



Policy Name: **DISCRETIONARY HOUSING  
PAYMENTS POLICY FROM  
1 APRIL 2019**

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Document History		
Version	Date	Changes
0.1	1 March 2011	Draft document created
1.0	7 April 2011	Second draft for comment
1.1	20 October 2011	Final draft for comment
1.1	22 November 2011	Adopted by Cabinet
1.2	5 December 2012	Draft amendments for April 2013 for comment
1.2	29 January 2013	Further amendments for April 2013 for comment
1.3	26 February 2013	Final amendments following circulation to officers
1.4	16 July 2014	Section 12 amended to remove deleted post
1.5	10 February 2015	Amendments following circulation to officers
1.6	14 January 2019	Amendments following circulation to officers

## **1.0 Background**

- 1.1 The Discretionary Housing Payment scheme is set using the Discretionary Finance Assistance Regulations 2001 (SI2001/1167).
- 1.2 A DHP may be awarded when it is considered that an applicant requires further financial assistance towards housing costs, and is in receipt of either Housing Benefit (HB) or Universal Credit (UC) with housing costs towards rental liability.
- 1.3 Discretionary Housing Payments (DHP) are not payments of benefit. They are freestanding payments made at the Council's discretion. They are made in addition to Housing Benefit and/or Universal Credit and do not form part of it. The legislation gives Local Authorities broad discretion in awarding DHPs but it has to be remembered that ordinary principles of decision making must be followed to ensure that we are acting fairly, reasonably and consistently.
- 1.4 Payments of DHP should be used to alleviate the position of people experiencing severe hardship or financial difficulties.

## **2.0 Purpose of this policy**

- 2.1 The purpose of this policy is to specify how Broadland District Council will administer Discretionary Housing Payments (DHP). It details the application process and indicates some of the factors that will be considered when deciding if a DHP can be made.
- 2.2 The Council is committed to working with the local voluntary sector, all landlords and other interested parties in the district to maximise entitlement to all available state benefits. This will continue to be reflected in the administration of Discretionary Housing Payments.

## **3.0 Statement of Objectives**

- 3.1 Broadland District Council will consider awarding a Discretionary Housing Payment to applicants who can demonstrate a need for further financial assistance with their housing costs. All applications will be considered on their individual merits and treated fairly and equally in the decision making process. The Council will seek through the operation of this policy to:
  - alleviate poverty
  - encourage and sustain Broadland residents in employment.
  - help those who are trying to help themselves
  - keep families together
  - support the vulnerable in the local community
  - help applicants through personal crises and difficult events.

#### **4.0 Treatment of applications**

- 4.1 Each application will be considered on its merits and all applicants treated equally and fairly when the scheme is administered. Broadland District Council is committed to working inter-departmentally and collaborating with external organisations in order to maximise applicants' entitlement to all benefits and discounts.

#### **5.0 Applying for a Discretionary Housing Payment**

- 5.1 A claim may be made by any customer in receipt of, or entitled to Housing Benefit or a housing cost element of Universal Credit. However, a claim can be accepted from someone acting on another's behalf, such as an appointee, if it is considered reasonable.
- 5.2 An application for a Discretionary Housing Payment must be made in writing and signed by the applicant. Broadland District Council will provide an application form for this purpose which can be issued from the main office or downloaded from the website. The form must be completed in full.
- 5.3 Any reasonable evidence in support of an application for a DHP may be requested in writing. The applicant will be asked to provide the evidence within a calendar month of such a request although this will be extended in appropriate circumstances.
- 5.4 If the applicant is unable to, or does not provide the required evidence, the application will still be considered and will in any event take into account any other available evidence held by the Council.
- 5.5 The Council reserves the right to verify any information or evidence provided by the applicant in appropriate circumstances.

#### **6.0 Awarding a Discretionary Housing Payment**

- 6.1 A senior officer within the Finance and Revenues department will decide if a Discretionary Housing Payment will be awarded.
- 6.2 Where an applicant is not claiming a Council Tax discount or exemption which they may be entitled to or a welfare benefit or additional financial assistance, they will be advised, and where necessary assisted, in making a claim to maximise their income before their claim for a Discretionary Housing Payment will be decided.
- 6.3 When making their decision the officer may consider:
- the relevant regulations and official guidance notes
  - the shortfall between Housing Benefit and the liability as prescribed in the Housing Benefit regulations
  - any steps taken by the applicant to reduce their rental liability
  - the financial and medical circumstances of the applicant, their partner and any dependants and any other occupants of the applicant's home
  - the income and expenditure of the applicant, their partner and any dependants or other occupants of the applicant's home
  - any savings or capital that might be held by the applicant or their family
  - the level of indebtedness of the applicant and their family
  - the level of council tax they are liable to pay
  - the exceptional nature of the applicant and their family's circumstances

