
Discretionary Housing Payment (DHP) Policy

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1. Purpose

- 1.1 The purpose of this policy and procedure is to explain how West Berkshire Council will operate its Discretionary Housing Payment (DHP) scheme and to indicate some of the factors that will be considered when deciding whether to make an award of DHP.
- 1.2 West Berkshire Council is committed to helping prevent homelessness where possible and this policy supports the Council's Homelessness Strategy.
- 1.3 DHP is administered by the Housing Operations Team in accordance with the relevant statutory instrument (Discretionary Financial Assistance Regulations 2001 (SI 001/1167)) and this policy which outlines the Council's approach and the procedures. The team are also committed to working with the local voluntary sector and other local stakeholders to maximise income, relieving hardship associated with housing costs and preventing homelessness.

2. Roles and Responsibilities

- 2.1 The Head of Team for Development & Planning has overall responsibility for ensuring that DHP decisions are managed appropriately in accordance with these agreed standards.
- 2.2 The Team Manager for Revenues & Benefits has overall responsibility for ensuring that DHP awards are paid through the Housing Benefit system in accordance with these agreed standards.
- 2.3 The Housing Team Manager is responsible for;
 - Directing and reviewing this standard
 - Ensuring that there is effective consultation and communication to the Housing Team and Housing Benefit staff about matters in relation to DHP criteria and decisions
 - Publishing and Promoting the adoption of this procedure to Housing Staff
 - Ensuring compliance with published standards, procedures, working practices and technology changes in relation to housing teams relevant to this procedure.
- 2.4 The Housing Team Manager and the Housing Operations Manager are responsible for the day-to-day management of DHP decisions, including ensuring implementation of this standard.
- 2.5 All Housing Team and Housing Benefit Team staff are responsible for familiarising themselves with and ensuring that they comply with this standard.

3. National DHP Guidance

- 3.1 In 2001 the Government introduced a scheme giving local authorities powers to make discretionary payments in addition to statutory housing and council tax benefits. This secondary legislation can be found in the Discretionary Financial Assistance Regulations 2001 (SI 001/1167). The Council Tax Benefit Abolition (Consequential Amendments) Regulations 2013 remove reference to Council Tax and Council Tax benefit within the Discretionary Financial Assistance Regulations 2001.

- 3.2 The DHP scheme provides further financial assistance for housing costs for those entitled to Housing Benefit (HB) or Universal Credit (UC), where payments under the statutory scheme are insufficient.
- 3.3 Broadly speaking, housing costs mean rent, rent deposits, rent in advance and other lump sums associated with housing needs such as removal expenses.
- 3.4 The main principles of the DHP scheme are as follows;
- DHPs are discretionary
 - Applicants do not have a statutory right to payment
 - All applications must be treated on their own merit
 - DHPs are not a payment of Housing Benefit or Universal Credit and are therefore not subject to the statutory appeal mechanisms. However, West Berkshire Council does operate a review process
 - The Total amount payable in any financial year is cash limited
- 3.5 Housing Benefit (HB) or Universal Credit (UC) that includes a housing element towards rental liability must be in payment when a DHP award is made.
- 3.6 A claimant who is receiving Council Tax Reduction **only** is not eligible for a DHP. This means a claimant who is receiving local Council Tax support but has not yet been awarded HB or UC housing element is not eligible for a DHP.
- 3.7 For the purposes of this policy, any reference to UC is where the claimant meets the above criteria, i.e. a housing element towards rental liability is included
- 3.8 Payments for DHP awards are made from a cash-limited fund. The cap is determined by central Government and once the Council has met its overall cash limit there will be no additional DHPs awarded. However, any unspent DHP funding will have to be returned to DWP.

