

POLICY ON DISCRETIONARY HOUSING PAYMENTS - EXISTING

Introduction

Local authorities have powers to make Discretionary Housing Payments (DHP) to top up Housing Benefit (HB) or where Universal Credit is in payment to top up the housing element of the rental liability where these did not meet the full rent.

Any payments made under the DHP scheme are completely separate to the statutory housing benefit scheme. The applicant must be in receipt of HB must be in payment and the weekly DHP award must not exceed the maximum HB that could be awarded.

The DHP scheme is cash-limited with the amount that can be paid by an authority in any financial year being determined by the Secretary of State.

Claiming a DHP

A claim for DHP must be made in writing, preferably using the Council's DHP application form, although written requests, and email may also be accepted.

The claimant, or person claiming on their behalf, must provide sufficient information and evidence to enable the Council to determine whether a DHP is appropriate and the amount of any award.

Claimants must provide all information/evidence requested that is necessary for a DHP claim to be considered within one month of a DHP application form being issued. If the applicant does not provide the required information the claim may still be determined but the Council will take account of the information and evidence that is available and may disregard any unsubstantiated statements.

Determination of a DHP

Applications for DHP will be determined by the Benefit Team Leader

In dealing with a DHP claim consideration will be given to:

- The liability of the claimant to pay rent
- Any disabilities or long term medical conditions
- Steps taken by the applicant to reduce their rent liability
- Whether the claimants maximum HB has been restricted by the Rent Service and if so the extent and the reason for that restriction
- The financial and social or medical needs of the applicant, their partner and any other members of the household.
- The income and expenditure of the claimant, their partner and any other member of the household
- Any savings or capital that the claimant or family may have
- Any exceptional circumstances of the claimant or members of the household
- Any previous DHP awards
- The potential consequences of rent or council tax arrears on the claimant or family members in particular any that are vulnerable by reason of their age, sickness or disability

- The impact of the Council not making an award
- The amount available in the Council's DHP budget
- Any other special circumstances brought to the attention of the Council

If a DHP award is made this does not guarantee that a further award will be made at a later date even if the claimant's circumstances have not changed.

Welfare Reform

The Council will consider awarding Discretionary Housing Payments in the following circumstances:

- Social sector tenants affected by the impact of the social sector size criteria changes. Consideration will be given to those who live in properties that have been substantially adapted to meet needs arising from severe disabilities and to aid independent life. In considering the application, the cost of the move to a new property will be considered. It may be uneconomic to expect the applicant to move.
- Social sector tenants affected by the social sector size criteria changes which create difficulty in sharing a room with another person.
- Short term support for families affected by the benefit cap that is due to be introduced in the summer of 2013. Failure to do so could lead to the council finding emergency and costly temporary accommodation for families far in excess of the savings reaped by central government.

Two Homes

The Council will consider making an award of Discretionary Housing Payment on two homes when someone is temporarily absent from their main home. For example, because of domestic violence, or to stay near a child receiving treatment in hospital.

Period of Award

Where it is considered appropriate to award a DHP the Council will decide the length of time for which the award will be made based on the known facts and the evidence supplied.

A DHP cannot be awarded for any period for which the claimant has no entitlement to HB under the statutory scheme.

A DHP will normally be awarded for weekly periods up to 52 weeks or to the 31st March of the financial year whichever is the shorter period. It is possible for a DHP to be renewed, amended or cancelled according to circumstances. The minimum period for a DHP award will be one week.

The award will commence from the Monday following receipt of the DHP claim although the Council will consider any reasonable request for backdate provided the request is in writing and within one month of the claimant being notified of the initial award.

Discretionary Housing Payments cannot be paid in the following circumstances:

- Those Service Charges that are not eligible for Housing Benefit.
- Increases in rent due to outstanding rent arrears.
- Sanctions and enforced reductions in benefit.
- Where Housing Benefit or Universal Credit has been suspended.
- Shortfalls caused by Housing Benefit or Universal Credit overpayment recovery.

Changes in Circumstances

Claimants are required to notify the Council immediately of any changes in their circumstances, or those of any other household member.

The Council will review the appropriateness of any DHP in the light of any change in circumstances and if necessary will require the claimant to reapply.

Payment of DHP

DHP will normally be paid in line with the claimants HB.

Payments towards the rent will usually be four weekly in arrear and either by cheque or electronically through the Bankers Automated Clearing System (BACS).

The Council will decide who the most appropriate person is to whom payment should be made and this could be the claimant, the landlord, an appointee or an agent.

Overpayments

If a DHP is overpaid the Council will decide whether this is recoverable and from whom it should be recovered. Generally the Council will not seek to recover an overpayment caused by official error unless the claimant caused or contributed to the error or was aware that they were receiving payment to which they were not entitled.

Overpaid DHP's are recoverable from either the claimant or the payee and the Council will issue a Debtor Invoice for the outstanding amount.

Overpaid DHP cannot be recovered from any ongoing HB entitlement.

Appeals

There is no statutory right of appeal over the Council's refusal to award a DHP.

Claimants can ask for their claim to be reviewed by the Operations Manager if they are not satisfied with the Council's decision. Requests for the claim to be reviewed must be made in writing and within one month of the date of the decision.

Fraud

The Council is committed in its fight against fraud in all forms.

Anyone who fraudulently tries to claim a DHP by falsely declaring their circumstances, providing a false statement or evidence in support of their application may have committed an offence under the Theft Act 1968.

Where the Council suspects that such a fraud may have been committed the matter will be investigated and dealt with in accordance with the Council's Counter Fraud policy and the Benefit Prosecution policy.