



**BOROUGH OF
BROXBOURNE**
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Discretionary Housing Payment Policy

June 2019

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Background

Since 2 July 2001, all local authorities have had a statutory power to make a discretionary award to top up Housing Benefits. This is called a Discretionary Housing Payment (DHP).

The legislation governing DHPs can be found in the Discretionary Financial Assistance Regulations 2001 (S1 001/1167).

In compiling this policy, regard has also been had to the Department for Work and Pensions' (DWP) Discretionary Housing Payments Guidance Manual.

Broadly speaking, housing costs means rent, rent deposits, rent in advance and other lump sums associated with housing need.

Purpose of policy

The purpose of this policy is to explain how the Council will operate the scheme and to indicate the factors that will be considered when deciding if a DHP can be made.

Each case will be treated strictly on its merit having regard to the objectives of the policy.

All claimants will be treated equally and fairly.

In most cases, DHPs will be used to meet short term needs to enable tenants to take the appropriate actions in order to change their personal situation.

The Council is committed to working with the local voluntary sector, social landlords and other interested parties to maximise entitlement to all available state benefits and this will be reflected in the administration of the DHP scheme. All key stakeholders have been consulted on the scheme and have had the opportunity to comment on it.

This DHP policy also supports the Council's objective to provide decent housing for local people by helping to prevent homelessness and increasing the availability of private sector properties for rental.

Budget

The budget is set each year and is based on the amount of money allocated by the Government for this purpose.

Objectives

The DHP policy is designed to meet the following objectives:

1) Homelessness and homelessness prevention

- To prevent homelessness and enable tenancy sustainment;
- To enable the Council to discharge its homelessness responsibilities;
- To safeguard Broxbourne residents in their homes;
- To prevent homelessness in other circumstances where there is a clear public interest to do so.

2) Tackling hardship

- To support those in transition to make relevant changes because they are affected by welfare reform changes that affect and restrict the amount of Housing Benefit payable including the benefits cap.
- To target those affected by the under-occupancy rules in social housing properties where the property has been substantially adapted for a member of the family's disability needs.
- To support those whose circumstances are likely to change within a reasonable period of time so that the accommodation may become affordable following the change in circumstances. For example, a baby is born, a child reaches a significant birthday or a tenant reaches pensionable age.
- In other circumstances where a claimant would otherwise experience exceptional hardship.
- Where there is a clear medical need for an additional room.

The list is not exhaustive and does not guarantee an award of DHP. All cases will be judged on their individual merits.

Features of the scheme

DHPs are discretionary.

Claimants do not have a statutory right to payment.

Payments are made from a cash limited fund.

The scheme is administered by the Council's benefits service.

DHPs are not a payment of Housing Benefit.

Discretionary Housing Payments can be paid for:

A shortfall between eligible rent and Housing Benefit, providing the rent element is not excluded under the scheme, for example:

- Where Housing Benefit or Universal Credit is reduced because the benefits cap has been applied;
- Where Housing Benefit entitlement is reduced because the household is under occupying their social housing property;

- A rent shortfall to prevent a household becoming homeless whilst the Council explore alternative options; or to maintain a household which has been accepted as homeless in accommodation when suitable cheaper accommodation is not available;
- The rent is more than the local housing allowance local reference rent or shared room rate.

Rent deposits, rent in advance and lump sum costs associated with a housing need, providing the claimant is in receipt of Housing Benefit from the Council for their current home.

Discretionary Housing Payments – Ineligible Criteria

- Ineligible service charges.
- Increases in rent due to outstanding rent arrears.
- Reductions in Housing Benefit or Universal Credit due to sanctions or overpayments.
- Claims where Housing Benefit has been suspended.
- Rent where the person is in receipt of Council Tax support but not Housing Benefit.

Awarding a Discretionary Housing Payment

In regard to 'tackling hardship' applications, the benefits service will administer the DHP fund and decide whether or not to make an award and how much the award might be.

