



# **BARNSELEY**

## **Metropolitan Borough Council**

### **Barnsley Metropolitan Borough Council** **Discretionary Housing Payments from 01/04/19**

The discretionary housing payment (DHP) scheme is a discretionary scheme to provide people with further financial assistance towards their housing costs. This can be either to make up a shortfall in the weekly rent or to meet a housing cost related to moving in to a new home. You must be in receipt of housing benefit or receive the housing cost element of universal credit to be considered.

The legislation governing the DHP scheme can be found in the Discretionary Financial Assistance Regulations 2001 (SI 2001/1167) and subsequent amendment regulations.

The main features are:

- The scheme is entirely discretionary;
- The amount that a local authority can pay out in any financial year is cash limited by the secretary of state;
- The local authority is free to determine how to operate the scheme;
- DHP's are not payments of HB or Universal Credit (UC), however one of these must be awarded in the week in which a DHP is awarded (minimum award of 50p);
- The LA must be satisfied that some further financial assistance is needed to enable the claimant to meet their housing costs.

The DHP fund is designed to help those people on low incomes to secure affordable accommodation. It aims to provide support for exceptional and or unforeseen circumstances to help the claimant meet their housing costs.

The aim of a discretionary housing payment scheme is to give the customer time to look for more suitable accommodation or make an improvement in their financial circumstances to enable them to stay in their current home. It may also be used to help a claimant secure more suitable accommodation and prevent them from becoming homeless. In some circumstances it may be used as a long term measure to help vulnerable people remain housed.

#### **The Policy**

The purpose of this policy is to specify how Barnsley Council will operate the scheme and gives examples of some of the factors that will be taken into account when considering if a DHP can be awarded. **Please note each case will be taken on its own merits.**

The Council aims to be fair, consistent and reasonable in the decision making process.

The Council will also have regard to the cash limited nature of the scheme and the requirement that it cannot exceed the amount set by the secretary of state.

The objectives of this policy are stated below;

- To prevent homelessness;
- To prevent serious debt and enable the claimant to get back to a financial position to enable them to stay in their home;

- To alleviate poverty by reducing the immediate pressure on the household in terms of rental liability;
- Keep families together;
- Support people who are vulnerable;
- Help people in exceptional circumstances and crisis;
- To help families secure employment either by remaining in their current home or moving closer to their employment;
- Help people to remain in adapted homes;
- To alleviate temporary hardship which may arise during the transition from long term benefits into work.

The DHP scheme has been designed primarily as a short term solution to help families stay in their current accommodation or to find more suitable accommodation. The Council will aim to support people to find the additional help they need to improve their circumstances by referring them to other departments/organisations that can provide the necessary help. However, there will always be circumstances where longer awards may be needed and again these cases will be again considered on their own merits.

DHP's **can be awarded** for the following:

- Rent, which may also include rent in advance;
- Removal and relocation costs to move to more affordable accommodation or fleeing violence;
- One off payments to maintain or secure affordable accommodation;
- Reductions in housing benefit or universal credit where the benefit cap has been applied;
- Reductions in housing benefit or universal credit for under occupation or LHA restrictions;
- Rent arrears.

DHP's **cannot be awarded** for the following:

- Ineligible service charges;
- Charges for water, sewerage and environmental services;
- Any reduction in benefit as a result of a sanction;
- To recover deductions/recovery in housing benefit for housing benefit overpayments;
- To meet any shortfall in council tax arrears.

### **Making a claim**

An application for a DHP must be made by completing an on- line application form which is available on the councils website [www.barnsley.gov.uk/dhp-form](http://www.barnsley.gov.uk/dhp-form)

The council may request any evidence reasonably required in support of an application. The Council will normally allow one month in which to supply the information. The claimant may request longer if necessary.

The Council may verify the information/evidence supplied where necessary.

### **Help in completing the form**

Customers can request help in completing the form by contacting the Council on 01226 787787. Deaf customers can also request help in completing the form by texting 'help to complete a form' to 61009 and start your text with the word CTAX .

### **Period of the award**

The council will determine the length of the award based on the merits of each case. After the initial period the customer will be required to complete a further form and evidence what actions have been taken to improve the current situation. A further award may be awarded. The council may attach conditions to any award of DHP.

### **Qualifying Criteria**

#### **Income and Capital**

An assessment of income and expenditure will be undertaken to determine if expenditure is higher than income. In order to assess eligibility applicants will be required to provide full details before a decision can be made. Only cases where expenditure has been assessed as being higher than income will be considered further.

Essential expenditure will be items such as food and utilities and items associated with disability. If items of expenditure are considered to be unreasonably high then the Council will limit the levels used in the assessment, in accordance with the DWP guidance.

The Council will expect the customer to firstly reduce expenditure on non- essential items. If there are non-dependants living in the property the council will expect them to contribute financially.

