

Swale Borough Council Discretionary Housing Payments Policy

Revenues & Benefits Service

Draft April 2018

1. Introduction

This policy sets out how Swale Borough Council will operate its Discretionary Housing Payment (DHP) scheme.

DHP awards play an important part in helping people adjust to changes in the welfare system as well as for those who are struggling to meet a rent shortfall or need help with costs associated with moving to more affordable accommodation. DHP funding is limited and therefore in most cases only short to medium support will be considered through the DHP scheme whilst any underlying issues are addressed, such as:

- Taking up employment;
- Moving to more affordable or suitably sized accommodation;
- Seeking help to address money and debt issues; and
- Avoiding an immediate threat of eviction

In administering the scheme and considering any application, the Council will expect those that are able to help themselves to do so. DHP should not be seen as an alternative to welfare reform.

2. Objectives of the Scheme

The Council will consider making a Discretionary Housing Payment (DHP) to households who meet the criteria outlined in this policy. It will consider all claims on their individual merits, along with other associated policies.

The Council will work with other departments (such as the Housing Section) and other organisations (such as advice agencies, landlords and Social Services), for the purpose of signposting and assistance, to help address underlying issues such as to:

- Prevent homelessness;
- Support vulnerable households;
- Provide support in a time of crisis;
- Help alleviate poverty and
- Encourage employment.

Discretionary Housing Payments can only be made to help with housing costs. They are means tested and only essential expenditure is taken into account. Each application will be looked at on an individual basis taking into account all relevant circumstances. They cannot not be paid to cover other costs such as service charges or Council Tax.

3. The DHP scheme

The DHP scheme is intended to be flexible and can cover a range of different housing costs or scenarios. These include:

Meeting the shortfall between rent and housing benefit where:

- a property has been especially adapted to meet the needs of a disability and it would be impractical to move;
- a disabled person is waiting to be moved to more suitable accommodation;
- the householder has planned to move to more affordable accommodation and needs some short term assistance until they actually make the move into their new home;
- the property is currently classed as too big for the household but the circumstances are expected to change e.g. expecting a baby, a birthday that affects entitlement to Housing Benefit or Universal Credit Housing Costs, awaiting placement of a foster child or taking in a lodger;
- the householder is struggling to pay their rent because of other debts but can demonstrate that they are seeking help or have arranged their finances to enable them to pay the shortfall in the future; and
- provide short term support to help with the move back into work.
- payments towards rent arrears to avoid the risk of eviction

Help to move to an affordable property where:

- the customer wants to move to a more suitable property for their needs and requires some help to pay the rent in advance and/or deposit; and
- the customer has to pay rent on two properties for a short period and it cannot be met by housing benefit.
- The customer needs help with the cost of removals.

DHPs are made at the discretion of the Council and are not governed by the same rules as housing benefit; however, to qualify the person making a claim must also be receiving housing benefit or the housing element of Universal Credit.

The starting point of any application will also be to consider whether there is a need for a DHP or if the amount can be met through the other income and savings within the household. The Council will also look where appropriate to see what action the person is taking to help themselves.

4. Claiming a DHP

A claim for a DHP will generally be expected to be made in writing using the form provided by the Council. The form asks for details of all income and expenses, as well as details of wider circumstances which the Council needs to be aware of to make an informed decision.

Where the customer would rather discuss their circumstances in person, a private interview can be arranged or, where the customer cannot attend the office, a home visit made.

In considering an application the Council may request evidence to support the application, or take steps to verify the information provided to ensure that they are accurate.

5. Period of Award

The period of award will be dependent on the individual circumstances and whether the award is to help to meet a one-off cost, temporary shortfall, or longer term need.

At the point of making a decision the Council will set the period of award, which will be notified along with the decision. Decisions will normally start from the Monday after receipt of the claim; however, awards may be backdated if there is a good reason why the claim could not have been made sooner and the circumstances continued throughout that period.

6. Changes of Circumstances

In receiving a DHP the applicant provides an undertaking to notify the Council of any change in the circumstances declared within their application. The Council may revise and recover any overpayment where the claimant's circumstances have materially changed.

7. Payment

The Council will decide the most appropriate person to pay based upon the circumstances of each case. This could include paying:

- the claimant;
- their partner;
- an appointee;
- their landlord (or an agent of the landlord); and
- any third party to whom it might be most appropriate to make payment.

Payments will be made by BACS and at the same frequency as any housing benefit, subject to any special requirements.

8. Notification

The Council will aim to advise claimants of the outcome of their claim within 14 days of receipt of their claim and any evidence requested. The notification will include;

- the weekly amount of DHP awarded;
- the income and expenditure used in the calculation;
- the period of award;
- whom it will be paid to; and
- the requirement to report a change of circumstances.

9. Review of Decisions

The Council will operate the following policy, in dealing with a request for a decision to be reviewed following a refusal to award a DHP or a request to review the amount or period of an award:

- a request for a review should be in writing within one month of the decision, stating why the decision is believed to be wrong and providing any additional evidence;
- the decision, along with any new evidence from the claimant, will be reviewed by the Council's nominated Appeals Officer, who will aim to either make a new decision or confirm the earlier decision within 14 days;
- the claimant will be notified of the outcome in writing and informed of their right to escalate their appeal to the Revenues and Benefits Manager – Financial & Technical if they remain unhappy with the decision made;
- the Revenues and Benefits Manager- Financial & Technical will review the decision and write to confirm the outcome within 14 days informing them of their right to escalate their appeal to the Head of Resident's Services if they still remain unhappy with the decision made; and
- the Head of Resident's Services will review the decision and will write to confirm the outcome within 21 days. That decision will be final with no further right of appeal.

10. Publicity

The Council will promote the availability of DHPs when notifying individuals of their housing benefit entitlement, when communicating any change or restriction in housing benefit awards, and through the information made available on-line and at customer access points.

11. Information Sharing

The Council will use the information provided within the application and any supporting evidence for the purpose of verifying benefit entitlement and making a decision on the claim. In addition, it may share information with other departments within the Council and with partner organisations for the purpose of the planning and/or delivery of services or fraud prevention.