Discretionary Housing Benefit Policy 2013
### Amendments:

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<tr>
<td>8 Jan 2013</td>
<td>Revamp</td>
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<td>21 Feb 2013</td>
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<td>18 mar 2013</td>
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Glossary of terms

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<td>Discretionary Appeals Panel</td>
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<td>DWP</td>
<td>Department for Works and Pensions</td>
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<td>HB</td>
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<td>Local Council Tax Support Scheme</td>
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<td>Registered Social Landlords</td>
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The Discretionary Housing Payments scheme provides all Local Authorities with the discretion to top up the Housing Benefit awards made under these statutory schemes.

South Gloucestershire Council actively promotes the take up of this scheme to support its wider objectives. In developing this policy the Benefit Service has taken into account the following: the DWP good practice guidance and South Gloucestershire Councils core values and corporate aims.

Above all else the Policy will ensure that South Gloucestershire Council acts fairly, reasonably and consistently in administering the DHP scheme.
Below is an extract from the Department of Work and Pensions’ good practice guide related to Discretionary Housing Payments.

**Objectives for award**

Some authorities have certain objectives in mind when considering whether to make an award of DHP. These include

- alleviating poverty
- encouraging and sustaining people in employment
- Tenancy sustainment and homelessness prevention
- safeguarding residents in their own homes
- helping those who are trying to help themselves
- keeping families together
- supporting the vulnerable in the local community
- helping claimants through personal and difficult events, or
- supporting young people in the transition to adult life
Our Vision

Achieving the best for our residents and their communities, ensuring South Gloucestershire will always be ‘a great place to live and work’. This is the shared vision of the people who live, work and visit South Gloucestershire as set out in the new Sustainable Community Strategy which outlines the context for the area’s key priorities and provides a high level framework for integrated delivery.

Our Core Values

In order to achieve our vision, the following core values underpin our daily work:

- Excellence for our customers and communities

- Strong community leadership

- Valuing our staff

- Engaging with our partners

- Equality of opportunity for all

- Protecting the environment for future generations

- Using our resources to deliver value for money
Since 2 July 2001, DHP’s have allowed authorities to help those entitled to HB or CTB who, in their opinion, require further financial assistance with housing costs.

The relevant regulations are the *Discretionary Financial Assistance Regulations 2001* [SI 2001/1167].

The financial arrangements are covered in the *Discretionary Housing Payments (Grants) Order 2001*, which also came into effect on 2 July 2001 [SI 2001/2340].

This Order
- covers such issues as
- How authorities should submit claims
- Record-keeping and audit requirements
- Re-imbursement of DHP’s, and
- Sets the overall limit on expenditure at 2.5 times each authority’s contribution from central Government.

From April 2013 the scheme has been expanded to include the extra provision for the RSL room restriction and the benefits cap.

South Gloucestershire Council’s allocation, from the DWP, is

For 2012/13 = £220,178 (including £55,391 carry forward)

For 2013/14 = £327,799

The main features of the scheme are that:
- The schemes are purely discretionary, a customer does not have a statutory right to a payment
- The amount that a local authority can pay / put in any financial year is cash limited by the Secretary of State
- The local authority determines how to operate the scheme
- DHPs are not payments of Housing Benefit
- The minimum amount of £0.50 HB/UC must be in payment in the benefit week that a DHP is awarded for
• It must appear to the authority that the claimant/s require some further financial assistance in order to meet their housing costs

The purpose of this policy is to specify how the Benefit service operates the schemes and to indicate some of the factors that will be taken into account when considering if a DHP can be made.

Each case will be treated strictly on its merits and all customers will be treated transparently, equally and fairly. The Benefit Service is committed to working with the local voluntary sector, social landlords and other interested parties to maximise entitlement to all available state benefits.
Eligibility for DHP

In order to be considered for a DHP the customer must:-

- Be in receipt of Housing Benefit or
- Universal Credit; and
- Has a rent liability
- Requires further financial assistance with housing costs.

The types of shortfalls a DHP can cover
There is a shortfall between the eligible rent or Council tax and the HB/CTB entitlement due to for example

- Local Housing Allowance restriction / Rent Officer restriction
- Reduction in HB due to the benefits cap
- Reduction in HB due to the size criteria for RSL tenants
- Income used in the calculation
- A non-dependant deduction

Deposit Bond cases
The Benefit service work with the Home choice team to ensure that allocation of any accommodation is not excessive for the size of the family or, extreme in the level of rent being charged by the private landlord. If this is not possible due to the lack of suitable accommodation or need of emergency housing any Housing Benefit shortfall will be considered under the DHP policy.

DHP's cannot not be paid in respect of:

- Ineligible service charges of any type
- Increases in rent due to outstanding rent arrears
- Certain sanctions and reductions in benefit
How to claim

There is a DHP application form available from the Benefit service, our One Stop Shops, website and Contact Centres.

