



Discretionary Housing Payments (DHP) **Guide**

1.0 Purpose of this policy

This document is a guide to the Discretionary Housing Payment (DHP) scheme operated by Arun District Council. The scheme is intended to offer additional support to those who already receive housing benefit and are experiencing severe financial hardship.

2.0 Aims

The scheme aims to:

- Alleviate poverty
- Encourage and sustain employment
- Safeguard tenancies
- Sustain tenants and prevent homelessness
- Help those who are trying to help themselves
- Keep families together
- Support the vulnerable in local community
- Help claimants through personal crises
- Support foster carers including those between foster placements
- Help disabled people living in accommodation that has been substantially adapted for their needs

Arun District Council will have a co-ordinated approach between Housing Benefit administration and the Housing Options policies. This picks up on the theme of preventing/reducing homelessness. Therefore there needs to be close, joint working between the two administrations with open, accessible channels of communication for the awareness of potential DHP claimants, the receipt of DHP application forms and the decision made on applications.

3.0 What are Discretionary Housing Payments (DHP's)?

A DHP is money that a Local Authority can pay when it considers that a claimant requires further financial assistance towards housing costs.

The claimant must be in receipt of either Housing Benefit (HB) or Universal Credit (UC) with housing costs **towards rental liability**.

Please note that the housing costs element of the UC can be awarded to a claimant for mortgage interest payments. Owner-occupiers are not eligible to receive DHPs even if they receive UC.

For the purposes of this policy, any further reference to UC is where the claimant meets the DHP criteria, i.e. housing costs **towards rental liability** that are included in the UC award.

The DHP scheme is regulated by The Discretionary Financial Assistance Regulations 2001

DHP cannot be claimed for ineligible service charges, increases in rent to cover arrears or where no entitlement to Housing Benefit exists

Central Government provides the Local Authority with a limited fund each year from which awards may be made under this scheme. Arun District Council administers this scheme for its residents and decides who should receive additional financial assistance.

The grant is limited; therefore we may be unable to help everyone.

DHP's are not payments of benefit but are separate payments to be made at the discretion of the local authority.

4.0 What do we mean by housing costs?

Housing costs are not defined in the regulations. If the customer is getting HB or UC then housing costs usually mean rent.

We interpret housing costs more widely to also include:

- rent in advance
- deposits
- other lump sum costs associated with a housing need such as removal costs
- disabled adaptations, where there is no access to other funding to cover this need.

5.0 What DHPs cannot cover

There are certain elements of a customer's rent that cannot be included in housing costs for the purposes of a DHP because the regulations exclude them.

- Excluded elements are:
- ineligible service charges
- increases in rent due to outstanding rent arrears
- Increases in rent to repay a housing deposit bond
- certain sanctions and reductions in benefit

In addition it is not our policy to use DHP to cover repairs and renewals to the property.

Except where a DHP is awarded as a lump sum payment (for example for rent in advance or moving costs) an award of DHP cannot result in the combined payment of DHP and Housing Benefit being higher than the total eligible rent.

6.0 Rent Deposits and Rent in advance

A DHP can be awarded for a rent deposit or rent in advance for a property that the claimant is yet to move into if they are already entitled to HB or UC at their present home.

At Arun District Council requests for DHP's to help with rent deposits and/or rent in advance should be made direct to the Housing Options team. You can do this by emailing housing.options@arun.gov.uk or calling 01903 737552.

When awarding a DHP for a rent deposit or rent in advance we will want to be satisfied that:

- the property is affordable for the tenant; and
- the tenant has a valid reason to move; and
- the deposit or rent in advance is reasonable.

If a claimant is moving out of one Local Authority area and into another, any claim for help with the a deposit or rent in advance should usually be made to the Local Authority you are moving from.

7.0 Housing Options tenancy stabilisation payments

The Housing Options team within Arun District Council work with tenants from the social and private sector that may be facing eviction. Their role is to work with the tenant and landlord to try and stabilise the tenancy and avoid eviction. In order to do so they sometime need to claim a short term emergency DHP on behalf of the tenant to allow time to engage and assess the tenants needs.

The criteria for a stabilisation DHP is:

The tenant must be a new case to the housing options team.

The tenant must be in receipt of housing benefit for their current address.

DHP can't have already been paid or refused for the tenant at the current address within the last 12 months (in some exceptional circumstances we might use our discretion to override this point)

A Stabilisation DHP claim is made as follows:

The claim is made on behalf of the tenant by the housing options team.

The housing options team will contact the benefits team leaders directly with details of the tenant and the reason for the stabilisation payment.

No application form or evidence are required by the benefits team leaders.

A Stabilisation payment can be made to cover the full shortfall between rental liability and housing benefit award for a maximum of 3 months (NB: In most cases a DHP will not be paid for any shortfall representing non-dependent deductions or ineligible service charges).

When the stabilisation award expires, it is down to housing options to get the tenant to apply again with a full claim form and evidence.

8.0 Moving Costs

A DHP can be awarded for moving costs associated with a property that the claimant is yet to move into if they are already entitled to HB or UC at their present home.

When awarding a DHP for moving we will want to be satisfied that:

- the property is affordable for the tenant; and
- the tenant has a valid reason to move; and
- the moving costs are reasonable.

The costs we can usually consider covering with a DHP are:

- The cost of private van hire to move yourself
- The cost of a removal firm to move you.

Costs that we will not usually pay DHP for are:

- The cost of fuel for using your own vehicle to move
- The cost of fuel used in a private van hire

9.0 How to apply for a DHP for HB and UC claimants

To claim a Discretionary Housing Payment you can complete an online application form on our website www.arun.gov.uk or you can complete a paper application form that we will send to you or you can collect from one of our offices.