4. Objectives of the DHP scheme

- 4.1 The national DHP guidance suggests that the following objectives are relevant to the award of DHP's;
- Alleviating poverty
 - Encouraging and sustaining people in employment
 - Tenancy sustainment and homelessness prevention
 - Safeguarding residents in their own homes
 - Helping customers through personal and difficult events
 - Supporting young people in the transition to adult life, or
 - Promoting good educational outcomes for children and young people
- 4.2 West Berkshire Council is committed to preventing homelessness where possible and this policy supports the Council's Preventing Homelessness and Rough Sleeping Strategy
- 4.3 DHPs are administered by the Housing Operations Team in accordance with the relevant statutory instrument mentioned above and in this policy which outlines the Council's approach and the procedures to be followed. The team are also committed to working with the local voluntary sector and other local stakeholders

to maximise income, relieving hardship associated with housing costs and preventing homelessness.

5. What DHPs can be paid for

5.1 DHP can pay for:

- Reductions in HB or UC where the benefit cap has been applied;
- Reductions in HB or UC for under-occupation in the social rented sector;
- Reductions in HB or UC as a result of local housing allowance restrictions;
- Rent shortfall to prevent a household becoming homeless whilst the housing authority explores alternative options;
- Rent officer restrictions such as local reference rent or shared room rate;
- Non-dependant deductions i.e. the deduction from the eligible rent for an assumed contribution for a grown up son, daughter, friend or relative who lives in the customer's home;
- Income tapers i.e. the rate at which benefit is reduced to take account of earnings;
- Rent deposits, rent in advance and other lump sum costs associated with a housing need, for example, removal costs or rent arrears, provided that the applicant is in receipt of HB or UC for their current accommodation

6. What DHPs cannot be used for

6.1 The following items are excluded by the regulations:

- Ineligible team charges as specified in Schedule 1 to the Housing Benefit Regulations;
- Increases in rent due to repayment of rent arrears;
- Charges for water, sewerage or allied environmental teams;
- Certain sanctions and reductions in income benefit (see Appendix A);
- Claims where HB or UC have been suspended

7. West Berkshire Council's approach to DHP

7.1 West Berkshire Council will focus the use of the DHP Fund towards the following households:

- Households at risk of homelessness where use of DHP can prevent homelessness;
- Households who provide foster care and who are experiencing financial hardship;
- Households which have a disabled child who requires their own bedroom (having regard to considering not only the nature and severity of the disability but also the nature and frequency of care required during the night, and the extent and regularity of the disturbance to the sleep of the child who would normally be required to share the bedroom);

- 7.2 Applicants who have accommodation that is larger than their housing needs (i.e. under-occupying) would not normally be awarded a DHP. However, in the following situations an award may be considered:
- The applicant has experienced a change in circumstances that has left them in the situation where they are unavoidably under-occupying.
 - If a woman in the later stages of pregnancy is under-occupying until the baby is born – consideration will normally be given to an award two months before the estimated due date;
- 7.3 In respect of the under-occupation deduction for social housing tenants, the Council is likely to make an initial award where the household has demonstrated that they are experiencing financial hardship. Any subsequent awards will depend on the actions taken by the households to resolve their situation, whether they have followed the advice they have been given and whether there are any extenuating circumstances that may be relevant to the particular household. It is unlikely that long-term awards will be made to this group of under-occupiers.
- 7.4 The Council considers it reasonable for non-dependents to contribute towards households' costs and it is therefore unlikely, unless there are extenuating circumstances, that the Council would consider applications for a DHP to meet non-dependent charges.

8. Awarding a DHP

- 8.1 The processing of DHP awards and decisions will be made by the Housing Operations Team within the Housing Service.
- 8.2 When making this decision, the Housing Operations Team will take into account;
- The extent of the rental shortfall
 - Any steps taken by the applicant to reduce rental liability
 - The social and health circumstances (including ill health and disabilities) of the applicant, their partner and any other member of their household, including dependents, and any other occupant of the applicant's home. In particular will it prevent the applicant from moving house, affect the type of housing available to the applicant, and will it cause the applicant extra financial costs, for example, travel to hospital appointments or special dietary needs.
 - Whether any member of the household is pregnant and would this resolve under-occupancy once the baby is born?
 - Any income disregarded in the Housing Benefit or Universal Credit calculation, which is not committed for the provision of care etc.
 - Any savings or capital that may be held by the applicant or their family
 - Unavoidable high costs such as, travel costs for work or medical costs not covered by other welfare benefits.
 - The level of indebtedness of the applicant and their family (loan and finance agreements, credit and store card repayments, bank charges, financial commitments etc.) following an income and expenditure check.

