

DISCRETIONARY HOUSING PAYMENT
POLICY

TAMESIDE METROPOLITAN BOROUGH
COUNCIL

EFFECTIVE FROM 1ST APRIL 2014

DISCRETIONARY HOUSING PAYMENT POLICY

What are Discretionary Housing Payments?

Discretionary Housing Payments (DHP) are additional payments awarded by the Council to assist you in meeting your housing costs.

They are payable to people who are already in receipt of Housing Benefit or Universal Credit, where the full amount of rent is not being met by Housing Benefit.

Discretionary housing payments are not payments of benefit and are paid separately from a fund of money provided by the Government and/or the Council. This fund of money is limited and once the fund has been spent the Council cannot make any more payments. For this reason the Council must carefully consider each claim to ensure that the fund is used only for the cases deemed appropriate and to ensure monies are available throughout the year for those who genuinely need it.

Purpose of the scheme

- Tenancy sustainment and prevention of homelessness
- Encourage and support people in employment
- Alleviate poverty
- Support the vulnerable in the local community
- Support people leaving care
- Help those who are trying to help themselves
- To provide assistance for a short period for personal crises and difficult events or where circumstances have changed due to unforeseen events

The DHP scheme is a short term emergency fund to support housing costs.

What are the criteria for the award?

You must be entitled to:

- Housing Benefit, or
 - Universal Credit,
- and
- have a rental liability
- and
- require further assistance with housing costs

Types of housing costs DHP can cover

- rent deposits and rent in advance
- lump sum costs associated with a housing need such as removal costs
- reductions in Housing Benefit or Universal Credit where the benefit cap has been applied
- reductions in Housing Benefit or Universal Credit for under-occupation in the social rented sector
- reductions in Housing Benefit or Universal Credit as a result of Local Housing Allowance restrictions
- rent officer restrictions such as local reference rent or shared room rate

- non-dependant deductions
- income tapers

Rent deposits and rent in advance

This can be awarded for a property you have yet to move into providing you are already entitled to Housing Benefit or Universal Credit at your present home. Whilst the DHP scheme allows for such payments to be made, the Council also has a Rent Deposit Scheme administered by Tameside Housing Advice and you should seek to utilise this facility in the first instance.

What DHP cannot cover

There are certain elements of your rent which cannot be included in housing costs for the purpose of a DHP because the regulations exclude them.

Excluded elements are:

- ineligible service charges
- increases in rent due to outstanding rent arrears
- certain sanctions and reductions in benefit

Amount and duration of DHP

Both the amount and the duration of the award will be at the discretion of the Council and will be done so in accordance with this policy and the available funds.

In the case of a DHP award for a rent shortfall the award cannot exceed the rent shortfall amount and may be less than the difference between the rental liability and the amount of Housing Benefit or Universal Credit.

The start date of an award will normally be the Monday after the claim for the DHP is received. If you have requested that your DHP is backdated this will be considered at the time of making the DHP decision if all relevant information has been provided.

The claims process

The regulations require that there must be a claim for DHP before the Council can consider making an award.

The on-line claim form can be found at www.tameside.gov.uk/benefits/dhp

Duties of the customer

When claiming a DHP you must:

- give the Council any information it may require to make a decision
- tell the Council of any changes in circumstance that may be relevant to the award of DHP
- give the Council any other information it may require in connection with the award for a DHP

Awarding a DHP

When deciding whether to award a DHP, the following may be taken into account:

- the shortfall between your Housing Benefit and the rental liability

- any steps you have taken to reduce your rental liability
- the financial and medical circumstances of you, any partner and any other occupants in your home
- the income and expenditure of you, any partner and any other occupants in your home
- any savings or capital held by you, any partner and any other occupants in your home
- the nature of your and your family's circumstances
- the amount available in the DHP budget at the time of your application
- any other special circumstances that you have brought to the attention of the Benefits Service

Each claim will be treated strictly on its merits by recognising individual's circumstances.

Where it is apparent that you are not claiming another State Benefit that you may be entitled to, you will be advised to make a claim in order to maximise your income.

Notifying the decision

When a person claims a DHP, the Council must advise that person of the DHP decision in writing and with reasons as soon as reasonably practicable.

Where the DHP claim has been successful the notification will include:

- the weekly amount of DHP awarded
- the period of the award
- how, when and to whom the award will be paid
- the requirement to report a change in circumstances
- circumstances in which you might re-apply
- the review process

An award of a DHP does not guarantee that a further award will be made at a later date even if your circumstances have not changed.

The decision will also include details of how the DHP has been calculated.

Payments of DHPs

Payment of an award of DHP for a shortfall in your rent will be made at the same time as a payment of Housing Benefit. If you are in receipt of Universal Credit the payment may be different to the date of your Universal Credit payment.

A DHP can be paid to you, your landlord, agent or an appointee.

Overpaid DHP

If you are overpaid a DHP you will be required to repay this. If your Housing Benefit has increased, the overpayment may be recovered from arrears of Housing Benefit for the same period or an invoice will be issued for repayment. If DHP is overpaid because your Housing Benefit has been overpaid the Council will issue you with an invoice for the outstanding amount.

If you do not agree with the DHP overpayment you may dispute the decision. You must state in writing why you do not agree with the decision to recover the overpaid DHP within one calendar month of the notification regarding the overpaid DHP and send this to the benefits office.

Disputing a decision

If you do not agree with the DHP decision you can ask the Council to look at the decision again. You must state in writing why you do not agree with the decision and provide any relevant evidence. Your request for a review must be received within one calendar month of the date of the notification of the original decision.

There is no right of appeal to The Tribunal Service regarding a DHP decision as DHP is not a payment of Housing Benefit.

Reviewing the decision

DHPs are not payments of Housing Benefit and are therefore not subject to the statutory appeals system.

Another officer other than the original decision maker will consider your request for a review. The original application and any additional information will be taken into account.

You will be notified of the outcome of the appeal in writing and this will advise you of the reasons for the change or refusal as soon as is reasonably practical.

If you remain dissatisfied with the decision, whilst there is no right of appeal, the decision can be reviewed by an officer. The decision will be notified in writing and will detail the reasons for the decision. This decision will be final and binding and may only be challenged through the Council's complaints process or via the judicial review process.

Fraudulent Claims

The Benefits Service is committed to the fight against fraud in all its forms. A customer who tries to fraudulently claim a DHP by falsely declaring their circumstances, providing a false statement or evidence in support of their claim, may have committed an offence under the Theft Act 1968.

Where the Benefits Service suspects that such a fraud may have occurred, the matter will be investigated as appropriate and this may lead to criminal proceedings being instigated.

Equalities Impact Assessment

An Equalities Impact Assessment has been conducted on this policy. This has revealed no differential treatment or customer access issues that need to be addressed.

This policy is available in large print, other languages and Braille, upon request.