It is not always necessary to complete an application form, but the purpose of the form is to ensure customers supply all relevant information in order for us to make a considered decision.

(See appendix 1 for copy of the application form)

A leaflet is also available to explain the process.

Period of award

The Benefit Service determines the length of time for which a DHP will be awarded based on the circumstances of the case. It is important to recognise that as set out above the DHP scheme should be seen as primarily short term assistance.

It is recognised that it may be more cost effective to support a customer with an annual award to ensure they have suitable accommodation for their needs.

Further application

When the award of DHP comes to an end it will be necessary for the customer to reapply for any further award should they require it.

Considerations will be taken of what efforts the customer has made, since the last application, to ensure they can meet their housing costs themselves.

Even if their circumstances remain the same, there is no guarantee that a further award will be granted.

Change of circumstances

The authority will expect the customer to advise us if their circumstances change, in writing, within one month of the change happening.

We will then look at the DHP award and see whether it needs to be changed.

If the entitlement to HB/UC ends so will the entitlement to Discretionary Housing Payments.
Consideration will be given to

- Is there a genuine risk of eviction if help with housing costs is not provided?
- The level and type of indebtedness of the applicant and their family (is it rent related)
- Whether the customer has sought advice in respect of their debts
- If the customer can negotiate a lower rent with the landlord
- Whether alternative accommodation is available that would incur lower costs
- If there are any medical issues or other special needs of the household and if these make it essential to stay in the current property
- Is the hardship having particular effects on other members of the household?
- Are all non-dependants contributing the deduction made from benefit to the household?
- The amount available in the DHP budget
- The impact not making an award might have on other Council services such as Home choice or Community Services.
- Are their circumstances of a temporary nature (e.g. employment, health or pregnancy related)
- If the customer is evicted, will the authority have a statutory duty to provide accommodation?
- Are they receiving/entitled to help and/or support available to alleviate matters
- Are they maximising their income (e.g. non-dep income, disregards, premiums)

Consideration will also be given to any previous DHP applications and their outcomes.
New considerations from April 2013

The Government has provided an additional £30 million to the national DHP budget from 2013/14 to help support the social sector room restriction.

This additional resource is intended for those affected by this measure who are unlikely to be able to meet the shortfall and for whom moving to a smaller property may be inappropriate.

It is aimed specifically at a group
- disabled people living in significantly adapted accommodation – including any adaptations made for disabled children;

The expectation is that this money will be prioritised for these groups.

For customers living in specially adapted accommodation, it will sometimes be more cost-effective to enable tenants to live in their current accommodation rather than moving them into smaller accommodation which then needs to be adapted.

The maximum award of any DHP will be to the end of the financial year as any future budget values will not be known and therefore cannot be guaranteed. Any disabled awards will be reviewed by the office every year to ensure we have the budget and the circumstances that caused the award remains.

Making payments

The Discretionary Housing Payment will be added to the Housing Benefit payment.

Notification

The Benefit Service will inform the customer in writing of the outcome of their Application. Where the application is unsuccessful, the Benefit service will set out the reasons why this decision was made and explain the right of review. Where the application is successful, the Benefit service will advise:

- the weekly amount of DHP awarded;
- the period of the award;
- how, when and to whom the award will be paid
- the requirement to report a change in circumstances;

Where the application is unsuccessful the Benefit service will give the reasons for that decision.
Overpayments

If there is an overpayment of DHP the authority will consider whether it is appropriate to recover the DHP.

These overpayments are recoverable but will not be recovered from any ongoing housing benefit entitlement.

Appeals rights

Discretionary Housing Payments are not part of the Housing Benefit scheme and do not carry a right of appeal.

If the customer is not happy with their DHP application, they must write to us within one calendar month of the date of their letter telling us why they do not agree. The decision will then be reviewed by the Discretionary Appeals Panel.

Discretionary Appeals Panel

The Discretionary Appeals panel is regularly convened. Representatives from the Benefit Service Management team, the Home-choice team (Homelessness) and the DWP Finance and Benefits (FAB) team are invited to attend. Whilst members may vary, there will be at least three members from 2 different departments.

Consideration is given to the reason for reviewing the original DHP decision and a final decision is reached. The customer will then be notified in writing within 7 days wherever possible. The decision of the DAP is deemed a properly made decision of the council and is final with no further internal rights of appeal.

Policy of the DAP – see appendix 2 and decision record Appendix 3

Fraud

The Council is committed to the fight against fraud in all forms. Any customer that fraudulently claims or is awarded a DHP, through false declaration of circumstances, providing false statements or evidence in support of their application may have committed an offence. Where it is suspected that fraud may have occurred, the matter will be investigated as appropriate and this may lead to criminal proceedings being instigated.
Equalities

It is considered that the DHP policy has no direct negative impact with regard to Equalities.

Signposting

Where appropriate the Benefit Service will signpost their customers to other welfare organisations to help with debt, financial management and homelessness.

Also see http://advicewest.org.uk/advice/5