- The possible impact on the Council of not making such an award e.g. whether there is a risk of eviction and homelessness and the pressure on temporary accommodation
- Whether the applicant has received and acted upon advice from housing or other professionals in relation to their accommodation
- Whether there are any special circumstances which prevent the customer from moving to cheaper accommodation
- Whether there are any children within the household at a critical point (e.g. GCSE's) in their education
- What will happen to the household if DHP is not awarded
- The amount available in the DHP budget at the time of application

8.3 We will not make any allowance for the following:

- Any loss resulting from the customers failure or delay in claiming any income to which they are entitled
- Any debt arising from an overpayment of housing benefit
- Any debt, which, in the opinion of the Council arises from the financial circumstances of the customer

8.4 In addition, where an applicant is applying for a DHP for a rent-in-advance or rent deposit guarantee, the Housing Team will consider whether:

- They are due to have a deposit or rent in advance for their existing tenancy returned to them
- They have previously received assistance from the Council through a rent deposit guarantee scheme or DHP
- They are able to afford to pay rent-in-advance or the rent deposit themselves or with assistance from family and friends
- They have a genuine need to move

8.5 This list is not exhaustive and any other relevant factors or special circumstances

9. Level of Award

9.1 The Housing Operations Team will decide how much, if anything, to award based on all of the circumstances.

9.2 If the purpose of the DHP is to meet an on-going rental liability, the level of DHP must not exceed the weekly or monthly eligible rent on the home. The Housing Operations Team may decide to meet all or part of the rental shortfall, up to the amount of the eligible rent, dependent upon the household's financial and personal circumstances. However, this will not be an indefinite award.

9.3 Eligible rent means all the payments specified in Regulation 12(1) of the Housing Benefit Regulations 2006 or the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 except those specified in Regulation 12(3)(b)(i) to (iii) of those regulations, i.e. deductions in respect of certain specified team charges.

- 9.4 In addition, eligible rent now includes the maximum amount of housing costs within UC towards a rental liability, as specified within Regulation 26 of the UC Regulations 2013.
- 9.5 Where a claimant is in receipt of UC, the Housing Operations Team will be able to identify the maximum housing element that has been used. For example, if a claimant's rental liability is £500.00 per month, you will be able to identify the maximum eligible rent for UC purposes, which may be the same or less than the contractual rent. The maximum eligible rent in the UC award is the same as the maximum DHP that can be made.
- 9.6 For lump sum payments such as, deposits or rent in advance the weekly limit does not apply.
- 9.7 An award of DHP does not guarantee that a further award will be made at a later date even if the applicant's circumstances have not changed.

10. Rent in Advance, Rent Deposits and Removal

- 10.1 Applications for rent in advance or rent deposits must be approved prior to the tenancy commencing. DHP will not be paid in circumstances where the tenancy has already started and has been arranged by the applicant themselves. It will also not be awarded in instances where the applicant has gone against housing advice to arrange the tenancy themselves.
- 10.2 Rent deposits and rent-in-advance will usually be paid direct to the landlord, unless there are exceptional circumstances. The landlord will be advised that the rent deposit must be secured in an approved Tenancy Deposit Scheme. The Council may award the DHP on the condition that the Council is registered as an interested party when the deposit is secured.
- 10.3 Provisions of DHP for removals will only be awarded in the following circumstances:
- The applicant has to move in an emergency
 - The applicant is too vulnerable to complete the move themselves
 - The applicant is moving into temporary accommodation
- 10.4 Applicants who are seeking assistance with removals must provide two quotes from registered removal companies on written headed paper or an official e-mail from the removal's company's e-mail account. No payments for removals will be made to family and friends. The contract/agreement for the removals is between the applicant and the removal company.
- 10.5 Applicants who wish to hire a van for removals may need to self-fund and then seek reimbursements through DHP. Proof of van hire and invoice must be provided before payment is approved.

