



**Broxtowe
Borough
COUNCIL**

Discretionary Housing Payments Scheme

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Discretionary Housing Payments (DHP) Policy Guidelines

The Discretionary Housing Payments (DHP) scheme exists to deal with situations where statutory awards of Housing Benefit (HB) or Universal Credit with the Housing Element (UC) do not cover all the rent that is due.

Awards of DHP can cover the shortfalls between rental liability and payments of these benefits. To qualify for consideration for assistance from a DHP an applicant must already qualify for some HB or UC.

This document sets out Broxtowe's approach to the assessment and award of DHP and should be read in conjunction with the DWP DHP Guidance Manual.

1. Purpose of the Policy

The purpose of this Policy is to specify how the Council will operate the scheme and to indicate some of the factors that will be considered when deciding if a DHP can be made. The basic principles which apply to the scheme are:

- Each case will be treated strictly on its merits
- All claimants will be treated equally and fairly when the scheme is administered
- Where it is apparent that a claimant is not claiming another state benefit they maybe entitled to, they will be advised to make a claim in order to maximise their income.

2. Statement of objectives

The DHP scheme was initially conceived as providing short term emergency support covering HB shortfalls. However the scheme is changing, due to the changing face of statutory welfare provision. Since its inception the Social Sector Size Restriction and Benefits Cap legislations have been introduced as well as the changes to Local Housing Allowance rules. Plus, Universal Credit claimants can also apply for this type of payment if they are in receipt of the Housing Element.

These changes have brought with them an increase in DHP funding and, in exceptional circumstances, longer term awards maybe necessary and appropriate; However, DHPs do not exist to provide additional support to enable tenants to live in unsuitable properties.

The Council will seek, through the operation of these Policy Guidelines, to:

- Help tenants live in sustainable tenancies
- Have due regard for the operation of the HB and UC systems
- Target help to those who demonstrate a clear financial need

Objectives, which may be considered as part of any award, can include;

- Alleviating poverty
- Encouraging and sustaining people in employment
- Homelessness prevention
- Safeguarding residents in their own homes

- Helping those who are trying to help themselves
- Keeping families together
- Supporting domestic violence victims who are trying to move to a place of safety
- Supporting the vulnerable or the elderly in the local community
- Helping customers through personal and difficult events
- Supporting young people in the transition to adult life, or
- Promoting good educational outcomes for children and young people

3. Main Features of DHP Scheme

The main features of the scheme are:

- DHPs are discretionary
- Claimants do not have a statutory right to a payment
- It is a cash limited fund
- DHPs are not a payment of HB or UC
- The Council decides how the scheme is administered in its area
- Claims for DHP will be made using the Council's DHP application form
- Broxtowe will examine all income and expenditure of DHP applicants as part of considering any award
- HB or UC must be in payment for the benefit week that a DHP is awarded

DHPs can cover certain housing costs including:

- Rent in advance
- Deposits (although the Council does administer a deposit guarantee scheme to which claimants may be referred)
- Other costs associated with housing costs, such as removals

DHPs cannot cover:

- Service charges that are ineligible for HB or UC
- Rent increases due to arrears
- Certain sanctions and reductions in benefit

4. Claiming a DHP

A claim for a DHP must be made in writing using the Council's DHP application form. This can be made either on-line using the DHP application form, or by requesting a form by telephone, letter or email.

On request the Council will issue the claimant with a DHP application form. The claimant will be required to return the form to the Council within one month of its issue together with any relevant supporting evidence.

The Council may request evidence in support of an application. The Council reserves the right to verify any information or evidence provided by the claimant.

5. Period of award

The duration of the award is at the discretion of the Council who will decide upon the length of time for which a DHP will be awarded, this will be based upon the evidence supplied and the facts known. The duration of the award will usually not exceed 12 months and the start date will usually be the Monday after the DHP application form has been received.

Any request for an award to be renewed or extended beyond the period of the original award should be made in the same manner as the original claim.