However, in any one year the Interim Head of Housing may in consultation with the Benefits Manager agree to ring fence a proportion of the DHP budget for the specific purpose of tackling and preventing homelessness. They will also agree what that proportion should be.

In these cases the amount and duration of the award will be determined by the Interim Head of Housing or the Accommodation and Resources Manager as deemed appropriate. However, any decision to make an award will still be made within the principles and framework set out below.

Determining Criteria

When making this decision the determining officer will take into account the following:

- The shortfall between Housing Benefit and the rental liability;
- The availability of suitable alternative accommodation;

- Anticipated changes in circumstances within a reasonable period resulting in the home becoming more affordable, e.g. tenant reaching pensionable age;
- Any steps taken by the claimant to reduce the rental liability or move to a smaller home;
- The financial and medical circumstances of the claimant, their partner and any other members of their household;
- Any income disregarded in the Housing Benefit calculation which is not committed for the provision of care etc;
- Any savings or capital that might be held by the claimant or their family;
- Unavoidable high costs such as fares to work or for therapeutic costs;
- The level of indebtedness of the claimant and their family (loans and finance agreements, credit and store card repayments, bank charges, financial commitments etc);
- The possible impact on the Council of not making such an award, e.g. the pressure on priority homeless accommodation;
- The steps the claimant has taken to improve their circumstances, e.g. actively seeking work, reducing their household expenditure.

This list is not exhaustive and any other relevant factors or special circumstances will be taken into account.

Some examples of claimants that the Council may consider assisting are listed below:

Homelessness and homelessness prevention

- Households for whom the Council has a duty under homelessness legislation;
- Ex-homeless people being supported to settle in the community;
- Assisting homeless households placed in temporary accommodation under a duty under the homelessness legislation with any temporary accommodation charges;
- People threatened with homelessness, to whom it would be likely that a homeless duty would be owed.

Tackling hardship

- People in transition to make relevant changes because they are affected by a welfare reform that restricts or reduces their entitlement to Housing Benefit, where they would otherwise be eligible to receive it;
- People affected by the under-occupancy rules in social housing properties, where the property has been substantially adapted for their disability needs;
- People who live near their jobs because they work unsocial hours or split shifts or do not have access to adequate public transport;

- People who as a consequence of a move have additional travel to work costs;
- People who need to move to cheaper accommodation and need help with housing costs for their new home.

Other considerations

- Families with children at a critical point in their education;
- Young people leaving local authority care;
- Families with family care arrangements;
- Families with a social service intervention;
- People fleeing domestic violence;
- People with health or medical problems, particularly where they need to access medical services or support is not available elsewhere;
- People with disabilities who have adapted properties or who receive informal care which would not be available in a new area;
- Vulnerable and frail people who have lived in their home for a long time and would find it difficult to establish support networks in a new area.

The benefits service will decide how much to award based on all of the relevant circumstances. This may be an amount equal to or less than the difference between the liability and the entitlement to Housing Benefit.

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.

Period of award

In all cases, the benefits service will decide the amount and length of time for which a DHP will be awarded on the basis of the evidence supplied.

The start date of the award will normally be the Monday after the written claim for a DHP is received by the benefits service or the date on which entitlement to Housing Benefit commenced (providing the application for DHP is received within one calendar month of the claim for Housing Benefit being decided) whichever is the earlier, or the most appropriate.

The DHP will normally be paid for a minimum of one week.

The length of award will usually be for no more than six months, and can be for a shorter period.

An award of up to 12 months will generally be paid in the following circumstances:

- To enable the Council to discharge its homelessness responsibility;
- Where an award is made under the 'tackling hardship' theme and the household includes a person who is disabled (to be defined as a

household where a person is in receipt of one or more of the following: Personal Independence Payment, Disability Living Allowance, Armed Forces Independence Payment).

Any second or subsequent award will be for a period of no more than six months.

Any reasonable request for backdating an award of a DHP will be considered but such consideration will normally be limited to the current financial year. A DHP cannot be awarded for any period outside an existing Housing Benefit period granted under the statutory scheme.

