

## Discretionary housing payments (DHP) Guidelines

### Background

Discretionary housing payments (DHP) are a government scheme which grants all Local Authorities powers to top up the Housing Benefit (HB)/Universal Credit (including housing costs)(UC) statutory scheme. The legislation governing DHP's can be found in the discretionary financial assistance regulations 2001.

A DHP is only available to claimants in receipt of Housing Benefit (HB)/Universal Credit (including housing costs)(UC). The main features of the schemes are that

- the schemes are purely discretionary; a claimant does not have a statutory right to a payment;
- the amount that can be paid out by an Authority in any financial year is cash limited;
- administration of the scheme is managed by the benefit service;
- DHP's are not a payment of Housing Benefit (HB)/Universal Credit (including housing costs)(UC). However, the minimum amount of Housing Benefit (HB)/Universal Credit (including housing costs)( UC) **must be** in payment in the benefit week that a DHP is awarded.

### Purpose

The purpose of this protocol is to specify how the Wycombe benefit service operates the scheme and to indicate some of the factors that will be considered when deciding if a DHP can be made. Each case is treated strictly on its merits and all customers will be treated equally and fairly when the scheme is administered.

The benefit service is committed to working with the local voluntary sector, social landlords and other interested parties in the district to maximise entitlement to all available state benefit and this will be reflected in the administration of the DHP schemes.

Where the evidence provided indicates that the claimant is not claiming another state benefit they may be entitled to, the benefit service will advise them to make such a claim and provide details of other agencies in the district who may be able to help with such a claim.

## **Statement of objectives**

The benefit service will consider making a payment of a DHP to all claimants who meet the qualifying criteria as specified in this policy. The benefit service will treat all applications on their individual merits, and will seek through the operation of this policy to:

- Alleviate poverty;
- Encourage and sustain people in employment;
- Sustain tenancies and prevent homelessness;
- Safeguard residents in their own homes;
- Help those who are trying to help themselves;
- Keep families together;
- Reduce the number of vulnerable people in the local community;
- Help applicants through personal and difficult events; or
- Help young people in the transition to adult life

The benefit service considers discretionary housing payments are normally short time awards and should not be seen as a way around any current or future entitlement restrictions set out within the Housing Benefit (HB)/Universal Credit (including housing costs)(UC) legislation. However, in exceptional circumstances, longer term payments may be considered.

## **Claiming a DHP**

A claim for a DHP must be made in writing/email. Claims may be accepted from someone acting on behalf of the person concerned where written authorisation for that person to act on behalf of the applicant is held.

If a DHP is made it will normally start from the Monday following receipt of a completed application.

If the applicant is asked to provide any additional supporting evidence, this must be supplied within one month of such a request although this may be extended in appropriate circumstances.

If the applicant is unable to or does not provide the required evidence, the application will still be considered, taking into account any other available evidence including that held on file. The benefit service reserves the right to verify any information or evidence provided by the applicant in appropriate circumstances.

## Period of award

In all cases, the benefit service will decide the length of time for which a DHP will be awarded on the basis of the evidence supplied and the facts known.

The start date of an award will normally be:

- i) the Monday after the written claim for a DHP is received by the benefit service; or
- ii) the date on which entitlement to HB commenced (providing the application for DHP is received within one calendar month of the claim for HB being decided); whichever is the earlier, or the most appropriate.

DHP will not normally be awarded for any period outside an existing HB period granted under the HB statutory scheme.

- The minimum period for which the benefit service will award a DHP is one week.
- DHP is normally a short term payment to help claimants through a difficult period, and should not be regarded as a long term measure.
- The benefit service will consider any reasonable request for backdating an award of a DHP but such consideration will be limited to the current financial year.

