

Bristol City Council

Discretionary Housing Payments Policy

Original date: 11th March 2014

Revised date: 12th February 2019

Background

Discretionary Housing Payments (DHP) are administered by the council and funded by the Department for Work and Pensions (DWP), with the council receiving an annual budget. Their purpose is to meet housing related costs incurred by tenants outside of the Housing Benefit (HB) and Universal Credit (UC) scheme, although the claimant must be receiving one of these benefits at relevant time of payment.

DHP awards are governed by the Discretionary Financial Assistance Regulations 2001 and are outside of the HB regulations.

In order to qualify for DHP, the claimant must be in receipt of HB or UC, have a rent liability and require further financial assistance with housing costs.

Examples of possible awards can include;

- Amounts for shortfall in HB/UC,
- Reductions due to the benefit cap, under-occupation charge or Local Housing Allowance restrictions
- Support with deposits, removal costs and

The above is in no particular order nor is exhaustive.

An award cannot be made in the following circumstances;

- Ineligible service charges e.g. where individual utility charges are included in the rent
- Increases in rent due to outstanding rent arrears
- Certain sanctions and reductions in benefit.
- For any period where HB is not in payment. This includes where backdating is restricted.

DHPs cannot be awarded in respect of any shortfall in council tax liability.

Policy objectives

The council will consider making a DHP award to customers who fulfil the qualifying criteria in the regulations and this policy. We will treat all applications on its merits and seek to;

- Safeguard residents in their own homes
- Assist alleviating poverty

- Sustain tenancies and prevent homelessness
- Keep families together
- Support victims of domestic violence who are trying to move to a place of safety
- Support the vulnerable and elderly in the local community
- Help customers through personal and difficult events

Funding

The amount of monies that the council is awarded by central government for DHP is cash limited and ring fenced for the purposes listed previously. Any monies that are not spent within the financial year cannot be used for any other purpose and will negatively affect any future grant allocation.

The council can top up the government's grant by two and half times its allocation. Bristol has historically not allocated further monies for this purpose.

A breakdown of the allocation for 2019/20 is below, although awards are not limited to these reasons, as long as they do not exceed the total budget.

Core amount £149,537.30

Local Housing Allowance £224,132.21

Benefit Cap £448,380.25

Social Rented Sector size related criteria £336,256.23

Total £1,158,306.00

Claiming a DHP

Regulations require a DHP is applied for. The council currently accepts applications in writing and will provide a form to apply for DHP with an online application being available in the near future. A letter or a phone call will also be accepted as an application in exceptional circumstances

The council may require additional information and evidence from the applicant. This will be requested in writing, electronically or verbally (over the telephone, face-to-face or by visit). The claimant will be required to provide the information within one month of the date of the request. This time limit may be extended if the council thinks it is reasonable to do so.

If the claimant does not provide the information required, the council will make a decision based on any information or evidence it already holds. This extends to information held on the council's HB and CTR computer system, plus any other information it can easily and freely access.

Period of award

The council will decide on the length of time that a payment will be awarded for. The start date for an award will usually be the Monday following the receipt of the application. However, the council does have the discretion to backdate an award if it considers that the circumstances warrant it.

There is no minimum period for an award, but normally the maximum period of an award will be for the entire financial year 2019/20. A DHP is usually not intended to be used as a long term solution to the applicant's financial situation and may be conditional on the individual or household taking certain actions (such as taking part in training or getting budgeting advice). Exceptions to this may include people who are unable to find suitable alternative accommodation, for example where there is a lack of availability and/or disability prevents a household from moving.

Any applicant can reapply for a further award when the current award ends, but an automatic invitation following the end of an award will not be issued.

Backdating

Each application for backdating will be considered on its own merits when deciding whether or not to backdate a DHP. There are no restrictions on the length of the backdating however good cause must be shown for the whole period in order to backdate an award and Housing Benefit must be in payment for any linked periods

Awarding DHP

In deciding whether to award a DHP, the council will take the following into account;

- The amount of money within the DHP budget
- The shortfall between the applicant's HB/UC and rent liability
- Any steps that the applicant has taken to reduce their rental liability
- Any steps that the applicant has taken to reduce their expenditure, seek advice or maximise their income (including employability and employment)
- The financial circumstances of the claimant, their partner or anyone else within the household
- The medical circumstances of the claimant, their partner or anyone else within the household
- The income and expenditure of the claimant, their partner and anyone else within the household
- Any savings or capital that the claimant or partner hold and, if appropriate, members of their family
- The longer term sustainability of the claimant's tenancy
- How long assistance through DHP will be required for
- Other circumstances brought to the council's attention that may be relevant

The council will decide how much to award based on all of the above circumstances. This may be any amount below the difference between any awards for HB/UC and the rent liability. The award cannot exceed the weekly eligible rent for the claimant's home.