If there is a shortfall then further consideration will be taken of the following factors in support of the claim:

- Is there a risk of eviction and an award of DHP will prevent the eviction in both the short-term and the longer term.
- Does the household have multiple debts which will be alleviated by the DHP and which will facilitate the customer getting out of debt;
- Has the customer sort advice/help from other agencies to prevent homelessness or improve financial situation;
- Has the customer tried to renegotiate a lower rent;
- Has the customer sought debt advice to lower repayments of debt;
- Has the customer looked for cheaper accommodation? We will need evidence to support this;
- Is there cheaper alternative accommodation available to the customer e.g. in the case spare room subsidy (bedroom tax) is there alternative accommodation available in the area;
- Are there reasons that the customer cannot move from the area i.e. work, school, support network;
- Does any of the household have a medical condition that would prevent them from moving or has the property been adapted to help with their medical needs;
- Is the household expenditure reasonable and is there any expenditure that may be considered as excessive/non-essential;

- Are any other services in place from within the Council or supporting organisations.

**Fast-track Route**

For the following people there will be no requirement to complete a financial assessment initially. This is to ensure that they get financial assistance quickly and to give them/the Council time to get the right services in place to get them out of the immediate crisis.

- Rough sleeper securing accommodation;
- People fleeing violence;
- Children leaving care.

The award will be made for 6 months after which time they will have to complete a financial assessment and pass the financial gateway as outlined above.

In all cases the Council must not award any discretionary relief where it would exceed the maximum yearly amount prescribed by the secretary of state.

Barnsley Council will take awards of disability living allowance and personal independent payments into account when looking at the income coming into the household. However, it will also take into account any additional related expenditure that the claimant has because of their disablement needs.

Barnsley Council will seek to signpost customers where it believes that the claimant may be entitled to additional benefits.

**Making an award**

Decisions in relation to making an award will be made at the following level:

Award of DHP	Benefits, taxation and income officer
Review of a decision	Benefits, taxation and income senior officer
Further review	Benefits, taxation and income manager
Complaint regarding a DHP	Head of service

A benefits, taxation and income officer will make a decision as to an award based on the criteria set above. The period of the award will be determined by the decision making officer.

After the initial award a further application must be made and will be reliant on the customer complying with criteria set at the beginning of the award.

DHP awards are designed to meet a short- term requirement and provide time for the customer to make the necessary changes to their circumstances. The fund is not appropriate mechanism to support circumstances that are not time limited. An exception to this is where a home has been adapted to accommodate a disablement need or where an extra room is required for a care worker that does not reside in the accommodation. Proof will be required before DHP is awarded.

The customer is required to inform the Council, as soon as reasonably practical, should they have a material change in their circumstances. The list below gives examples and is not exhaustive. If any doubt they should contact the council for advice.

- An award of an additional benefit;
- An increase in wages;
- An increase or decrease in universal credit;
- A change in the number of people living in the household;
- Changes the amounts of capital/savings held;

### **Making a Payment**

The council will decide the most appropriate person to make the payment to. This could be;

- The claimant;
- An appointee;
- The landlord;
- Any third party to whom it may be appropriate to pay to.

The payment will be paid by either a bacs transfer or by reducing the rent account in the case of Berneslai Homes tenants.

### **Notification and Appeal**

The council will normally inform the claimant, in writing or electronically (if agreed), of the outcome of their application within 28 days of receipt of all information required. Where an application is successful the council will notify you of the following:

- The weekly amount of DHP awarded;
- How, when and to whom the payment will be made;
- The requirement to notify of the change of circumstances.
- The period of the DHP and any conditions attached to any further awards.

A DHP is not an award of benefit and is therefore not open to the statutory appeals process. Where an application is unsuccessful, the council will set out the reasons why the decision has been made and explain the right to dispute the decision and ask for reconsideration. The council will look again at its decision by someone other than the person who made the original decision as outlined above.

You may ask us to look again at our decision if you disagree with the following:

- A refusal to award a DHP;
- The decision to award a reduced amount of DHP;
- The date a DHP was awarded;
- A decision that there has been an overpayment of DHP.
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A claimant who disagrees with any of the above (or their appointee) should complete a dispute form on-line by going to [www.barnsley.gov.uk/dispute-form](http://www.barnsley.gov.uk/dispute-form). This should be done within one calendar month of receiving the written letter informing you of our decision.

The decision will be relooked at by some different to the person making the original decision as outlined above. The claimant will receive a letter informing them of our further decision. As DHP's are not classed as housing benefit or universal credit claimants are not entitled to appeal to the Social Security Tribunal. However they can go to the ombudsman where if they believe there has been maladministration. The route of judicial review is still open.

### **Recovery of DHP**

The council will seek to recover any DHP that has been deemed to have been overpaid because either:

- A misrepresentation or failure to declare a material fact either fraudulently or otherwise;
- An error was made by the claimant when the application form was submitted.

Claimants will be sent an invoice for the amount of overpayment which they should pay straight away. If they cannot pay immediately we may accept a payment arrangement and they will be given instructions on how to do this on the invoice.

In cases where an overpayment has occurred due to an increase in housing benefit payments we will reduce the under payment of housing benefit by the overpayment in DHP.

**Fraud**

Where the Council believes that an attempt to secure a DHP has been done so in a fraudulent manner then the Council will notify the proper authorities and legal action will be taken against those alleged to have made the fraudulent claim.

**Additional Information**

The Council will work with the local voluntary sector, social landlords and other interested parties to maximise entitlement to all available benefits.

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