Amount of Award

The amount of the award will be determined on a case-by-case basis and will be based on an assessment of the financial circumstances of the household. The claimant will be liable for the difference between their Housing Benefit/Universal Credit housing element award plus any DHP award and their contractual rent, plus an additional £20 if they live in a home that is larger than they need.

The assessment will take into account whether the applicant is living in a home that is larger than they need i.e. those with a spare room. Where the applicant is living in accommodation that is larger than they need, they will be liable for an additional £20 contribution towards their rent. This will be in addition to the amount they are liable for as determined by their financial assessment i.e. the difference between their Housing Benefit/Universal Credit housing element award plus any DHP award and their contractual rent.

In the circumstances described above where a payment of up to 12 months is generally paid (discharging a homelessness duty and household with a disabled member experiencing hardship), at the discretion of the Council there may be no additional liability of £20 for the period of the first award.

The Council may re-assess a DHP at any time as appropriate.

Changes of circumstances

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

A claimant is required to notify the benefits service in writing of any changes in circumstances relevant to the continuation of a DHP.

Claiming DHP

A claim for a DHP must be made in writing. An application form can be downloaded from the Council's website or is available on request from the benefits service.

The claimant should return the form within one calendar month.

A claim from someone acting on behalf of the claimant such as an appointee will be accepted where it is reasonable to do so.

The benefits service may request any reasonable evidence in support of an application for DHP.

If evidence is not provided or is unavailable, the benefits service will still consider the application and will in any event take into account any other available evidence including that held on the benefit records.

The benefits service reserves the right to verify any information or evidence provided in appropriate circumstances.

Decision-making

Decisions will be made by a designated officer of the benefits service.

Method of payment

The benefits service will decide the most appropriate person to pay based upon the circumstances of each case. This may include:

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

An award of DHP will be paid by the same method as payment of Housing Benefit is made.

Notifying decisions on DHP

The benefits service will inform the claimant in writing of the outcome of their application normally within 14 days of receipt.

The notification will set out the reasons for the decision and explain how to disagree.

The notification will advise, where appropriate:

- The amount of DHP;
- When it will be paid;
- The period of award;
- How and to whom it will be paid;
- The requirement to report a change in circumstances;
- Information on who to contact for further help or advice.

Disputes procedure

DHPs are not payments of Housing Benefit and are therefore not subject to the statutory appeals process.

A claimant can disagree with the DHP decision. This disagreement must be notified in writing or electronically.

Disagreements will be dealt with by the Benefits Team Manager. Advice will be taken on decisions originally made in respect of homelessness issues from a Senior Housing Needs Officer, if appropriate, and a full written explanation of the decision will be given along with advice on what to do if the claimant is still dissatisfied.

Where a claimant is still dissatisfied they can request a further review of the decision. This request must be made in writing or electronically. The decision will be reviewed by senior officers from the Housing and Housing Benefits services. Their decision will be final and binding and may only be challenged via the judicial review process or by complaint to the Local Government Ombudsman.

Monitoring

The Benefits Manager will sample check 10% of decisions to ensure they are fair and consistent.

Details of numbers and types of application will be monitored regularly to understand and profile the decisions and budget implications.

Overpayments

The benefits service will seek to recover any overpaid DHP including that arising from misrepresentation or a failure to disclose a material factor change in circumstances.

An invoice will be sent to the claimant or person to whom the award was paid.

Overpayments of DHP cannot be recovered from ongoing entitlement of Housing Benefit.

A letter will be sent to the person due to repay the invoice detailing the overpayment, why it occurred and what to do if they disagree.

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 Social Security Administration Act 1992.

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.

Publicity

The Council will publicise the DHP 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 the Council's website. Information about the amount spent will be made available at the end of the financial year.

Contact us:

By telephone: 01992 785503

By email: benefits@broxbourne.gov.uk

On the web: www.broxbourne.gov.uk

Write to: Benefits Service, Bishops' College, Churchgate, Cheshunt, Hertfordshire EN8 9XG

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