- the amount available in the DHP budget at the time of the application
- the possible impact on the Council of not making such an award, e.g. the pressure on priority homeless accommodation

- 6.4 The list is not exhaustive and any other relevant factors or special circumstances will be considered.
- 6.5 The following elements of a person's rent or reasons for the shortfall in benefit cannot be met by a DHP under the legislation:
- Ineligible service charges
  - Increases in rent due to outstanding rent arrears
  - Certain sanctions and reductions in benefit
  - Benefit suspensions
  - Shortfalls caused by HB overpayment recovery
- 6.6 All decisions will be fully documented.

## **7.0 Amount and Period of the award**

- 7.1 The start and end dates of an award will be decided based on the individual merits of the application, the known facts and the evidence supplied. One off amounts will only be considered in respect of rent deposits and/or rent in advance (and associated removal costs).
- 7.2 DHP will mainly be a short term award to give the customer time to sort out their financial or housing situation, particularly if they are trying to secure alternative accommodation or find employment. Details of the consideration given to the award period are provided in the "DHP award period matrix" appended to this policy.
- 7.3 Awards will not normally extend beyond the end of the financial year in which they are awarded.

## **8.0 Notification of award**

- 8.1 The Council will inform the applicant of the outcome of their application as soon as practicably possible. Where the application is unsuccessful, the reasons why this decision was made will be set out and the right of review will be explained in writing.
- 8.2 Where the application is successful, this letter will advise:
- the amount of Discretionary Housing Payment awarded
  - the reason for the award
  - the period of the award
  - how, when and to whom the award will be paid
  - the requirement to report a change in circumstances
  - how to re-apply at the end of the award if appropriate
  - the review process
  - this is a cash limited fund and
  - an award of a DHP does not guarantee that a further award will be made at a later date even if the applicant's circumstances have not changed.

## **9.0 Payment of an Award**

9.1 The decision of to whom the payment will be made will be based upon the circumstances of each case. This could include paying:

- the applicant
- 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.

9.2 Payment of an award of DHP will be made by BACS in each case.

## **10.0 Duties of the applicant**

10.1 A person claiming a Discretionary Housing Payment is required to:

- Provide the Council with such information and evidence as it may require to make a decision and
- Tell the Council of any changes to their financial or personal circumstances which may be relevant to their Discretionary Housing Payment claim or may affect the amount they have been awarded.

## **11.0 Disputes**

11.1 Discretionary Housing Payments are not payments of Housing Benefit and are therefore not subject to the statutory appeals mechanism.

11.2 If the applicant is not satisfied with any decision in respect of their Discretionary Housing Payment they have the right to request a review.

11.3 Any request for a review must be made to the Council, in writing, within one calendar month of the date of the notification letter issued detailing the original decision.

11.4 A senior officer, who was not involved in the original decision making process, will look at the decision again. The applicant will be notified in writing, setting out the decision and associated reasons within 10 working days from receipt of the request or as soon as practicably possible.

11.5 In exceptional circumstances (and if it appears that the interests of natural justice would not be served by the usual procedure, or if the customer still disagrees with the outcome of an internal review), officers will consider whether to submit a request to a senior manager for consideration. This decision will be final and binding and may only be challenged by a complaint to the Local Government Ombudsman if there is an allegation of maladministration.

## **12.0 Overpayments of Discretionary Housing Payment**

12.1 The Council will seek to recover any DHP found to be overpaid.

12.2 Overpaid Discretionary Housing Payments will mainly be recovered by issuing an invoice to the applicant or the person to whom the award was paid.

- 12.3 Recovery will not be sought from any amounts of Housing Benefit due to the applicant (except if the applicant requests this method of recovery specifically in writing).
- 12.4 The decision letter that notifies an overpayment will also set out the right of review.
- 12.5 An applicant who disagrees with a DHP overpayment decision may request a review of the decision. The procedure for this review will be as described in section 12 of this policy.

### **13.0 Fraud**

- 13.1 The Council is committed to protecting public funds and ensuring funds are awarded to people who are rightfully eligible for them.
- 13.2 Suspected fraudulent DHP applications will be investigated. Submitting a fraudulent claim for DHP is a criminal offence and offenders may be prosecuted.