11. Period of Award

- 11.1 In all cases, the Housing Operations Team will decide the length of time for which a DHP will be awarded, on the basis of the evidence supplied and the facts known.
- 11.2 The start date of a continuous award will normally be the Monday after the written claim form is received by the Housing Operations Team; or the date on which entitlement to HB/UC commenced, providing the DHP application is received within one calendar month of the claim for HB or UC claim being decided,

whichever is the earlier or the most appropriate. This does not apply to lump sum payments which may be made in addition to a continuous award.

- 11.3 When determining the period of award, judgment should be used, and one of the following may be set as an end date:
- The end of the financial year
 - To tie in with an expected change in circumstance, i.e. baby due date
 - A date considered reasonable given the circumstances of the case
 - The end date of the benefit entitlement
- 11.4 The DHP will normally be paid for a minimum of 1 week
- 11.5 Usual awards for rental shortfall will be between 3 and 6 months, although shorter periods can be awarded in line with 9.3 above. The maximum length of award will not normally exceed 12 months.
- 11.6 Where a longer-term award of 6-12 months is made, the Housing Operations Team may incorporate a review date into the award to confirm that advice offered is followed and to ensure that the applicant's circumstances have not changed.
- 11.7 Housing Options Officers (HOO) are able, within the remit of their role, to offer in-principle decisions offering up to £75 above Local Housing Allowance rate to certain clients in urgent housing need. In-principle decisions authorised by HOO to meet LHA restrictions will be agreed for a 12 month period.
- 11.8 Longer-term awards of 12 months may be made to a disabled claimant who lives in significantly adapted accommodation in the social rented sector but who is subject to the spare room subsidy, to claimants who have a medical condition that makes it difficult to share a bedroom and in cases where a disabled child who would normally be expected to share a bedroom under size criteria rules requires a separate room, and provides evidence that this is the case but does not meet the HB criterion of being in receipt of the Middle and Higher rates of DLA Care.
- 11.9 For clarification, the Council does not accept that disabled claimants affected by spare room subsidy cannot move, but accepts that it might take them longer to find suitable accommodation. In some cases, it would be more cost effective for the applicant to move and the Council to adapt their new home through the provision of Disabled Facilities Grant rather than providing an indefinite DHP award until they reach pensionable age. Any further award of DHP will therefore be dependent upon the particular circumstances of the applicant and in most cases, they will need to demonstrate that they are proactively seeking to downsize if the rental liability arises from removal of spare room subsidy.
- 11.10 Awards for rent-in-advance will not normally exceed one month's rent and awards for rent deposits will not normally exceed 6 weeks rental liability for the new property. This will be based on the LHA rate the household is entitled to plus a £75 (per month).
- 11.11 Awards for rent-in-advance and rent deposits are made on the basis that the applicant will be set up to secure future tenancies upon the ending of the tenancy for which the award was made. Subsequent applications for further rent-in-advance or rent deposits are not likely to be agreed.
- 11.12 When considering a DHP claim it should be taken into account that the DHP scheme should in most cases be seen as a short-term emergency fund. DHP is not a replacement benefit scheme nor should it be seen as one: it offers

transitional help. Customers must be made aware that they must seek advice with regard to their housing needs and ways to manage financially in the long term.

