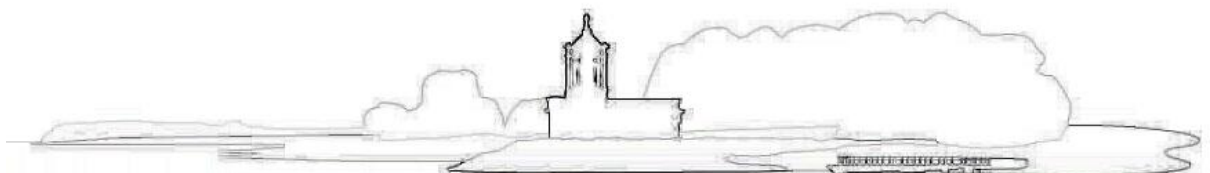


# Rutland County Council

## DISCRETIONARY HOUSING PAYMENTS POLICY

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Guardian	Andrea Grinney Revenues & Benefits Manager 01572 722 577 x 8227
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## **Summary of document**

This policy details how the Council will administer and award Discretionary Housing Payments.

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## **1.0 INTRODUCTION**

- 1.1 Central Government provides specific funding to Local Authorities to enable the award of Discretionary Housing Payments (DHP) to claimants who need additional financial assistance with their housing costs.
- 1.2 This policy details how Discretionary Housing Payments will be awarded, to ensure that the limited funding is used to help those who are most in need.

## **2.0 LEGISLATION**

- 2.1 Discretionary Housing Payments are governed by the Discretionary Financial Assistance Regulations 2001 (SI 1167/2001) as amended.
- 2.2 The Department for Work and Pensions issue guidance to Local Authorities which is entitled 'Discretionary Housing Payments Guidance Manual April 2013': This policy is based on this guidance.

## **3.0 POLICY AIM**

- 3.1 This policy aims to ensure that Discretionary Housing Payments are fairly, reasonably and consistently awarded to claimants who are in most need of financial support.
- 3.2 Each application will be considered on its own merits.
- 3.3 Consideration will be given to the following objectives:
  - a) Prevention of homelessness
  - b) Sustaining tenancies for vulnerable tenants
  - c) Securing new tenancies for vulnerable people
  - d) Providing short term support for people with short-term difficulties or major life events
  - e) Keeping families together
  - f) Encouraging people into paid employment
- 3.4 The policy also aims to align with the Council's Strategic Aims and Objectives.

## **4.0 FUNDING**

- 4.1 Central Government provides an annual grant to the Council in order to make Discretionary Housing Payments. The Council is allowed to 'top-up' this amount by two and a half times the grant allocation amount. The Council has not done this to date.

- 4.2 The Council will monitor Discretionary Housing Payments and ensure that the funding allocation is fully used but not overspent, within each financial year.
- 4.3 The Council may apply for additional funding from the Department for Work and Pensions, if this is made available.
- 4.4 Unspent funding is returned to the Department for Work and Pensions.

## **5.0 ELIGIBILITY CRITERIA**

- 5.1 The claimant must be in receipt of either Housing Benefit or Universal Credit (where a housing element towards rental liability is included), and must require further assistance with housing costs.
- 5.2 The claimant must be unable to pay their rental liability.
- 5.3 The claimant must require further financial assistance which is determined by a financial means enquiry.
- 5.4 The claimant, or another adult member of their household should not have savings or access to other funds that could be used to meet the shortfall. This information will be obtained from the main application form for Housing Benefit and any other relevant evidence.
- 5.5 The claimant must be willing to comply with any reasonable conditions regarding the award of a Discretionary Housing Payment.
- 5.6 Priority will be given to claimants who are in the following groups:
  - a) People with disabilities who are in receipt of Disability Living Allowance or Personal Independence Payments, and are living in a property that has been significantly adapted for their needs or a member of their household's needs.
  - b) Registered foster carers who have a reduction in Housing Benefit due to 'under occupancy' but are actively fostering. i.e. between placements.
  - c) Care Leavers under the age of 25.
  - d) Claimant or claimants whose partner is terminally ill.
  - e) Those who have fled from domestic violence.
- 5.7 Housing costs are defined as rental liability and can also include: rent in advance, deposits and other lump sums costs associated with a housing need such as reasonable removal costs.
- 5.8 Shortfalls that a Discretionary Housing Payment can cover include:
  - a) Reductions in Housing Benefit where the benefit cap has been applied

- b) Reductions in Housing Benefit, where under occupancy restrictions have been applied
- c) Reductions in Housing Benefit, where 'Local Housing Allowance restrictions' have been applied.
- d) Reductions in Housing Benefit, where a 'Rent Officer restriction' has been applied.
- e) Reductions in Housing Benefit where other restrictions have been applied such as income tapers, non-dependant deductions.

The above shortfalls also apply to Universal Credit reductions.

