

# Discretionary Housing Payments for Housing Benefit

<b>Purpose</b>	<i>The purpose of the policy is to ensure that a consistent approach is taken when assessing applications for Discretionary Housing Payments (DHP) for Housing Benefit</i>
<b>Scope</b>	<i>The Housing Benefit scheme is a national scheme that is administered locally by the Council on behalf of Government, which meets most of the costs of the awards. Council's have the discretion to award Discretionary Housing Payments (DHPs) to help those claimants who receive either Universal Credit (Housing Costs) or Housing Benefit (HB) and who need further assistance with their housing costs.</i>

## Background

Under the Discretionary Financial Assistance Regulations 2001, Buckinghamshire Council have the discretion to award Discretionary Housing Payments (DHPs) to help those claimants who receive either Universal Credit (Housing Costs) or Housing Benefit (HB) and who need further assistance with their housing costs.

In determining whether a DHP should be given the Council must be satisfied that the claimant qualifies for additional support with their housing costs and that, based on their circumstances, it is reasonable to make the award.

This policy sets out the factors that may be taken into account when applications for DHP are considered. It also provides the claimants review rights when they are dissatisfied with the decision.

The main features are that:

- The scheme is purely discretionary; a claimant does not have a statutory right to a payment
- The amount that can be paid out by the 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. However, the minimum amount of Universal Credit (Housing Costs) or Housing Benefit must be in payment in the benefit week that a DHP is awarded
- DHP is normally a short term ongoing payment to help claimants through a difficult period, and should not be regarded as a long term measure. However in some circumstances it can be awarded for longer periods.
- In certain circumstances a lump sum payment can be paid in respect of rent arrears

- All claims will be assessed on their individual merits

DHPs have a positive impact on the lives of those who are struggling to meet their housing costs. The Council will look to use DHPs:

- To prevent homelessness
- To help minimise hardship
- Keep families together
- Help young people in the transition to adult life
- To provide additional financial support to those in greatest need
- To safeguard residents in their homes where it would be considered unreasonable for them to find suitable, affordable, alternative accommodation
- To support vulnerable people in the community
- To encourage residents to obtain and sustain employment
- To help claimants to secure and maintain affordable tenancies
- To help claimants through personal crises and difficult events.
- Help those who are trying to help themselves;
- In accordance with DWP & Government guidance

### **Qualifying criteria for a DHP**

DHPs can only be awarded if the claimant is entitled to either:

- Housing Benefit
- Universal Credit that includes housing costs towards rental liability; and
- There is a shortfall between the claimant's eligible rent (i.e. the actual rent less any ineligible service charges such as charges for water, heating, meals, etc.) and the support they are receiving.

DHPs cannot be awarded for:

- Any increase in rent due to outstanding rent arrears
- Mortgage costs
- Council Tax
- Shortfalls caused by overpayment recovery

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

DHPs are awarded at the discretion of the Council and are not subject to the same review process as Housing Benefit, meaning claimants will not have the right to appeal for their case to be heard by an independent tribunal.

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.

Any such request should be made to the Benefits Service, within one month of the decision, giving reasons why the review should take place, this can be done either in writing, email or by going online.

The review will be carried out by an independent officer who was not involved in the original decision. When considering the review, the officer will have regard to any further evidence supplied. The claimant will be notified of the review decision as soon as possible after it has been made. This decision will be final. Unless a change in circumstances has occurred, the Officer dealing with the review may not recommend a reduction in an award already notified.

Appeals against decisions not to grant relief can only be made via Judicial Review.

### **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.

It is most unlikely that we would seek to recover any overpayment caused by an official error, unless it is reasonable to expect the claimant to know that they were being overpaid at the time.

### **Fraud Prevention**

Buckinghamshire Council 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, or providing a false statement of evidence in support of their application, may have committed an offence. In such cases, the Council will look to take appropriate action.