

Mid Sussex

Discretionary Housing Payments

Policy

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1 Background

From July 2001 Local Authorities have administered a discretionary grant called Discretionary Housing payments (DHP) to top up Housing Benefit. In line with the welfare reforms, which include the introduction of local Council Tax Support Schemes, any grants in respect of Council Tax cannot be considered. The legislation governing DHP's can be found in the Discretionary Financial Assistance Regulations 2001

The main features are:

- The scheme is discretionary, a claimant does not have the right to a payment
- The amount paid out by an Authority in any financial year is cash limited by the Secretary of State. A grant is provided for each Authority by the DWP and the Authority may spend no more than 250% of this figure. Any payments over the level of the grant must be met by the Authority.

DHP's are not a payment of Housing Benefit, however there is a requirement that HB must be in payment for any week in which DHP is granted.

2 Purpose

The purpose of this policy is to specify how Mid Sussex will operate the scheme and to indicate some factors that will be taken into account when deciding whether to award. A DHP application will be treated strictly on its merits and all customers will be treated equally and fairly. Mid Sussex is committed to work in partnership with local advisory, voluntary and charitable sectors; social landlords and other interested parties to maximise benefit take up and this will be reflected in the administration of the DHP scheme.

3 Aims & Objectives

In line with the Welfare reforms and taking into consideration the DWP guidance and good practice on Discretionary Hardship for 2013-14

Priority will be given to claimants who have had a reduction in benefit due to the number of rooms they have in their property and:

- Have had extensive adaptation to their property due to disabilities and moving would be deemed a greater expense
- If the claimant has been affected by both the benefit cap and the size criteria

Mid Sussex will administer DHP's with the aims of :

- Providing a period of support to give time for individuals and families to find more sustainable accommodation when current accommodation is not affordable. Rent in advance/deposit to avoid homelessness or (continuing)

payment of DHP, alleviating poverty, reducing the impact on the Authority of costs relating to Homelessness

- As a means of engagement with other support services
- Helping claimants through personal crises and difficult events
- Supporting the vulnerable in the local community
- Supporting the disabled in significantly adapted accommodation

4 Applying for a DHP

A claim for a DHP should be made on a form supplied by the Authority for the purpose. If a claimant is not capable of completing the form, a Mid Sussex Officer will assist, or signpost the person to an appropriate advice agency.

Mid Sussex may request any (reasonable) evidence in support of an application for DHP. Requests for information will be made in writing or by telephone. Failure to supply this information within the timescales given to the claimant may lead to the application being rejected.

Applications in advance can be accepted, and will be considered as soon as the authority is able. This would normally be where the claimant has received notification of a future reduction in benefit due to regulation changes.

5 Awarding a DHP

The officer will first ensure entitlement to Housing Benefit is maximised, particularly where under occupancy regulations have been applied.

In deciding whether to award a DHP, Mid Sussex will take into account;

- The shortfall between Housing Benefit and rent liability
- If the claimant could have anticipated the reduction
- What they have done to mitigate the circumstances
- When they were notified that their benefit entitlement would not meet their full rent liability
- Any steps taken by the claimant to resolve the problem
- If they are facing eviction
- Whether payment of a deposit or rent in advance would prevent homelessness
- Whether payment a deposit or of rent in advance is a financial more prudent option than continuing DHP payments
- The financial and medical circumstances (including ill health and disabilities) of the claimant, their partner and any dependants
- The income and expenditure of the claimant and partner
- Any savings or capital held by the claimant and partner
- The level of indebtedness of the claimant and partner
- The recommendation of an authorities' homelessness team
- Any exceptional circumstances faced by the claimant or their family
- Any other special circumstance brought to the attention of the Authority

6 Level & Length of Award

DHP can be paid up to the level of the shortfall between Housing Benefit and liability for rent. There are a few exceptions to this including where the shortfall is caused because of a service charge or because of recovery of an overpayment.

DHP may be made for any period from one week to an ongoing award. (long-term awards will be awarded for a complete (or the remaining period in a) tax year. Given the cash limited nature of the fund, awards will generally be short term with the aim of providing a temporary period of support to allow the claimant and their family, with the assistance of appropriate support agencies, to address the fundamental problematic issues affecting them. Awards of over 3 months are only likely to be granted in the most exceptional cases.

Where a DHP is awarded due to an individual having had significant adaptations to the property due to disability, the length of time awarded may be for a longer period than most DHP awards i.e. the whole year. Where this happens a review on at least an annual basis will be appropriate

A Mid Sussex officer will decide on the amount and period of an award based on all the prevailing circumstances, including the availability of funds and the impact an individual award may have on the availability of funds for other claimants. This may be an amount below the difference between the liability and the payment of Housing Benefit. An award of DHP does not guarantee that a further award will be made at a later date even if the claimant's circumstances have not changed.

Mid Sussex Officers will signpost claimants to, and work with, local advice services including the Authorities Housing Needs teams and local voluntary and charitable agencies and advice centres to provide a partnership approach to the resolution of the issues which cause the need for the application of the DHP

7 Decision and Notification

A Benefit Officer will make a decision on applications for DHP within 14 days of receipt of all information to support the claim. The Officer will inform the claimant in writing of the outcome of their application when the decision is made. Where the decision is unsuccessful the reasons for this will be given and the right to a review explained. Where the application is successful the notification with detail;

- The weekly amount of DHP
- The period of the award
- The requirement to report changes of circumstances
- Explain the right of review

8 Disputes

DHP is not Housing Benefit and there is no entitlement to DHP - because it is discretionary it is not subject to statutory appeal mechanisms. All Authorities are

expected to set up an appropriate review process and Mid Sussex will operate on the following basis;

- A Benefits Officer will consider the initial application and make a decision on an award notifying the claimant of the outcome and giving the reason for the decision
- The claimant should request (in writing) a review within one month of being notified of the award decision
- A second officer, not involved in the original decision, will consider the request for a review. The second officer will firstly establish whether any further evidence or information has been provided and whether, as a consequence, a DHP may now be awarded. If a DHP is not awarded as a result of further evidence, the officer will review the original decision to ensure that it was reasonable, complying with the authorities DHP policy and any additional guidance issued. Once the review has been conducted the claimant will be notified if the decision has been upheld or revised, with the reasons why explained.
- If the claimant still disputes the decision, the matter should be referred to either the Benefits or Support Services Manager for final review. .
- The Service Manager's decision will be final although the claimant may request a review of the process under judicial review.

9 Publicity

Mid Sussex will publicise the scheme with a view to maximising take up, whilst making sure the budget is evenly distributed across year to ensure where possible payments may be made when required.

Information about the scheme will be provided on the Authorities websites and guidance notes available for download. These guidance notes will be made available to advice agencies and stocked in Authority Offices and public counters as well as each Authority's Housing Needs Departments.

All officers in Mid Sussex Revenues and Benefits and other relevant departments within the authority will be made aware of the scheme so they may signpost any claimant they identify who may benefit from the scheme.

10 Budget

The DHP fund for each Authority will be monitored monthly by the Mid Sussex Benefit Section, with reference to the Mid Sussex Benefit Manager if pre-agreed variance is breached. the aim being to ensure a reasonable level of availability of funds throughout the financial year. Agreed statistics will be provided to each of the partner authorities as agreed but at least quarterly.

Any decision to increase a Local Authority's contribution to the fund will be taken by the relevant authority and notified to Mid Sussex as soon as is practicable after the decision is made.