12. Changes of Circumstance

- 12.1 The Housing Operations Team may revise an award of DHP where the applicant's circumstances have materially changed.
- 12.2 The applicant is required to notify the Housing Operations Team in writing of any changes of circumstance relevant to the continuation of DHP. Examples of these changes include:
- If they change address (or room if customer occupied a room only)
 - If they leave their home temporarily
 - If their household income changes
 - If the household make up changes
- 12.3 The Council can stop making payments of DHP if it is decided payments are being, and/or have been made because someone has misrepresented or failed to disclose a material fact, fraudulently or otherwise.
- 12.4 The Council can also stop payments if they have been paid as a result of an error.

13. Claiming a DHP

- 13.1 A claim for DHP must be made in writing using the Council's DHP Application Form. Claims that are not fully completed or which fail to provide details of income and expenditure will not be accepted and will be returned to the applicant.
- 13.2 It is expected that the application will usually be made by the person claiming HB or UC. However, a claim from someone acting on behalf of the applicant, such as an appointee or where there is a Power of Attorney, will be accepted where the Council considers it is reasonable to do so.
- 13.3 The Housing Operations Team will require reasonable evidence in support of an application for DHP as detailed on the DHP application form 'Documentary evidence you must provide'.
- 13.4 In exceptional cases, if evidence is not provided, the Housing Operations Team will consider the application and will in any event take account of any other available evidence, including information held on Benefits records or by the DWP.
- 13.5 In establishing if the claimant requires further financial assistance, the Housing Operations Team can decide how to treat any income or expenditure, taking into consideration the purpose of the income where appropriate.
- 13.6 In the event that the Housing Team consider that the applicant may fall into an exception group for Housing Benefit purposes, the DHP application will not be assessed until it has been established whether or not the exception applies.
- 13.7 The Housing Operations Team reserves the right to verify any information or evidence provided in appropriate circumstances.

14. Decision Making

- 14.1 Decisions on DHP applications will be made by a single designated officer within the Housing Team.

14.2 Where appropriate, the designated officer will have regard to any submission made by the Housing Options Officer working with the applicant. This is particularly relevant in understanding how the applicant has ended up in a position where they have a shortfall in their liability that they are unable to meet, and in understanding what advice they have received.

15. Method of Payment

15.1 DHP disbursements will usually be administered by the Revenues & Benefits Team and paid direct to the applicant along with the applicant's Housing Benefit where relevant.

15.2 The Housing Operations Team reserves the right not to pay the applicant directly and to make the DHP payment to:

- The applicant's partner.
- The applicant's appointee or Power of Attorney.
- The applicant's landlord (or agent acting on behalf of their landlord).
- Any third party to whom it may be appropriate to make the payment.

15.3 Payment frequency will usually be in line with how HB or UC is paid.

16. Notifying Decisions on DHP

16.1 The Housing Operations Team aims to notify applicants of the decision on all applications within 28 days of their receipt, where the form has been fully and properly completed including the provision of all supporting information. The notification will set out the reasons for the decision and explain what to do if the applicant disagrees with the decision.

16.2 Where appropriate, the notification will advise:

- The amount of DHP
- When it will be paid – this will be dependent upon individual circumstances
- The period of award
- How and to whom it will be paid
- The requirements to report a change in circumstances
- Information on who to contact for further help and advice

17. Disputes Procedure

17.1 DHPs are not payments of benefit and therefore are not subject to the statutory appeals process.

17.2 A claimant may disagree with a DHP award decision, or the decision to cancel or recover a DHP award and can request a review of the decision.

17.3 Applicants who request a review of the DHP decision must put the reasons for their request in writing, to the Reviewing Officer, Housing Operations, within 21 days of receipt of the award letter.

17.4 Late requests will be considered at the discretion of the Reviewing Officer where she/he considers that there were exceptional circumstances.

17.5 The review will be carried out by an Officer senior to the one who made the original decision and who was not involved in the original decision. This will usually be the Team Leader or any member of the Housing Operations Team.

17.6 The Reviewing Officer will confirm the outcome in writing, giving reasons for the decision, within 8 weeks of receipt of the request. The decision will be final and binding and may only be challenged via the judicial review process or by complaint to the Local Government Ombudsman.