## Awarding a DHP

In deciding whether to award a DHP, the following will be taken into account:

- The shortfall between Housing Benefit (HB)/Universal Credit (including housing costs)(UC) and rent liability;
- Any steps taken by the claimant to reduce their rental liability;
- If the claimant has lost benefit as a direct result of any of the governments welfare changes, including the benefit cap and room restrictions and changes to Disability Living Allowance (replaced by Personal Independence Payments);
- Claimants who have lost significant benefit as a result of **more than one** of the Government welfare cuts at the same time will be considered favourably;
- The medical circumstances (including ill health and disabilities) of the claimant, their partner and any dependants and any other occupants of the claimant's home;
- The income and expenditure of the claimant, their partner and any dependants or other occupants of the claimant's home;
- Any savings or capital that might be held by the claimant or their family;

- The level of debt of the claimant and their family;
- The exceptional nature of the claimant 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;
- DHP can only be considered for a period where HB is payable;
- DHP + the level of HB must not exceed the weekly or eligible rent liability;
- Any other special circumstances brought to the attention of the benefit service.
- Where alternative suitable accommodation has been offered, but claimant unable to move due to rent arrears.
- Where eviction proceedings have commenced against claimant.

The amount awarded will be based on all the above circumstances. An award of a DHP does not guarantee that a further award will be made at a later date even if the claimant's circumstances have not changed.

### **Changes of Circumstances**

The benefit service may need to revise an award of a DHP where the claimant's circumstances have materially changed, or where facts become known after the award, which were not provided when application was first made..

### **Method of Payment**

Payments of DHP will be made to the person who is receiving the Housing Benefit (HB)/Universal Credit (including housing costs)(UC), and will be included within their normal fortnightly/4 weekly payment. The benefit service will pay an award of DHP by the most appropriate means available in each case. This could include payment:

- by electronic transfer (e.g. BACS)
- by crediting the claimant's rent account;

## **Notification**

The benefit service will inform the claimant in writing of the outcome of their application within 14 days of receipt of the claim and supporting information. 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;
- whether it is paid in advance or in arrears;
- the period of the award;
- how, when and to whom the award will be paid
- the requirement to report a change in circumstances;

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

The Council has set up its own review process to cover a refusal to award a DHP, a decision to award a reduced amount of DHP, and the effective date of the award or a decision that there has been an overpayment of a DHP.

- A claimant (or their appointee or agent) who disagrees with a DHP decision may dispute the decision. A request for a review shall be delivered in writing to the benefit service within one calendar month of the written decision about the DHP being issued to the claimant.
- The decision will be reviewed by an independent officer within 14 days or as soon as practicable thereafter.
- The applicant will be notified of the outcome of the review setting out the reasons for their decision. This decision will be final. If the claimant feels that the authority has failed to deal with their application properly, they may make a complaint to the Local Government Ombudsman. Decisions which have been properly made according to the Council's procedure will not be overturned unless the decision making process was faulty.
- Unless a change in circumstances has occurred, the Officer dealing with the review may not recommend a reduction in an award already notified.

## **Overpayments**

The benefit service will seek to recover any DHP found to be overpaid as a result of misrepresentation or failure to disclose a material fact, either fraudulently or otherwise. This will involve issuing an invoice to the claimant or the person to whom the award was paid. It is most unlikely that recovery of any overpayment caused by a Wycombe "official error" will be sought. Under no circumstances will recovery be made from any



amounts of Housing Benefit (HB)/Universal Credit (including housing costs)(UC) due to the claimant (except if the claimant requests this method of recovery specifically in writing). The decision letter that notifies a decision that there is an overpayment will also set out the right of review.

### **Publicity**

The benefit service will publicise the scheme and will work with all interested parties to achieve this. A copy of these guidelines is published on the website at [www.wycombe.gov.uk/benefits](http://www.wycombe.gov.uk/benefits).

### **Fraud**

The benefit service is committed to the fight against fraud in all its forms. A claimant who tries to fraudulently claim a DHP by falsely declaring their circumstances, providing a false statement or evidence in support of their application, may have committed an offence under the Theft Act 1968 &/or the Fraud Act 2006 . Where the benefit service suspects that such a fraud may have occurred, the matter will be investigated as appropriate and this may lead to criminal proceedings being instigated.