

# **Tamworth Borough Council**

## **- POLICY -**

### **DISCRETIONARY HOUSING**

### **PAYMENTS**

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#### **1. BACKGROUND**

1.1. Discretionary Housing Payments are not payments of benefit. They are separate to the Housing Benefit scheme, to be made at the discretion of the Local Authority and are subject to an annual cash limit. Every customer entitled to at least £0.50 Housing Benefit can make a claim for help to meet the shortfall in their liability.

1.2 The main features of the scheme are that

- ◆ it is discretionary; a customer does not have a statutory right to a payment
- ◆ the amount that can be paid out by an authority in any financial year is cash limited by the Secretary of State
- ◆ the administration of the scheme is for the Benefits Team to make decisions upon
- ◆ DHPs are not a payment of Housing Benefit. However the minimum amount of Housing Benefit (£0.50) must be in payment in the benefit week that a DHP is requested for

## **2. BENEFITS TEAM POLICY**

2.1 The purpose of the policy is to specify how Tamworth Borough Council's Benefits Team will operate the scheme and to indicate some of the factors that will be considered when deciding if a DHP can be made. Each case will be treated strictly on its merits and all customers will be treated equally and fairly when the scheme is administered.

2.2 The Benefits Team is committed to working with the local voluntary sector and social landlords to maximise entitlement to all available state benefits and this will be reflected in the administration of the DHP schemes.

## **3. STATEMENT OF OBJECTIVES**

3.1 The Benefits Team Leaders will consider making a payment of DHP to all customers who meet the qualifying criteria as specified in this policy. They will treat all applications on their individual merits and will seek through the operation of this policy to:

- ◆ alleviate poverty
- ◆ support vulnerable young people in the transition to adult life
- ◆ encourage residents of the Council to obtain and sustain employment
- ◆ safeguard Council residents in their homes
- ◆ help those who are trying to help themselves
- ◆ keep families together
- ◆ support the vulnerable in the local community
- ◆ help claimants through personal crises and difficult events

3.2 The DHP scheme should be seen as a short-term emergency fund. It is not and should not be considered as a way round any current or future entitlement restrictions set out within the Housing Benefit legislation.

## **4. CLAIMING A DHP**

4.1 A claim for a DHP must be made in writing using one of Tamworth Borough Council's specially designed application forms, and signed by the customer. The form will be date stamped and will count as the date of claim. The customer will be required to submit the form to the Benefits Team without delay and will be encouraged to include any relevant supporting evidence.

- ◆ The Benefits Team Leaders may make written requests for any evidence in support of an application for DHP. The customer will be asked to provide the evidence within 14 days of such a request although this will be extended in appropriate circumstances.
- ◆ If the customer is unable to or does not provide the required evidence, the Benefits Team Leaders will still consider the application and will in any event take into account any other available evidence including that held on the benefit file.
- ◆ A one-off lump sum payment can be awarded – e.g for removal costs, rent deposits or rent in advance

- ◆ The Benefits Team reserves the right to verify any information or evidence provided by the customer in appropriate circumstances.

## **5. PERIOD OF AWARD**

5.1 In all cases the Benefits Team Leaders will decide the length of time for which a DHP will be awarded on the basis of the evidence supplied and the facts known.

5.2 The start date of an award will normally be the Monday after the claim for a DHP is received by the Benefits Team. The Team cannot award a DHP for any period outside an existing Housing Benefit period granted under the Housing Benefit scheme.

- ◆ The minimum period for which the Benefits Team will award a DHP is one week.
- ◆ The maximum period for which the Benefits Team will award a DHP is at the discretion of Benefits Team Leaders, depending on the circumstances of the applicant.
- ◆ The Benefits Team will consider any reasonable request for backdating an award of DHP but such consideration will be limited to the current financial year.