All applications (on-line or paper) must be followed up with evidence of all expenses and bank statements for the previous two months. If these aren't supplied at the time of the application the decision making process might be delayed.

We realise that there might be some circumstances where it is not possible for a claimant to supply the evidence that we would like. In these circumstances the claimant should detail why the evidence is unavailable to assist the decision maker.

In most cases, the person who applies for a DHP will be the HB or UC claimant. However, if it is reasonable in the circumstances, an application can be accepted from someone acting on behalf of the HB or UC claimant. This could be an appointee or advocate, for example, if the person is vulnerable and requires support; or the claimant may request that someone acts on their behalf.

10.0 How will DHP be paid?

Where the claimant is in receipt of HB, the DHP will usually be paid in the same way as the regular HB payments.

What this means is that if the HB is paid to the claimant the DHP will be added to those payments, and where the HB is paid to the landlord the DHP will be paid to them with the HB payments.

Where the claimant does not receive HB but gets UC for Housing costs DHP will be paid direct to the claimant into their bank account monthly, usually on the 1st of the month.

11.0 Considering the Application

Applications will be considered in date order and each application will be considered on its own merits.

In order to qualify for additional help under the scheme the applicant must demonstrate that they are experiencing severe financial hardship. The decision maker will carry out a financial assessment comparing **all** household income with expenditure. By income we mean items such as wages, salary, benefits (including those benefits disregarded under other schemes) etc. The decision maker will also consider whether the applicant has access to other funds to help pay their bill such as savings.

Where the award of housing benefit has been reduced by a non-dependent deduction we will not normally make a discretionary payment to cover this.

The outcome of the application will be notified in writing within 14 days of receipt of all required information and evidence or as soon as practicable thereafter.

The award letter will specify the amount of the award and the period for which it will be paid. Where an award of DHP is turned down the letter will give the reason why the award was not successful.

Awards of DHP will normally be made from the Monday following the date of the application. Awards can be made for an earlier period provided the qualifying conditions are met and the applicant provides good reasons why they were unable to apply earlier.

12.0 Revisions of Award

The period and amount of award may be revised at any time if there is a relevant change to the applicant's circumstances. Any revision to the award will be notified in writing as above.

13.0 Fraud

A claimant who tries to fraudulently claim a DHP by falsely declaring their circumstances, providing false evidence or a false statement in support of their application, may have committed an offence under the Theft Act 1968, The Social Security Administration Act 1992 or The Fraud Act 2006. Where there is a suspicion a fraudulent act may have occurred the matter will be investigated as appropriate and this may lead to criminal proceedings being undertaken.

14.0 Dispute procedures

Arun District Council can review a DHP decision in the event of any dispute. However, decisions on DHPs cannot be appealed to a Housing Benefit tribunal as they are not empowered to deal with them. The route of judicial review is available, and the local government ombudsman if there is an allegation of maladministration.

A request for a review shall be delivered in writing to the Benefits Section within one calendar month of the written decision about the DHP being issued to the claimant. Where appropriate, officers from the Benefits Section will explain the DHP decision to the claimant by telephone, at interview or in writing and will seek to resolve the matter.

Where agreement cannot be reached, the Benefits Appeals Officer or Benefits Team leader will consider the case. They will review all the evidence held and will make a decision within 14 days of receipt of all the information or as soon as practicable.

Where the Appeals Officer or Team Leader decides not to revise the original decision, they will notify the claimant of their decision in writing, setting out the reasons for their decision.

This decision will be deemed as final and the claimant will be able to make representations through the councils corporate complaints scheme or seek a judicial review of the decision.

In exceptional circumstances only, the Appeals Officer, Benefits Team Leader, Benefits Manager or Head of Revenues and Benefits may extend all of the above time periods for review as appropriate.

15.0 Policy Statement

Under the Authority of Section 101 (b) of the Local Government Act 1972 Arun District Council will deal with claims for DHP in a professional manner that shows respect for customers, members of staff and anyone else involved in the process and deal with each request as stated in this document.

The policy will be available to all stakeholders and will be on the website www.arun.gov.uk/benefits

16.0 Objective

The policy will ensure Arun District Council fulfils their statutory requirements. The policy and procedures help to ensure legislation is followed and that requests for DHP are dealt with fairly.

17.0 Equality

Arun District Council is committed to the equality of opportunity and valuing diversity in the provision of services. We believe everyone has the right to be treated with dignity and respect and we are committed to the elimination of unfair and unlawful discrimination in all of our practices, policies and procedures.

Arun District Council aim to ensure no member of the public, employee or job applicant receives less favourable treatment on the grounds of age, gender, transgender, disability, Religion or Belief, Sexual Orientation, Race or Ethnicity, Socio-Economic status or by any other requirement that cannot be justified.

18.0 Data Protection

This policy is compatible with Data Protection requirements.

19.0 Publicity

We will publicise the DHP scheme and will work with all the interested parties to achieve this. A copy of this statement will be made available for inspection upon request and will be posted on our website. Information on the amount spent will not be made available except at the end of the financial year.

DHP application forms can be requested at our offices, on line, by letter or telephone. The Housing Options Team will also be pro-active in promoting the take up of DHP's where appropriate.

20.0 Implementation and Training

This document will be made available to all staff. This will be reinforced with training and management supervision of all staff involved.

21.0 Complaints

The authorities Complaints Procedure will be applied in the event of any complaint received about this policy.

22.0 Policy Review

The policy will be managed and reviewed every year and from time to time, updated and re-issues will be circulated. However, the policy will be reviewed sooner if a weakness in the policy is highlighted, in the case of new risks, and/or changes in legislation.