The award of a DHP does not guarantee that a further award will be made at a later date, even if the claimant's circumstances remain unchanged.

Changes in circumstances

The council may revise an award for DHP when the applicant's circumstances have changed.

It is the applicant's responsibility to inform the council of any relevant changes in circumstance, with any overpayment of DHP being recoverable.

Payment method

In cases where DHP is used to help make up the difference in a weekly shortfall, it will be paid to whomever the council thinks is appropriate. This will always be made via BACS or to the applicant's rent account and at the same time and frequency as HB

Where UC is payable payments will be made 4 weekly.

One off payments (such as help with removal costs) will always be made via BACS to whomever the council thinks is appropriate.

Due to the restrictions on our payment cycles we are unable to make payments immediately.

Notifications

The applicant and landlord (if paid) will be notified of the outcome of DHP application within 14 days of receipt of the application, or as soon as possible thereafter.

If an application is unsuccessful, the council will advise how the decision has been reached and will explain the right of review.

If the claim is successful, the council will advise;

- The reason for the award
- The weekly DHP award
- The period of award
- To whom it will be paid
- The requirement to report a change in circumstances

Review of decisions

DHP is not a payment of HB or UC and is not subject to the appeals mechanism under those schemes. However, authorities are expected to set up an appropriate review mechanism.

The council will operate the following policy in dealing with a request to review a decision to refuse to award a DHP, a decision to award a reduced amount, a decision not to backdate an award for DHP or recovery of a DHP overpayment.

An applicant or their representative who disagrees with a DHP decision may dispute it. The request for a review must be made in writing and within one month of the date of notification being issued.

The decision will be reviewed by the council and explained to the applicant either in writing and, if appropriate, by telephone or face-to-face. If the officer reviewing the case decides to change the decision, based on additional information provided by the claimant, they will issue a new decision notification.

If the decision cannot be changed and the dispute remains unresolved, the case will be referred to a manager. They will review the case, along with any supporting evidence, and make a decision within 14 days or as soon as possible after that.

This will be the final decision made on the case and any further challenges must be made through the judicial review process. In cases of alleged maladministration by the council, the applicant must follow the council's complaints process before contacting the Local Government Ombudsman.

The time limits for requesting a review may be extended if the council thinks it is reasonable to do so.

Overpayments

The council will make every effort to minimise overpayments of DHP. If an overpayment does occur, the council will decide whether it is appropriate to recover it.

If a DHP overpayment has been created as a result of a backdated award of HB for the same amount and period which therefore negates any shortfall in entitlement, the council will look to recover any DHP overpayment from HB (with claimant agreement) in order that any monies recovered can be used for to assist others.

If alternative recovery action is appropriate, the council will send an invoice to the applicant and provide a written explanation of how the overpayment occurred and the periods and amounts it relates to.

Overpayments of DHP cannot be recovered from payments of HB due to the claimant, without claimant agreement.

In cases where the overpayment is a result of an error made by the council, recovery will not usually be sought, unless the claimant or person who received the payment could have reasonably known they were being overpaid or they contributed to the overpayment.

Publicity

The council has a responsibility to ensure it does not limit the legal discretions it may apply and is committed to applying this policy fairly and consistently. It will take steps to maximise take up to make sure that the funds are targeted towards those who are most in need. This policy will be made available on request and available on the council's website.

Fraud

If a claimant attempts to claim a DHP by making a false declaration or providing false evidence or statements, they may have committed an offence under the Theft Act 1968. The council will investigate such matters as appropriate and this may lead to criminal proceedings.

Debt advice

Anyone experiencing debt problems will be signposted to local debt advice agencies for free, confidential and unbiased advice.

Policy review

The policy will be reviewed annually and in light of any legislative changes, trends or other factors that impact on the effectiveness of it.

Complaints

The council's 'Fair Comment' complaints procedure will apply in the event of any complaints received about this policy.