## **6. AWARDING A DHP**

6.1 In deciding whether to award a DHP the Benefits Team Leaders will take into account:

- ◆ the shortfall between Housing Benefit and rent liability;
- ◆ any steps taken by the customer to reduce the rental liability;
- ◆ the medical circumstances (ie. ill health and disabilities) of the claimant, their partner and any other occupants of the customer's home;
- ◆ the customer's income, including any benefits disregarded for Housing Benefit purposes, their partner's income and that of any other occupants of their home;
- ◆ the customer's outgoings where they are reasonable and necessary for day to day living (money spent on luxury items will not be allowable expenditure). Some elements of a customer's rent are ineligible for consideration, e.g charges for water, sewerage and environmental services, and any increase in rent due to outstanding rent arrears
- ◆ any savings or capital that might be held by the customer or their family;
- ◆ the level of indebtedness of the customer or their family
- ◆ the exceptional nature of the customer and their family's circumstances;

- ◆ the amount available in the DHP budget at the time of the application;
- ◆ the possible impact on the Council of not making such an award, eg. the pressure on priority homeless accommodation;
- ◆ whether or not a DHP has previously been paid.
- ◆ any other special circumstances brought to the attention of the Benefits Team.

6.2 The Benefits Team Leaders will decide how much to award based on all of the circumstances. This may be an amount below the difference between the rent liability and the payment of Housing Benefit. An award of a DHP does not guarantee that a further award will be made at a later date even if the customer's circumstances have not changed.

## **7. CHANGES OF CIRCUMSTANCES**

7.1 The Benefits Team Leaders will need to reconsider an award of a DHP where the customer's circumstances have materially changed.

## **8. METHOD OF PAYMENT**

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

- ◆ the customer
- ◆ 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

8.2 The Benefits Team will pay an award of DHP by the most appropriate means available in each case. This could include payment:

- ◆ by BACS (private tenants)
- ◆ by cheque (private tenants)

8.3 The payment frequency for Private tenants will be as per the payment cycle for Housing Benefit. The payment frequency for Council tenants will be weekly.

## **9. NOTIFICATION**

9.1 The Benefits Team Leaders will inform the customer in writing of the outcome of their application within 14 days of receipt of all relevant information, where requested. If the application is unsuccessful the Benefits Team leaders will set out the reasons why this decision was made and explain the process to request a review of the decision. Where the application is successful the Benefits team Leader will advise:

- ◆ 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 of circumstances

## **10. THE RIGHT TO REQUEST A RECONSIDERATION**

10.1 Discretionary Housing Payments are not payments of Housing Benefit and so are not subject to the statutory appeals mechanism.

10.2 The Benefits Team will adhere to the following policy for dealing with reconsiderations about unsuccessful requests for a DHP, a decision to award a reduced amount of DHP, a decision not to backdate a DHP or a decision that there has been an overpayment of a DHP.

10.3 A customer (or their appointee or agent) who disagrees with a DHP decision may dispute the decision. A request for reconsideration should be made in writing to the Benefits Team within a calendar month of the written notification of decision being issued to the customer. Where this has not already been done the Benefits Team will explain the DHP decision to the customer by telephone, at interview or in writing and will seek to resolve the matter.

10.4 Where agreement cannot be reached, the other Benefits Team Leader will consider the case. The second Benefits Team Leader will review all the evidence held and will make a decision within 14 days of the referral or as soon as practicable thereafter.

10.5 Where the second Benefits Team Leader upholds the original decision, he/she will notify the customer of their decision, in writing, setting out the reasons for their decision. This decision is final and binding and may only be challenged via the judicial process or by complaint to the Local Government Ombudsman.

10.6 In exceptional circumstances only, all of the above time periods for reconsideration may be extended.

10.7 Unless a change of circumstances has occurred, the Benefits Team Leader may not recommend a reduction in an award already notified.

## **11. OVERPAYMENTS**

11.1 The Benefits Team Leader will seek to recover any DHP found to be overpaid. Normally this will involve issuing an invoice to the customer or the person to whom the award was paid. Recovery of Official Error Local Authority overpayments will not be sought.

## **12. PUBLICITY**

12.1 The Benefits Team will publicise the scheme and will work with all interested parties to achieve this. A copy of this policy statement is available for inspection and is posted on Tamworth Borough Council's web site. Information about the amount spent will be publicised at the end of the financial year.

## **13. FRAUD**

13.1 The Benefits Team is committed to the fight against fraud in. A customer who tries to fraudulently claim a DHP by falsely declaring their circumstances or by providing a false statement or evidence in support of their application may have committed an offence under the Theft Act 1968. Where the Benefits Team suspects that such a fraud may have occurred, the matter will be investigated as appropriate and this may lead to criminal proceedings being instigated.