



Report To: Finance and Staffing Portfolio Holder

21 July 2015

Lead Officer: Alex Colyer – Executive Director Corporate Services

Policy for granting Discretionary Housing Payments

Purpose

1. To request that the Council adopt the amended policy for the granting of Discretionary Housing Payment
2. This is not a key decision as the policy for Discretionary Housing Payments has already been adopted.

Recommendation

3. It is recommended that the Finance and Staffing Portfolio Holder adopt and endorse the amended policy for granting of Discretionary Housing Payments.

Reason for Recommendations

4. The adoption of the revised policy will ensure those in the most financial need are the priority and to enable staff to work with the associated legislation.

Background

5. The Discretionary Financial Assistance Regulations 2001 provide the legal framework that allows local authorities (LAs) to pay Discretionary Housing Payments (DHPs). Amendments to the regulations were contained within the Council Tax Benefit Abolition (Consequential Provision) Regulations 2013 and a further set of Universal Credit (Consequential Amendments) Regulations 2013.
6. There has been recent a high court judicial review case (*Hardy, R (on the application of) v Sandwell Metropolitan Borough Council* [2015]) which relates to Disability Living Allowance being taken to account when looking at income available to the claimants when assessing entitlement to DHP.
7. The overall limits for discretionary payments in 2015/2016 for South Cambridgeshire is £378,128 and Department of Work and Pension (DWP) contribution is £151,251
8. The revised policy has been developed as a joint project between Benefits and Housing Advice and Options to ensure that the policy is fit for purpose,
9. The main policy aims of the previous policy were
 - Prevention of Homelessness
 - Reduction in the use of temporary accommodation
 - Supporting Residents who are vulnerable
 - Supporting residents through personal crisis and unforeseen events

- Supporting tenants who are affected by welfare reform where a move to alternative accommodation would be problematic (for an example if property has been adapted to meet the specific needs of a family member with disability)
 - Supporting tenants who are in employment but are unable to meet housing cost due to additional expenses (such as high travel costs).
10. The amended policy as shown with the tracked changes (Appendix A) retains these aims; introduces some minor amendments which allows the policy to be more flexible when needed as well as confirmation of time scale for appeals.
 11. The Council recognises the important role DHP payments can play in helping residents with their housing costs. DHP payments can potentially reduce the risk of homelessness for households and also reduce the demand for temporary accommodation, including the use of costly Bed and Breakfast placements. More recently DHP awards have been used to pay for removal costs which have enabled those particularly affected by the under-occupancy deduction to move to smaller more sustainable accommodation.
 12. Discretionary Housing Payments can only be awarded where the resident is in receipt of Housing Benefit or the Housing element of Universal Credit. Awards cannot exceed the full rent award but do not have to be limited to rent payments, these payments can be for rent in advance and removal costs.

Options

13. The options are limited. Adopting the policy outlined in this report will assist in helping those residents in most financial need.

Implications

14. In the writing of this report, taking into account financial, legal, staffing, risk management, equality and diversity, climate change, community safety and any other key issues, the following implications have been considered: -

Financial

15. The DWP has awarded a grant of up to £151,251. Awards can be topped up with additional funds of £378,128. The Housing Portfolio Holder has agreed previously in 2013 to top up the funds using the Housing Revenue Account (HRA) up to maximum of £100k. The remaining funding from this top up fund is still available for 2015/16 and will be allocated in accordance with the principles and priorities set out in this policy. The top up funding must be used for council tenancies only; but allows for more of the government grant to be spending on those renting properties from other housing providers.

Staffing

16. The volume of work for DHP has increase and a request for additional resources to process claims from those with council tenancies has been submitted.

Risk Management

17. The award of Discretionary Housing Payment has significant effect on those residents who otherwise would be unable to afford accommodation and need access to temporary accommodation

Equality and Diversity

18. An equalities impact assessment has been previously completed and there have been minimal changes to the policy. The policy gives priority to the most vulnerable groups, including those groups identified in Government guidance relating to the administration of Discretionary Housing Payments

Effect on Strategic Aims

Aim 1 – Wellbeing

19. Discretionary Housing Payments ensures that the impact of the welfare reforms can be managed smoothly and effectively they provide funding for those who have been affected to allow them either to retain their accommodation or to move to smaller more affordable accommodation

Background Papers

Where [the Local Authorities \(Executive Arrangements\) \(Meetings and Access to Information\) \(England\) Regulations 2012](#) require documents to be open to inspection by members of the public, they must be available for inspection: - (a) at all reasonable hours at the offices of South Cambridgeshire District Council; (b) on the Council's website; and (c) in the case of documents to be available for inspection pursuant to regulation 15, on payment of a reasonable fee required by the Council by the person seeking to inspect the documents at the offices of South Cambridgeshire District Council.

Appendix A: Policy Document

Discretionary Housing Payments Guidance Manual (DWP, April 2013)

England and Wales High Court (Administration Court) Decisions -Neutral Citation Number: [2015] EWHC 890 (Admin)

Report Author: Dawn Graham – Benefits Manager
Telephone: (01954) 713085