18. Overpayments

18.1 The Housing Operations Team will seek to recover any DHP overpayments. Any decision to recover an overpayment will be recommended by a designated officer and approved by a Team Leader or Manager.

18.2 The Housing Team can exercise discretion not to recover an overpayment of DHP in the following cases:

- The overpayment was caused by an official error and the customer could not reasonably be expected to know that it was an overpayment
- Where it is considered that the customer will suffer serious hardship if the Council seeks recovery.

18.3 Repayment of overpayments will be requested from the applicant. This may be in the form of raising a sundry debt invoice. If such an invoice remains unpaid after 30 days, monies may be recovered using a debt collection agency or via the courts.

18.4 Overpayments of DHP cannot be collected from ongoing entitlement to Housing Benefit or Universal Credit.

19. Monitoring

19.1 In addition to the annual DHP claim form the council will be required to provide a broad breakdown of expenditure. The monitoring returns will be submitted to the DWP.

19.2 Following a successful application for DHP the main reasons for the award should be recorded as detailed below:

- Benefit cap
- Removal of spare room subsidy in social rented sector
- Local housing allowance restrictions
- Combination of reforms
- None of the above

19.3 From 2014/15 the Council has been required to report the amount paid to a claimant. For example, if a claimant is awarded a DHP of £10.00 per week for 10 weeks and the award runs for that whole period, the Council should record £100.00. If it is a one-off payment, simply record the amount paid. If there is a change of circumstances and an award ceases, the Council should record the amount of the award actually paid out to the claimant.

19.4 Additionally, the Council is required to record the intended outcome when making an award of DHP. The outcomes are broadly grouped into the following areas:

- To help secure and move to alternative accommodation (e.g. rent deposit)
- To help with short-term rental costs until the claimant is able to secure and move to alternative accommodation
- To help with short-term rental costs while the claimant seeks employment
- To help with on-going rental costs for a disabled person in adapted accommodation
- To help with on-going rental costs for foster carer
- To help with short-term rental costs for any other reason
- Lump sum payments to clear arrears and prevent homelessness

19.5 The Council should also keep records of the unsuccessful applications in addition to rent deposit, rent in advance and removal expenses applications

20. Fraud

20.1 West Berkshire Council Housing Service will review all policies if legislative or other changes required or on a Corporate Policy Review cycle. All policy issues raised by staff will be logged by the Housing Service Manager, who will review all issues raised and where appropriate amend policies accordingly.

APPENDIX A

Sanctions and reductions in benefit ineligible for DHP

DHPs cannot be awarded to meet housing costs where the affordability issue is caused by the following, because to do so would undermine the effectiveness of the sanctions or reduction in benefit. These are any:

- Reduction in Income Support (IS) or income-based Jobseeker's Allowance (JSA(IB)) due to a Reduced Benefit Direction (RBD) for failure to comply with the Child Support Agency in arranging maintenance. The RBD is a reduction in benefit of 40% of the personal allowance and only applies to IS or JSA(IB);
- Reduction in benefit as a result of non-attendance at a work-focused interview. This applies both where the person's HB is reduced and when any other benefit that the person is receiving (such as IS) is subject to a sanction;
- Reduction or loss of benefit due to a JSA employment sanction. JSA is not payable for the period of sanction if they have contributed towards their unemployment status, for example, by leaving employment voluntarily or failing to attend a prescribed training scheme. In such cases it may be possible for a reduced rate of JSA to be paid under the JSA hardship provisions;
- Reduction in benefit due to a JSA sanction for 16/17 year olds – for certain young people who receive JSA under a Severe Hardship Direction. JSA is not payable for the period of the sanction if they have contributed towards their unemployed status, for example, by leaving employment voluntarily or failing to attend a prescribed training scheme;
- Restriction in benefit due to a breach of a community service order, or
- Reduction in UC due to a sanction as specified under regulations 100 to 114 of the UC Regulations 2013

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