energy rebate payment support package will be

delivered, e.g. through providing information on their websites and/or in press releases

## **Underpinning principles**

5. The principles of the West Sussex Guidelines for the Energy Rebate Payment scheme may include at the discretion of the individual Local Authority:-
  - All qualifying households must normally be liable for Council Tax at the 1<sup>st</sup> April 2022, with certain exemptions as outlined in these guidelines;
  - Payments of any amount at the discretion of the individual Local Authority;
  - A top up payment to anyone in Band A to D getting the main energy rebate of £150;
  - A top up payment to anyone in Band E getting the main energy rebate of £150 due to the disabled reduction;
  - Those whose houses were occupied 1 April but not on Valuation List on the 1 April 2022 but subsequently receive an A to D assessment before the 30<sup>th</sup> November 2022 whilst funds last.
  - Those whose Valuation Band E are reduced to band D by the Valuation Office Agency (VOA) before the 30<sup>th</sup> November 2022 whilst funds last.
  - All households in receipt of Council Tax Support or other means tested benefit during April to November 2022 in Council Tax Bands E to H (whilst funds last);
  - All households receiving war pensions or former military veterans;
  - All households in Council Tax Bands F to H qualifying for the disabled reduction;
  - All households in Council Tax Bands E to H qualifying for Severe Mental Impairment Exemption or discount;
  - All households in Council Tax Bands E to H that qualify for a Carers Discount;

- All households in Council Tax Band E to H getting a student exemption or discount; and
  - Any case that does not meet the above principles considered exceptional by the relevant senior Revenues or Benefits manager or head of service, if needed in consultation with more senior management;
6. West Sussex billing authorities will primarily use their council tax or benefits or existing energy rebate records to identify potential recipients of any energy rebate payment.
  7. The discretionary energy rebate payment should be paid as soon as possible from the beginning of the 2022/23 financial year. The application process will be available by early April 2022. New successful applicants will have Energy Rebate Payment paid quickly after they apply if they are eligible during the 2022/23 financial year. Payments will be made by BACS. A remittance notice will be emailed to accompany any energy rebate payment. Recipients, though, can elect to have the amount credited against their Council Tax account.
  8. Local authorities will maintain a record of rebate payment expenditure under this scheme, either through the council tax system and/or their own local support mechanisms such as Grant Approval.
  9. This assistance provided for the energy rebate payment will not affect the eligibility of recipients for other benefits including Council Tax Support.
  10. Households will need to apply through an online claim form for the discretionary energy rebate via the Grant Approval or similar system, which has been used for the COVID business grants and test and trace payments. Help will be available for residents who are unable to claim online – please contact your respective Local Authority. No

payment will be made without an application. This electronic form including the declaration must be fully completed with all the required evidence to be considered for a energy rebate payment. All applications must be made by midnight on the 30<sup>th</sup> November 2022 or until available funds last. Top up awards of the energy rebates can be made from previous application forms or direct debit details.

11. The West Sussex Local Authorities are keen to ensure that support is provided as quickly as possible to individuals who are eligible. It therefore considers that there is a strong case for councils to provide the support up front to enable the maximum support to be delivered promptly.
12. As this is a Discretionary Scheme there is no formal appeal against any decision. All West Sussex Councils will have an informal review process normally through a more senior or independent officer. Any challenge must be on a point of law through the courts.
13. This application or direct debit process will allow the Councils to undertake pre-payment checks to confirm eligibility and to allow the individual Council to determine how to use its discretion in relation to the appropriate level of grant.
14. The Councils will use their discretion in identifying the right households to potentially receive this funding, based on the application or direct debit process.
15. The Councils will ask the household to complete a declaration, or email or write to the household, stating that by accepting the energy rebate payment, they have confirmed they are eligible under the energy rebate payment scheme.
16. Also as a condition of funding we will expect the household applying to sign a declaration stating that they are not committing any fraud, as well as giving the Council permission to

share data to check such compliance and that these guidelines are complied with. The Council will also have to share this data with the Government bodies to check such compliance and for monitoring purposes and by signing the declaration the applicant gives the Council permission to do this and allow Government bodies any access to the data for such checks.

### **Decision Making Process**

17. Applications and/or awards based on direct debit details will be determined by authorised Council officers, in consultation with Executive Members where appropriate and in line with the guidelines.
18. All decisions will be communicated by email or in writing to residents. Decisions will be made as soon as possible after the receipt of further information if required, and after pre-payment assurance checks have been carried out.

### **Payments of the Energy Rebate**

19. These payments are Energy Rebate Payments and not Loans, and therefore will not require repayment, unless paid in error or where fraudulent activity is detected.
20. Energy Rebate Payments income received by a household is not subject to tax.
21. Each Council reserves the right to not award an energy payment if it appears payment should be made to someone else

### **Managing the risk of fraud**

22. The Councils will not accept deliberate manipulation and fraud. Anyone who dishonestly provides false or misleading information in communication with any Council, including verbal communication, will be committing a criminal offence contrary to the Fraud Act 2006 and will be subject to a criminal

investigation and criminal proceedings may be taken against them.

23. All information is subject to internal and external audit checks, as well as Government bodies pre and post payment checks and will also be scanned for potential fraud with approved bodies.

### **Sharing Information**

24. By applying for an energy rebate payment all applicants give authority to the West Sussex Councils to share data for efficient system administration (including within their own Authority) and to protect the Public Purse, subject to the Data Protection legislation. This will include sharing data with Sussex and other Local Authorities. The Local Authority Privacy Notice will be updated to reflect this.
25. The Councils will be required to share data with Government Departments for monitoring, to protect the public purse and other reasons. By applying for a discretionary energy payment all applicants give authority for this.
26. The Councils are also required to provide open data, and be transparent about the use of public funding. In accordance with Data Protection Guidelines, this energy payment data may be subject to being published on Council's websites and also subject to Freedom of Information requests.