



# **Discretionary Housing Payment Policy**

**Version 1**

## **Foreword**

Approved by Cabinet on .....

## Contents

<b>Foreword .....</b>	<b>2</b>
<b>Contents .....</b>	<b>3</b>
<b>Overview.....</b>	<b>4</b>
<b>Aims and Objectives .....</b>	<b>4</b>
<b>Policy Statement.....</b>	<b>7</b>
<b>Review Process .....</b>	<b>Error! Bookmark not defined.</b>
<b>Distribution and Amendment .....</b>	<b>Error! Bookmark not defined.</b>
<b>Document Information and Version Control .....</b>	<b>8</b>

Equality Impact Assessment - Appendix 1

## Overview

From 2 July 2001 all Local Authorities have had the discretion to top up the Housing and Council Tax benefit using a Discretionary Housing Payment (DHP). The legislation that governs DHP can be found in the Discretionary Financial Assistance Regulations 2001(SI2001/1167)

The purpose of this policy is to specify how North Norfolk District Council (NNDC) will operate the DHP scheme from 1 April 2013.

## Aims and Objectives

NNDC will consider making a DHP to applicants who meet the qualifying criteria as specified in this policy. Each application will be considered by the DHP panel which will consist of Officers from the Housing Benefit and Housing team. Each application will be treated on its own individual merit. All customers will be treated equally, fairly and consistently under the scheme.

Through the operation of this policy the aims and objectives are to :

- Alleviate poverty
- Encourage and sustain people in employment
- Sustain tenancies and prevent homelessness
- Safeguard residents in their own home
- Help those who are trying to help themselves
- Keep families together
- Supporting vulnerable or the elderly in the area
- Helping customers through personal and difficult events
- Support young people in the transition to adult life
- Assist customers affected by the Welfare reforms

A DHP can be claimed to provide customers with further financial assistance towards housing costs. Housing costs are not defined within the regulations and this gives Authorities some broad discretion to interpret what is and is not a housing cost.

Housing costs may include:

- Rent in advance
- Rent deposits
- Other lump sums associated with housing (e.g. removal costs)

Housing costs exclude:

- Ineligible service charges
- Increased rent due to rent arrears
- Certain sanctions and reductions in Benefit.

Note: DHP cannot be used to top up Council Tax Support and will not be awarded to make up for recovery of overpaid Housing Benefit.

#### Who can apply for a Discretionary Housing Payment

A claim must be made by the customer in writing on the prescribed DHP form. A claim for DHP can be accepted from an appointee or third party where it is considered reasonable to do so.

- The customer must be entitled to Housing Benefit and have a rental liability.

#### Criteria for the award of DHP

In deciding whether to award a DHP the following will be considered.

- Any steps taken by the customer to reduce their rent liability
- The medical circumstances of the customer, their partner and the household
- The income and expenditure of the customer, their partner and the household
- The length and award of any previous DHP award
- Whether the tenancy is sustainable long term with the assistance of DHP
- Whether the tenancy is under threat, including eviction and homelessness
- Whether other options are available
- Whether it would be advantageous to transfer from Rent Officer referral to Local Housing Allowance
- Any savings held by the customer, their partner and the household
- The level of debt the customer, their partner and the household have (including Council Tax arrears)
- Any 'exceptional nature' of the customer, their partner and the household' circumstances
- Whether there are sufficient funds to meet the DHP
- The possible impact on NNDC for not making the award
- The priority need of the customer
- Any special circumstances brought to the attention of the Benefits service
- Whether sufficient information is available

- Whether the customer is living in accommodation that has been significantly adapted

#### Administration of DHP

DHP decisions are by a panel which will consist a minimum of a Benefit officer and a Housing officer. Where reasonably possible a decision will be made within 28 days of receipt of the application. The panel may wish to liaise with third parties in respect to the DHP request, e.g. the customer's landlord and social services.

Decisions will be recorded on the Benefit claim and the customer will be notified of the decision in writing.

If the customer is in receipt of a DHP and has a change in circumstances, the DHP will be reviewed.

There is no fixed or prescribed length of time for which a DHP can be awarded. This will be determined by the panel. A DHP can be re-applied for when it ends. A DHP will not extend over a financial year and may need to be applied for again in the new financial year.

Payment of the DHP will be made to either:

- The customer
- The partner of the customer
- An appointee
- The customers' landlord
- An appropriate third party

#### Appeal process

A DHP is not the same as a payment of Housing Benefit and therefore is not subject to the statutory appeals process.

If the customer (or their appointee) disagrees with a decision relating to a DHP they can ask for this to be looked at again. This request must be made in writing within 21 days stating the reasons why they disagree. The Appeals process has two stages as follows:-

First review by new panel members not part of the original decision

Second review by the Benefit manager

Reviews will be completed and notified within 21 days.

The decision will be final and can only be challenged via the judicial review process or by complaint to the Local Government Ombudsman.

### Overpayments of DHP

The Benefits service will recover any DHP that has been overpaid. An invoice for the overpaid DHP amount will be sent to the customer or the person to whom the award was paid. e.g. overpaid DHP when there has been a change in circumstances or when Housing Benefit entitlement ends.

### Fraud

NNDC is committed to the fight against fraud. A customer who tries to fraudulently claim a DHP by falsely declaring their circumstances or by providing a false statement or evidence, may have committed an offence. Where it is suspected that fraud may have occurred the matter will be investigated.

### Publicity

NNDC will publicise the DHP scheme through the press, and its website and other appropriate media outlets and will work with all interested parties to promote the scheme. A copy of this policy will be available on request.

## **Policy Statement**

This policy will take effect from 1<sup>st</sup> April 2013

The master copy of this document, a record of review and decision making processes will be held by XX. All documentation will be available for audit as necessary.

This policy will be available to all staff and Members on the corporate document register on the intranet.

## Document Information and Version Control

Document Name	Discretionary Housing Payment policy
Document Description	Purpose of the policy is to specify how NNDC will operate the DHP scheme from 1/4/13
Document Status	Current/Expired/Under Review
Lead Officer	Louise Wolsey Revenues & Benefits Manager
Sponsor	
Produced by (service name)	Liz Codling Benefits Manager
Relevant to the services listed or all NNDC	Housing Benefits
Approved by	NNDC Cabinet
Approval date	
Type of document	Code/Guidance/Plan/Policy/Procedure/Protocol/Service Level Agreement/Strategy
Equality Impact Assessment details	Current
Review interval	Annual
Next review date	March 2014

Version	Originator	Description including reason for changes	Date
1	L Codling	Changes in Housing Benefit Legislation	March 2013