

**Discretionary Housing Payments
Policy**

Tonbridge and Malling Borough Council

Policy context

The Government provides local authorities with funding, under a scheme of discretionary housing payments, in order that authorities are able to provide discretionary housing payments to claimants of housing benefit. Those payments are intended for housing benefit claimants whom local authorities consider require assistance with their housing costs over and above the assistance provided by housing benefit. The funding provided by Government is cash-limited.

As it is inevitable that the demand for discretionary housing payments will exceed the funding available, the Council has adopted this Discretionary Housing Payments Policy. This policy sets out how Tonbridge and Malling Borough Council will endeavour to fairly and equitably allocate awards of discretionary housing payments within the financial constraints of the Government's scheme.

Introduction

From April 2013 discretionary housing payment awards will play an important part in helping housing benefit claimants adjust to changes in the welfare system. The level of funding to make discretionary payments is lower than the reduction to be made in other benefits through the welfare reform changes. Therefore, in most cases, any discretionary payment will offer only short term support whilst underlying issues are addressed. Such issues may include taking employment; or moving to affordable or suitably sized accommodation; or seeking help to address money and debt issues.

When considering an application for a discretionary payment, the Council will expect the person requesting a payment to demonstrate that they are actively taking steps to improve their financial position, thereby diminishing their likely future requirement for a discretionary payment.

The Council, when deciding whether to grant a discretionary payment, will have regard to both the financial and non-financial circumstances of the claimant. In particular, the Council will take into account whether the claimant (and/or a member of their household) has needs associated with any 'protected characteristics' under the Equality Act and the extent to which those needs make it more difficult for them to improve their financial position.

When operating this policy, the Council will have regard to the fact that the funding available for discretionary payments is cash-limited on an annual basis. Therefore, although each claim for a payment will be considered on its merits, there can be no guarantee that a payment will be made, as funds available may have been exhausted for the year in which the claim is made.

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Objectives of the Scheme

The Council will consider making a Discretionary Housing Payment (DHP) to households who meet the criteria outlined in this policy. We will treat all claims on their individual merits. Through the operation of this policy, we will seek to:

- Prevent homelessness;
- Support vulnerable households;
- Provide support at a time of crisis; and
- Provide temporary assistance to households affected by the welfare reform changes.

In support of the above, when considering whether to grant a DHP, the staff of the Housing Benefits Section of the Council will liaise, when appropriate, with other Council staff and, in particular, the Council's Housing staff.

Discretionary Housing payments can be made to help only with housing costs and cannot be paid to cover other costs such as ineligible service charges or council Tax.

The DHP scheme

DHP's 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. The foregoing aside, 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 disabled person and it would be impractical for that person to move.
- Where the householder has a planned move to more affordable accommodation and needs some short-term assistance until they actually make the move into their new home.
- Where the property is currently classed as too big for the household but the circumstances are expected to change e.g. expecting a baby; or a significant birthday; or awaiting placement of a foster child; or taking in a lodger.
- Where 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.
- Where short-term support is required to help with the move back into work.

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Help to move to an affordable property

- Where the customer needs help with the cost of removals.
- Where the customer needs to move to another property, including one outside of the Council's area, and needs some help to pay rent in advance and/or the deposit.
- Where the customer has to pay rent on two properties for a short period and it cannot be met by housing benefit.

Helping those affected by the benefit cap

Persons particularly affected by the benefit cap, who might require assistance, include those:

- Fleeing domestic violence;
- Families who cannot move immediately for reasons of health, education, or child protection; and
- Households in exempt, supported or temporary accommodation (subject to Government clarification).

Claimants affected by changes to local housing allowance (LHA)

Claimants could be affected by the following changes to LHA:

- The up-rating of LHA rates, annually from April 2013, in line with the consumer price index instead of monthly in line with market rents; and
- The application of the shared-room rate to those under 35 years of age.

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 will be arranged or where the customer cannot attend the office a home visit made.

The starting point of any application will also be to consider whether there is a need for a DHP or if the amount applied for 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.

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

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Period of Award

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

However, generally, discretionary payments will be for a short period in order to give claimants time to adjust their circumstances by, for instance, finding work or accessing more affordable accommodation.

At the point of making a decision the Council will set the period of award, which we will notify along with the decision. Payment of the DHP 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.

Changes of Circumstances

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

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); or
- 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.

Notification

The Council will aim to advise claimants of the outcome of their claims within 14 days of receipt of their claims 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;

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- to whom it will be paid; and
- the requirement to report a change of circumstances.

Review of Decisions

The Council will operate the following policy in dealing with a request for a decision to be reviewed as a result of a refusal to award a DHP; or because the claimant is dissatisfied with the amount of the award; or because the claimant, although granted a DHP, is dissatisfied with the period for which it has been granted.

- 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 councils 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 invited to escalate their appeal to the Revenue and Benefits Manager if they remain unhappy with the decision made.
- The Revenue and Benefits Manager will aim to review the decision and write to confirm the outcome within 14 days. That decision will be final with no further right of appeal.

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 services within the Council and partner organisations for the purpose of planning and delivery of services or fraud prevention.

Adopted by Cabinet 26 March 2013