

# Stroud District Council

## Discretionary Housing Payment Policy

### Introduction

Our Discretionary Housing Payment (DHP) scheme is operated by our Benefits team to assist Housing Benefit claimants who may need further financial help with their housing costs, during periods of short term need. Housing costs include help towards rent, tenancy start up costs and moving costs.

We receive limited funds each year for the DHP scheme. Because the amount that can be spent on the scheme each year is restricted, not everyone who claims a DHP will be awarded one. Who receives DHP is entirely at the discretion of the Council.

Our aim is to maximise use of DHPs to meet the needs of the local community in line with corporate objectives.

### 1. Purpose

- 1.1 The purpose of this policy is to set out our approach to dealing with claims for DHP.
- 1.2 We will operate this policy in line with the Discretionary Financial Assistance Regulations (2001) and the guidance issued by the Government's Department for Work and Pensions (DWP) in its DHPs Guidance Manual (Guidance Manual).
- 1.3 Discretionary Payments are not an award of Housing Benefit and claimants do not have a statutory right to a payment. This policy aims to clarify some of the main issues surrounding the administration of payments and at the same time reaffirm that any application is treated on its own individual merits.

### 2. What are DHPs?

- 2.1 DHPs provide applicants with further financial assistance with housing costs.
- 2.2 The regulations covering DHPs are The Discretionary Financial Assistance Regulations 2001. We have a duty to act fairly, reasonably and consistently when considering DHP applications and we will deal with each case on its own merits.
- 2.3 The DWP decide how much we can spend on DHPs. When we have spent our overall cash limit we cannot award any more DHPs. If we spend above the cash limit, we are breaking the law.
- 2.4 To qualify for a DHP a claimant must be entitled to
  - Housing Benefit or
  - Universal Credit where:
    - i there is a rental liability, and
    - ii they are eligible for housing support, and there is a need for further financial assistance with housing costs.
- 2.5 A Claimant with Council Tax liability only is not eligible for DHP. Claimants receiving local Council Tax Support only, or who have yet to be awarded Housing Benefit or Universal Credit will not be eligible to apply for a DHP

### **3. Statement of objectives**

3.1 Our objectives include:

- Preventing homelessness and alleviating poverty
- encouraging and sustaining people in employment
- 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 claimants through personal and difficult events
- supporting young people in the transition to adult life
- promoting good educational outcomes for children and young people

3.2 We will work with the voluntary sector and social landlords, to meet the objectives of this policy.

### **4. What DHP can be paid for**

4.1 DHP can be paid where there is a shortfall in Housing Benefit or Universal Credit

- where the benefit cap has been applied
- under-occupation in the social rented sector
- when there are local housing allowance restrictions
- due to rent officer restrictions such as local reference rent or shared room rate
- due to non-dependant deductions
- due to low income
- current claimants may get help with rent deposits, rent in advance and removal costs
- two homes where someone is treated as being temporarily absent from their main home.

### **5. What DHP cannot cover**

5.1 DHP cannot cover

- ineligible service charges for example water rates or support charges
- increases in rent due to arrears
- sanctions and reductions in benefit, such as sanctions to Job Seeker's Allowance, Child Support or Housing Benefit due to benefit related offences.

### **6. How to apply for DHP**

6.1 Claims must be made in writing using the official form. The form is available to download from our website [www.stroud.gov.uk](http://www.stroud.gov.uk), by telephoning 01453 754054, or by visiting the Benefit team at Ebley Mill.

6.2 We will consider requests to backdate any award. This will need to be in writing on the official form explaining why there were exceptional reasons for the delay in making an application.

6.3 We will consider claims submitted on a claimant's behalf by an appropriate adult or advocate.

6.4 Some applications may need supporting evidence from the applicant.

6.5 DHPs will be administered by a senior officer within our Benefits team.

## **7. Information an applicant must tell us**

7.1 The DHP application form asks key questions to enable the applicant to provide the information required along with any supporting evidence.

7.2 The questions in the application form also guide the senior officer and help to make an informed decision within a calendar month of receiving the required information.

## **8. Period and amount of award**

8.1 DHPs are a short term emergency fund, and will normally be awarded the Monday after the written application for a DHP is received or as soon as possible thereafter.

8.2 The period of an award is entirely dependant on the individual circumstances of the claimant and funding available.

8.3 The amount of DHP award will be dependent on relevant factors affecting the application, such as:

- the gap between the housing benefit and the rent they have to pay
- any steps taken by the applicant to reduce their rent
- the financial circumstances of the applicant and his/her household
- the disability / health issues of the applicant and his/her household
- the exceptional nature of their circumstances
- the amount of debt the claimant has
- the amount of savings or capital the claimant has
- our duty to prevent homelessness
- if the property has been significantly adapted for the needs of a disabled person
- any other exceptional circumstances

## **9. Paying DHPs**

9.1 We will usually make payments to the applicant as part of their Housing Benefit payment. Where we consider it to be in the best interests of the applicant we will exercise our discretion and make payments to a third party, for example, a landlord.

## **10. Notification**

10.1 We will inform the applicant in writing of our decision and will give a reason if the application is not successful, normally within a calendar month.

10.2 The letter will inform the applicant of the value of the award, the period and who we will pay it to. It will also advise the claimant what to do if they do not agree with the decision and want it to be reviewed.

## **11. The right to seek a review**

11.1 DHPs are not payments of Housing Benefit and are therefore not bound by the statutory appeals procedure.

11.2 We will consider requests to review a decision

- not to award a DHP
- to award a reduced or lesser amount of DHP
- not to backdate a DHP
- where there has been an overpayment of a DHP

11.3 The applicant must request a review, in writing, of the DHP decision within a calendar month. In exceptional circumstances this may be done verbally.

11.4 An officer not involved in the original decision will review the case and make a decision normally within 14 days. The decision will be final and binding.

## **12. Change of circumstances**

12.1 Where the applicant notifies us of a change in their circumstances both the need and amount of DHP will be reviewed.

12.2 The applicant has a duty to report any changes to their circumstances as promptly as possible.

## **13. Overpayments**

13.1 If a DHP is found to have been overpaid, we will consider whether it is appropriate to recover it. If we decide to recover any overpayment this may be in full or in part.

13.2 We can not recover any DHP overpayment from an applicants on-going benefit. A separate invoice will be issued.

## **14. Publicity**

14.1 We will publicise the scheme and will work with all interested parties to achieve this.

## **15. Fraud**

15.1 We are committed to fight all forms of fraud. Any applicant who fraudulently claims a DHP by falsely declaring their circumstances, or providing a false statement or evidence in support of their application, may have committed an offence under the Fraud Act 2006. Where fraud is suspected the matter will be investigated which may lead to criminal proceedings and prosecution.