

Discretionary Housing Payments Policy

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| Purpose | <i>The purpose of the policy is to ensure that a consistent approach is taken when applications for Discretionary Housing Payments are considered.</i> |
| Scope | <p><i>Councils have the discretion to award Discretionary Housing Payments (DHPs) to help those claimants who receive either Universal Credit (Housing Costs) or Housing Benefit and need further assistance with their housing costs. In determining whether a DHP should be given the Council must be satisfied that the claimant qualifies for additional support with their housing costs and that, based on their circumstances, it is reasonable to make the award.</i></p> <p><i>This policy sets out the factors that may be taken into account when applications for DHP are considered. It also provides the claimants review rights when they are dissatisfied with the decision.</i></p> <p><i>The policy applies to all Housing Benefit or Universal Credit (with Housing Element) claimants who wish to apply for a DHP.</i></p> |

1. Introduction

- 1.1 Under the Discretionary Financial Assistance Regulations 2001, Councils have the discretion to award Discretionary Housing Payments (DHPs) to help those claimants who receive either Universal Credit (Housing Costs) or Housing Benefit and who need further assistance with their housing costs.
- 1.2 In determining whether a DHP should be given the Council must be satisfied that the claimant qualifies for additional support with their housing costs and that, based on their circumstances, it is reasonable to make the award.
- 1.3 DHPs have a positive impact on the lives of those who are struggling to meet their housing costs. The Council will look to use DHPs:
 - To help develop and promote social inclusion for residents
 - To help minimise hardship
 - To help support anti-poverty strategies

- To provide additional financial support to those in greatest need and to prevent homelessness
- To safeguard residents in their homes where it would be considered unreasonable for them to find suitable, affordable, alternative accommodation
- To support vulnerable people in the community
- To encourage residents to obtain and sustain employment
- To help claimants to secure and maintain affordable tenancies
- To help claimants through personal crises and difficult events

1.4 The aim of this document is to provide a guide to determining DHPs applications and it should not be seen as a policy that operates in a way so as to bind the Council in its use of the discretionary power.

POLICY DETAILS:

2. Criteria for a DHP

2.1 DHPs can only be awarded if the claimant is entitled to either:

- Housing Benefit; or
- Universal Credit that includes housing costs towards rental liability; and
- There is a shortfall between the claimant's eligible rent (i.e. the actual rent less any ineligible service charges such as charges for water, heating, meals, etc) and the support they are receiving.

2.2 DHPs cannot be paid towards Council Tax liability.

3. What are housing costs?

3.1 DHPs can be awarded to cover shortfalls between the eligible rent for the claimant's accommodation and their Housing Benefit or Universal Credit award.

3.2 Housing costs means eligible rent, but not ineligible service charges, such as, charges for water rates or sewerage and environmental services, increases due to rent arrears or due to sanctions and reductions in Benefits.

3.3 Housing costs also includes rent in advance, deposits and other lump sum costs associated with a housing need such as removal costs. However, it does not include Council Tax charges.

4. How to claim a DHP

4.1 An application for a DHP can be made by the claimant or by someone authorised to act on their behalf.

4.2 The application must be made on the Council's application form and submitted to its Benefits Service.

4.3 All applications must be supported by sufficient evidence to allow the Council to properly consider the claim. If the claimant refuses to provide the Council with such evidence the application will be decided based on the application received.

5. How claims will be assessed

5.1 All claims will be assessed on their individual merits. In considering an application the following will be taken into account.