## **6.0 EXCLUSIONS**

- 6.1 Discretionary Housing Payments cannot be used to pay for Council Tax. (The Council has a specific fund for this purpose).
- 6.2 Discretionary Housing Payments cannot be awarded for:
  - a) Ineligible service charges
  - b) Increases in rent due to outstanding rent arrears
  - c) Reductions in Housing Benefit due to sanctions
  - d) Water, sewerage and other environmental service costs
  - e) A shortfall due to a reduction in Housing Benefit because of overpayment recovery
  - f) Suspended Housing Benefit

## **7.0 APPLICATION**

- 7.1 All applications must be submitted in writing on a prescribed application form. This should be completed as fully as possible and signed by the claimant or their representative.
- 7.2 The Council may request supporting evidence. This should be provided within one month of the request.
- 7.3 Failure to provide supporting evidence may result in a refusal to process the application.

## **8.0 PROCESSING APPLICATIONS**

- 8.1 Applications will be considered by an Officer within the Revenues and Benefits Team, Resources Directorate.
- 8.2 Applications will be considered within 14 days of the receipt of the claim, and/or supporting evidence, in most cases.

- 8.3 The amount and duration of the award will be determined by an Officer following a means enquiry and an assessment of the claimants' circumstances.
- 8.4 The application may be refused, partly awarded or fully awarded.
- 8.5 Consideration will be given for requests to backdate Discretionary Housing Payments. Each case will be assessed on its own merits.

## **9.0 NOTIFICATION**

- 9.1 Claimants will be notified in writing of the decision and, if they have been refused, the reasons why, and details of how to appeal the decision.
- 9.2 Successful notifications will include:
- a) The weekly amount of the award
  - b) The period of the award
  - c) How and to whom the award will be paid
  - d) The requirement to report any change in circumstances
  - e) Any conditions of the award
  - f) The start date of the award

## **10.0 PERIOD OF AWARD**

- 10.1 The duration of the award will be determined by an Officer using the following guidance:
- a) 13 weeks for majority of awards
  - b) 26 weeks for applicants with exceptional circumstances
  - c) 52 weeks for applicants with exceptional circumstances and vulnerability as detailed at 5.6.
- 10.2 One off awards will not have a period of award.

## **11.0 CHANGE IN CIRCUMSTANCES**

- 11.1 Recipients of a Discretionary Housing Payment are required to notify the Council of any changes of circumstances which may be relevant to their claim.
- 11.2 Changes in circumstances must be reported within 21 days of the change.
- 11.3 Information received relating to any change in circumstances for Housing Benefit, Local Council Tax Support and Universal Credit may also be used for Discretionary Housing Payments purposes.

## **12.0 PAYMENT METHOD**

- 12.1 Discretionary Housing Payments will be paid with Housing Benefit.
- 12.2 In some cases it may be appropriate to pay the landlord directly. The Officer will determine if this is appropriate when processing the application.

## **13.0 OVERPAYMENTS**

- 13.1 Overpayments will be recovered either in full, part or not at all. Overpayments caused by official error may not be recovered unless the claimant caused the error or was aware of it.
- 13.2 Overpayments will be invoiced and the Council's Corporate Debt Policy will apply when recovering the overpayment.
- 13.3 Overpayments will not be recovered from on-going entitlement to Housing Benefit.

## **14.0 FRAUD**

- 14.1 The Council actively seeks to prevent and detect fraud. All allegations of fraudulent claims will be investigated.
- 14.2 If a claimant is found to have committed fraud, action will be taken to recover the overpaid amount and consideration will be given to prosecution under the Theft Act 1968

## **15.0 MONITORING AND REVIEWING**

- 15.1 The Council will monitor awards of Discretionary Housing Payments in accordance with the Department for Work and Pension requirements.
- 15.2 The budget allocated to Discretionary Housing Payments will be carefully monitored to ensure that the funds are spent in accordance with Department for Work and Pension requirements.
- 15.3 The Discretionary Housing Payments policy will be reviewed regularly to take into account the level of funding allocated, the latest guidance from the Department for Work and Pensions, and the introduction of Universal Credit and other welfare reform changes.



## **16.0 APPEALS AND COMPLAINTS**

- 16.1 Claimants are able to appeal against a decision. An appeal should be made, in writing to the Revenues and Benefits Manager and within one month of the original decision being made.
- 16.2 A Senior Officer will review the original decision and may request further information from the claimant.
- 16.3 Appeals will be processed within 14 days of receipt. The claimant will be notified of the decision and the reasons in writing.
- 16.4 Should a claimant be dissatisfied with the decision or wish to complain about another aspect of their application then the Council's usual complaint procedure will apply. This information is available on the Council's website.

## **17.0 DATA PROTECTION AND PRIVACY**

- 17.1 Any information gathered in the process and administration of Discretionary Housing Payments will be handled and processed in accordance with the Data Protection Act 1998.
- 17.2 A claimant has the right to request to view their personal information which is held by the Council. In order to access this information a request should be made in writing to Customer Services.

**A large print version of this document is available on request**



**Rutland**  
County Council

Rutland County Council  
Catmose, Oakham, Rutland LE15 6HP

01572 722 577  
[enquiries@rutland.gov.uk](mailto:enquiries@rutland.gov.uk)  
[www.rutland.gov.uk](http://www.rutland.gov.uk)