

FLINTSHIRE COUNTY COUNCIL

Discretionary Housing Payment Policy

2015



1. Purpose of the Policy

1.1 The purpose of this policy is to set out Flintshire County Council's (FCC) approach to dealing with claims for Discretionary Housing Payment (DHP) with effect from April 2015

1.2 In operating this policy we will have regard to the Discretionary Financial Assistance Regulations (2001) (SI 2001/1167) and the guidance issued by the Department for Work and Pensions (DWP) in its Discretionary Housing Payments Guidance Manual (Guidance Manual). FCC have engaged with 19 other Local Authorities in Wales to develop a Policy Framework.

1.3 The Policy covers decisions within the gift of the council and so provides a platform for the exercise of discretion. In creating the DHP policy we have taken into account the key objectives and overall strategy of the DHP policy framework.

1.5 It is not possible (and not the intention) to make an award in every case where there is such a shortfall. So the policy framework is a way of helping to decide priorities for payment when demand exceeds supply (as will usually be the case).

1.6 The Policy Framework has been created to make most effective use of the DHP allocation, by making decisions that are designed to improve outcomes for people rather than simply to park a problem.

2. Introduction

2.1 Discretionary Housing Payments (DHPs) are discretionary sums payable by the Council to a person in receipt of Housing Benefit (HB) or Universal Credit (UC), DHPs are paid from a fixed budget and are intended to help people meet housing costs, usually where there is a shortfall between their Housing Benefit (or housing element of Universal Credit) and their rent.

2.2 DHPs are regulated by the Discretionary Financial Assistance Regulations 2001(SI 2001 No 1167) within the regulations a Council is allowed much discretion. FCC will administer the scheme with reference and regard to the contents of this policy.

3. Statement of key objectives

3.1 Our objectives include:

1. To encourage and help keep people in employment;
2. To prevent homelessness and aid people to retain sustainable tenancies;
3. To help people who are trying to help themselves;
4. To help keep families together;
5. To support vulnerable people in the community;
6. To help people through times in which they are stressed and vulnerable;
7. To help to alleviate poverty;
8. To assist people that are particularly disadvantaged by Welfare Reforms;
9. To give all applicants as fair and consistent a decision as possible;

10. Supporting domestic violence victims who are trying to move to a place of safety;
11. Supporting the vulnerable or the elderly in the local community;
12. Helping customers through personal and difficult events ;
13. Supporting young people in the transition to adult life;
14. To give greater priority to those who are making efforts to help themselves;
15. To prevent outcomes such as homelessness which are likely to involve further hardship for the household as well as additional and avoidable costs for the council.

3.2 In the pursuit of these objectives FCC undertakes to consider each case on its individual merits and to act fairly, reasonably and consistently.

3.3 In order to achieve these objectives FCC will have to apply some priorities in this process, these are:

- The financial circumstances of the household
- The extent to which members of the household are able, and willing, to manage the situation they are in
- The wider financial and social consequences of not making an award

4. How to apply for a DHP

4.1 Claims can be made in writing on the official claim form or in another format if it contains suitable information on which a decision can be reached. Claims for DHP can be submitted on line at our website <http://www.flintshire.gov.uk/> or requested by email to benefits@flintshire.gov.uk, by telephone (01352) 704848, or Connects Offices based within the County.

5. Awarding a DHP

5.1 The award of a DHP may be for any duration and will usually be paid from the Monday following the day the application form is received by the authority.

5.2 FCC has the discretion to backdate any claim for DHP; taking into account the customer's circumstances at that time and the funds available. The claimant has to be in receipt of Housing Benefit or Universal Credit during the period covered by the whole backdate request period.

5.3 For all applications, a financial assessment will be made, comparing income with expenditure.

Disability related benefits such as Disability Living Allowance care and mobility, or PIP daily living component or mobility component are not taken into account as these are intended to be used to help pay for the extra cost of disability, and any related expenditure will be disregarded up to the value of the amount of disability benefit awarded.

If there are non-dependants in the household they may be expected to contribute more. The principle is that help should go to those who have no other means of meeting the need.

5.4 An assessment will then take place to establish if the household's total outgoings are equal to or exceed their income. If there is income available, or could be made available, sufficient to meet the shortfall in rent, or other housing need, a DHP application will not succeed, unless or until circumstances change.

5.5 If there is some income available, but this is not sufficient to meet the shortfall in rent, if the application for DHP is successful, this amount will be deducted from the award.

5.6 DHPs can often be most effectively used as a temporary measure whilst a household seeks a more long-term solution to the situation they are in. Where this is possible, higher priority will be given to those who are taking steps themselves, i.e. those with a spare room who are taking steps to move to smaller accommodation.

5.7 There are some households who are not currently helping themselves and FCC will be working to assist those who are willing to start doing so. In these cases, the DHP may be conditional on certain action being taken, i.e. accepting a referral and working with a debt advisor

5.8 There are, however, situations where DHP may be needed for a longer period, ones who cannot realistically alleviate the situation they are in by taking action themselves, these households will also be given high priority

6. Payment and Notification

6.1 FCC will pay a DHP by BACS in the same way that Housing Benefit is paid. Notification of successful and unsuccessful awards will be accompanied by a statement explaining the reason for the decision. The letter will include details of the value of any award, how long the award will be for and to whom the DHP will be paid to.

6.2 The letter will ensure that successful customers know when to report relevant changes, for unsuccessful applications, it will also provide an explanation of the reasons the claim has been unsuccessful so that the claimant may request a review of this decision if they wish to do so.

7. Review of Decisions

7.1 DHPs are not payments of Housing Benefit and are therefore not subject to the statutory appeals procedure, however, FCC does have a review process. FCC will consider requests to review a decision for the following reasons:

- a decision not to award a DHP,
- a decision to award a reduced or lesser amount of DHP,
- a decision not to backdate a DHP or
- a decision that there has been an overpayment of a DHP.

This review will be dealt with by a senior officer to the original decision maker. In the event of an affected person still being dissatisfied, the Benefits Manager will make a final decision

7.2 A claimant (or their appointee or agent) should request a review, in writing, within one calendar month of the written DHP decision.

8. When a DHP can not be paid

8.1 DHP is not available for the following purposes:

1. To help with Council Tax costs;
2. To cover any shortfall in Housing Benefit that occurs due to the recovery of an overpayment;
3. To cover any ineligible service charges such as meals, fuel charges, personal care etc.

9. Other forms of assistance with Housing Costs

9.1 If a Council Tax payer cannot meet their council tax liability, then FCC may consider writing off their debt in accordance with the Corporate Debt Policy.

9.2 If a customer requires assistance with Rent Deposits or Rent in advance then this is available from other FCC departments.

10. Overpayments

10.1 If a DHP is found to have been overpaid, we will consider whether it is appropriate to recover it. If we decide to recover any overpayment this may be in full or in part.

10.2 If the overpayment occurred because of our mistake we would not normally seek repayment, unless the customer contributed in some way to that mistake or knowingly allowed a DHP to continue to be paid in error.

10.3 We will not recovery any DHP overpayment from a person's on-going benefits. A separate arrangement will be negotiated.

11. Conclusion

11.1 This policy is not intended to be completely rigid and should not be interpreted as such. In a discretionary scheme, there will always be some cases with special or unusual circumstances where a decision-maker will consider a DHP award justified. The advantage of a discretionary scheme is that, whatever framework is used, such awards can, and should be made.

11.2 However, this policy does provide a structure for deciding who should be awarded a DHP. It is designed to achieve a reasonable amount of fairness and consistency in decision making.