- Whether the Landlord is charging a reasonable rent for the accommodation occupied
- Whether the customer is under-occupying their property
- The shortfall between Housing Benefit or Universal Credit and the claimant's eligible liability
- The steps taken by the claimant to reduce their rental liability
- Whether the Benefit Cap calculation has been applied
- Whether a reduction in Housing Benefit or Universal Credit for under-occupation in the Social Rented Sector has been applied
- The financial and medical circumstances (including ill health and disabilities) of the claimant, their partner and any dependants and any other occupants of the claimant's household as detailed on their DHP form or held by the Council's Benefits Service for the calculation of Housing Benefit
- The income and expenditure of the claimants household
- Increases in essential work related expenditure due to the claimant moving home because of the reduction in Local Housing Allowance (LHA) rates
- Any savings or capital held by the claimants household
- The exceptional nature of the claimant and their household's circumstances
- Non-dependant income from other adults in the home
- The possible impact on the Council of not making such an award, for example the pressure on priority homeless accommodation
- The steps taken and ability for the claimant to improve their financial circumstances, for example through budgeting advice and support
- If a DHP was previously granted for a rent deposit or rent advance to assist the claimant to secure an affordable tenancy, whether anything has changed since the affordability check was completed
- Any other special circumstances brought to the attention of the Council's Benefits Service such as fleeing domestic violence.

6. Period of award

6.1 The Council will decide the amount of the DHP, and the length of time it will be awarded, having regard to the circumstances of the case.

6.2 The start date of an award will normally be the Monday after the claim for a DHP is received. However, in exceptional cases an earlier date may be used to reflect the individual circumstances of the claimant.

6.3 The Council will consider any reasonable requests for backdating an award of a DHP. However, an award can only be considered for a period where the linked Housing Benefit or Universal Credit is payable.

7. How payments will be made

7.1 DHPs are not awards of Housing Benefit. However, payments of DHP may be added to those for Housing Benefit. If the claimant's Housing Benefit is paid to their landlord the DHP will

normally also be paid to them. Payment frequency will also be in line with how Housing Benefit is paid, in accordance with Housing Benefit legislation.

- 7.2 If the claimant is receiving Universal Credit, the DHP will usually be paid by the Council to the person who receives that award. Payments for rent deposits and rent in advance will normally be made direct to the claimant's landlord.

8. Changes in circumstances

- 8.1 The claimant has a duty to notify the Council's Benefits Office of any change in their circumstances that might affect their DHP entitlement. This should be done within one month of the change. Where the claimant's circumstances have changed the Council may choose to revise the DHP award.

9. Notification of a decision

- 9.1 The Council will notify the claimant, in writing, of its decision as soon as possible after it has been made. If the DHP claim is successful the letter will include:

- The amount of DHP awarded
- Whether any amount paid is in advance or in arrears
- The period of any award
- How, when and to whom the award will be paid
- Further advice/support that is available such as budgeting advice etc
- The claimant's right to a review of the decision.

If the DHP claim is unsuccessful the letter will include:

- The reasons why an award is not being made
- Further advice/support that is available such as budgeting advice etc
- The claimant's right to a review of the decision.

10. Review of a decision

- 10.1 DHPs are awarded at the discretion of the Council and are not subject to the same review process as Housing Benefit. In view of this, claimants will not have the right to appeal for their case to be heard by an independent tribunal. However, a claimant who is unhappy with Council's decision can request a review. Any such request should be made to the Benefits Service, within one month of the decision, giving reasons why the review should take place.
- 10.2 The review will be carried out by a more senior officer who was not involved in the original decision. When considering the review, the officer will have regard to any further evidence supplied. The claimant will be notified of the review decision as soon as possible after it has been made.
- 10.3 If the claimant is dissatisfied with the outcome of the review they can, within one month of the review decision, request that their case be considered by the Council's Appeals Committee.

11. Overpayments

- 11.1 The Council may seek to recover a DHP overpayment if it was caused by:
- The claimant failing to provide accurate and complete information at the time the application was made
 - The claimant failing to advise the Council of a subsequent change in circumstances which affects the information already given.
- 11.2 The Council will not normally seek to recover a DHP overpayment caused by an official error unless it is reasonable to expect the claimant to know that they were being overpaid at the time.

12. Fraud Prevention

- 12.1 The Council is committed to the fight against fraud in all its forms. A claimant who tries to fraudulently claim a DHP by falsely declaring their circumstances, or providing a false statement of evidence in support of their application, may have committed an offence. In such cases, the Council will look to take appropriate action.