6. Backdated award requests

Any reasonable request for backdating an award should be made at the time of application and reasons for requesting the backdate should also be provided. The Council will only backdate for a maximum of 12 months from the point of the DHP application.

7. DHP Decisions

The Council's Quality and Control (Q&C) section will be responsible for making the initial decision in respect of an award the period and the amount. When making this decision, the following will be taken into account:

- The suitability of the tenancy in relation to the needs of the claimant
- The actions of the claimant in requiring a DHP
- The shortfall between HB or UC and the rent liability
- Any steps taken by the claimant to reduce their rent liability
- The medical circumstances (including ill health and disabilities) of the claimant, their partner and any dependants and any other occupants of the claimant's household.
- The total income and total expenditure of the claimant, their partner and any dependant's or other occupants of the claimant's household.
- Any savings or capital that might be held by the claimant or their family.
- The level of and reasons for any indebtedness of the claimant and their family.
- The exceptional nature of the claimant and their family's circumstances, if any.
- The length of time they have lived in the property.
- The amount available in the DHP budget at the time of the application.
- The sustainability of the tenancy.
- The extent to which an award of DHP can help to sustain the tenancy

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

The amount of any DHP award is at the discretion of the Council and may be less than the difference between the liability and the amount of HB or UC being paid.

8. Notification of Decision

The Council will inform the claimant in writing of the outcome of their application as soon as possible and within 28 days of receipt of the application and supporting information being received.

Where the application is unsuccessful, the applicant will be advised of the reasons for the decision along with an explanation of the right of review.

Where the application is successful, the Council will advise on:

- The weekly amount of DHP awarded
- Whether it is paid in advance or in arrears
- The period of the award
- How, when and to whom the award will be paid
- The requirement to report a change in circumstances
- Any further action required of the applicant

9. The right to seek a review

DHPs are not payments of HB or UC and are therefore not subject to statutory appeals process.

A claimant (or their appointee or agent) who disagrees with a DHP decision may request a review. This should be delivered in writing to the Council within one calendar month of the written decision about the DHP.

The Head of Revenues and Benefits Managed Service will review all the evidence held and make a decision as soon as practicable. If the decision is not revised, the applicant will be notified in writing, setting out the reasons for the decision as soon as reasonably practical.

Where the review is refused, the claimant will have the opportunity to request an appeal. All appeals must be made in writing within one calendar month of the review decision and will need to detail the reasons for the appeal. All appeals will be dealt with by a panel of Elected Members.

10. Method of Payment

The Council will decide the most appropriate person to pay based upon the circumstances of each case. This could include paying:

- The claimant
- Their partner
- An appointee
- Their landlord (or an agent of the landlord) or
- Any third party to whom it might be most appropriate to make payment

An award of DHP will be paid by the most appropriate means available in each case. this could include payment to a bank account or by crediting the claimant's rent account. The payment frequency will be in line with how HB or UC is paid.

11. Changes of Circumstances

The Council may revise an award of a DHP where the claimant's circumstances have materially changed.

12. Overpayments

Claimants should notify the Benefits section immediately of any change in their circumstances which may impact on their award of DHP.

The Council will seek to recover any overpaid DHP which arose from incorrect disclosure or omission of information by the applicant. An invoice will be issued to the claimant or the person to whom the award was paid.

13.Fraud

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, providing a false statement or evidence in support of their application, may have committed an offence under the Fraud Act 2006 or the Theft Act 1968.

Where the Council suspects that such a fraud may have occurred, the matter will be investigated as appropriate and this may lead to criminal proceedings being instigated.

14.Publicity

The Council will publicise the scheme and will work with all interested parties to achieve this. A copy of this policy statement will be made available for inspection and will be posted on Broxtowe's web site. Information about the amount spent will be regularly reported to members.

15.Legislation

The legislation governing DHPs can be found in the Discretionary Financial Assistance Regulations 2001 (S1 2001/1167).