

South Cambridgeshire District Council



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District Council

Policy for the Award of Discretionary Housing Payments (Revised 2015)

In accordance with the Child Support, Pensions and Social Security Act 2000, and the Discretionary Financial Assistance Regulations 2001.

Overview

The Discretionary Housing Payment (DHP) scheme is a payment that is available to help certain households with their housing costs. To qualify, applicants must:

- Be in receipt of Housing Benefit
- Have a responsibility to pay rent
- Have a shortfall between Housing Benefit and the contractual rent due

The types of housing cost that a DHP can cover will usually be in the form of rent, but could include rent in advance, deposits or other lump sum costs associated with a housing need (such as removal costs)

However, a DHP cannot cover the following types of cost;

- Council tax liability
- Ineligible service charges
- Rent increases as a result of outstanding rent arrears

A DHP will typically provide short-term assistance only and customers will be expected to make other arrangements in the longer term. However, longer term assistance may be provided to applicants in certain circumstances.

This policy provides guidelines regarding the administration of the DHP scheme. The attached Appendix sets out the factors Officers consider when deciding whether a DHP can be awarded.

Aims

South Cambridgeshire District Council Benefits Service will oversee the DHP scheme but will work closely with the Council's Housing Advice and Options Service to help achieve the following aims.

- To help prevent customers from becoming homeless
- To reduce the Council's use of temporary accommodation
- To enable people to stay in their own homes if it is not realistic for them to find alternative accommodation
- To help customers through personal crises and unforeseeable events
- To support people who are vulnerable
- To assist people to sustain or return to work.

Application of Policy

1. Awards of Discretionary Housing Payments should normally only be made where there is sufficient Government grant to meet the cost of the award. Awards exceeding the amount of grant may be made in conjunction with the Housing Advice and Options Service in order to

prevent homelessness but will be subject to the availability of Homeless Prevention funds and will be targeted at households at imminent risk of homelessness.

2. Individuals applying for an award **will normally be** required to complete the Council's Application Form and will supply sufficient evidence, to the Council's satisfaction, to support their application. The Council will provide help and assistance, including home visits, to assist those who may have difficulty, for any reason, in completing the application.
- ~~3. Translation services will be made available and provided on request, or where it appears to the Council that the applicant will benefit from this service.~~
4. Applications will usually only be considered where signed by the applicant, or a suitable advocate such as a social worker or a welfare benefits advisor. However, email referrals from the Council's Housing Advice and Options service and other partner agencies will also be considered.
5. Awards shall be limited to a ~~maximum of 52 weeks or for the period up to 31st March of the year in respect of which the application is made, whichever is the sooner~~ but may also be awarded for shorter period of time. New applications may be submitted once the current award ends, although applicants should note that there is no guarantee that an application will be renewed and there is an expectation that applicants will be actively taking other steps to resolve the household's housing or financial issue.
6. **Consideration** will be given to households who require short term assistance and to households with a longer term need for assistance but whose circumstances mean that a move will be unrealistic or inappropriate. (For example, in circumstances where a property has had a significant level of adaptation to meet the needs of a household member or where an applicant's health or well-being would suffer severe or extreme detriment if they were to move)
7. **Where an applicant is considered to have sufficient funds available (including capital), or where reasonable adjustment to household expenditure can be made to meet the shortfall in housing costs, then a DHP award is likely to be declined or offered at a reduced rate.**

The factors set out in Appendix One will be used to assist Officers in determining whether it is appropriate to make an award.

8. The amount and duration of the award shall be determined at the discretion of the Benefits Manager, and will be determined with regard to the particular circumstances of the case and item 5 above.
9. Requests will be considered as quickly as possible and decisions shall be made within six weeks of the Council receiving all the information it requires, or as reasonable soon after this period.
10. A written record shall be kept of all awards and applicants shall be notified in writing of the outcome.

Appeals

11. The Benefits Service will operate the following policy for dealing with requests to review a decision not to award a DHP, a decision to award a reduced or lesser amount of DHP, a decision not to backdate a DHP or a decision that there has been an overpayment of a DHP.
12. Applicants (or their appointee or agent) who disagrees with a DHP decision may contest it by asking for a review. Any request must be made in writing (subject to item 2 above) and will only be considered if received within one month of the Council notifying the applicant of the decision. There is no formal right of appeal as it is discretionary.

13. An Appeals Officer will then consider the request and review the decision made, to ensure that it was “reasonable”. The customer (or their appointee or agent) will normally be informed of the Appeals Officer’s decision within **6 weeks or as soon as reasonably practicable thereafter**.
14. This decision will be final and binding and may only be challenged via the judicial review process or by complaint to the Local Government Ombudsman.
15. The Appeals Officer may extend the time periods for accepting a reconsideration request in exceptional circumstances. In deciding to extend, they will take into account the financial difficulties in making an award for a previous financial year and any delay in seeking independent advice that was outside the control of the customer.

Verification

18. The Council reserves the right to verify any information or evidence provided by the customer and will not process a claim where the requested documentation has not been made available. In the event that is discovered that incorrect or false information was supplied with the application the Council will seek to recover the discretionary housing payment and will take legal action where necessary.

APPENDIX ONE

Discretionary Housing Payment – Factors to be considered in evaluating awards

Factors supporting a discretionary housing payment	
	The following factors are considered to be high priority factors in supporting a Discretionary Housing Payment. (However factors weighing against a Discretionary Housing Payment will still be taken into consideration when deciding whether an award should be made)
1	The applicant is at risk of becoming homeless and is someone to whom the Council is likely to owe a full duty under the homelessness legislation. Granting a DHP is likely to help in preventing the homelessness and/or will help the Council reduce its use of temporary accommodation.
2	The applicant is at risk of homelessness and has been identified as having a priority need. The applicant may not be owed a full housing duty by the Council but is actively working with the Housing Advice and Options Service to prevent their homelessness and the award of DHP is likely to assist in this process.
3	The applicant is under occupying a property but it is not reasonable to expect them to move due to the likelihood of a severe adverse effect on the health of a member of the household, or because of the specific needs of a household member in relation to a disability.
4	The applicant has recently fled domestic violence and this has contributed to the shortfall in their current rent.
5	The applicant requires assistance with their housing costs in order to sustain or take up employment.
	The following supplementary factors will also be taken into consideration in supporting a Discretionary Housing Payment. Even if the priority factors are not present, a payment may still be awarded depending on the individual circumstances of the case
6	The applicant or a resident family member has a disability, serious illness or other special circumstances not already accounted for (these may include recent bereavement, drug or alcohol dependency, domestic violence, debt management etc.)
7	The applicant is at risk of homelessness but has not been identified as having a priority need but is actively working with the Housing Advice and Options Service to prevent their homelessness and the award of DHP is likely to assist in this process
8	The applicant's disposable income, after reasonable expenses, does not cover the shortfall in rent.
9	No other suitable accommodation is available in the locality.
10	It is not reasonable to expect the applicant to move due to strong links with the local community (i.e. family, employment, schools, health care, etc).
11	The applicant could afford the rent when they took the tenancy but their financial or personal circumstances have changed unexpectedly.
12	The landlord terminated their previous tenancy without providing the prescribed notice, limiting their ability to find alternative accommodation.
13	The applicant has a regular access arrangement with non-resident children and therefore requires a larger property.
14	The circumstances leading to a claim are of a short-term nature and are expected to change within no more than 52 weeks.
15	The accommodation has an extra bedroom which is required due to the special circumstances of the household. Examples of such situations are

	<p>listed below but are not exclusive:</p> <ul style="list-style-type: none"> • Where someone in the household is pregnant and will require an additional bedroom in the near future or where prospective adopters or special guardians have a room set aside for a child who has not yet arrived • Where foster carers have more than room set aside for fostering arrangements • Where a significant age difference exists between siblings expected to share and the sharing arrangement will negatively impact on the education of one or more child (for example if an older child is undertaking GCSEs but is expected to share a room with a baby or young child).
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Factors weighing against a discretionary housing payment	
	The following factors may mean that a DHP is not awarded, however the final decision will be based on the full circumstances of each case.
1	The applicant has not supplied the information requested to support the award, or there is good reason to believe the information supplied is inaccurate.
2	The shortfall against liability is entirely due to the excess income taper reduction of benefit entitlement.
3	Caution, Sanction or prosecution has previously been imposed against the applicant for fraudulently claiming benefits.
4	Their income exceeds reasonable expenditure and there is a disposable income or accessible capital with which to meet the shortfall
5	The applicant has other debts or financial commitments that could be renegotiated to reduce outgoings.
6	There is a reduction in benefit as a result of the 'two-strikes' fraud overpayment reduction.
7	The rent on property is expensive compared to others in the area.
8	The tenant has failed to seek debt or financial advice in relation to their housing costs
9	The applicant gave up a tenancy at a lower rent without good reason.
11	The applicant has refused an offer of social housing in the last 12 months or has not accepted a private rented sector property offered as part of discharge of main homeless duty
12	The applicant has an interest in another property.
13	The applicant has failed to advise the Council of a change in circumstances that may have affected a previous award.
14	The applicant has a record of being abusive or violent towards Council employees.