



The Vale of Glamorgan Council

Policy for the Administration of Discretionary Housing Payments

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1. Overview

- 1.1 Discretionary Housing Payments (DHPs) provide help with housing costs. DHPs are not classed as Housing Benefits and do not have any subsidy implications.
- 1.2 Each Local Authority (LA) is issued with a grant each financial year by the Department for Work and Pensions (DWP) to fund DHPs. Any unused DHP grant will be returned to central government at the end of the financial year. The LA can also supplement the DWP grant with its own funds up to the total permitted by the DWP.
- 1.3 It is up to the individual LA as to how they decide how DHPs are allocated. The DWP have issued revised guidance, but the LA has the final say in how it operates its DHP scheme.
- 1.4 Anyone who fulfils the following criteria can be awarded a DHP:
 - The claimant is entitled to Housing Benefit (HB), *or*,
 - The claimant is entitled to Universal Credit (UC) that includes a housing element towards rental liability; *and*
 - The LA is satisfied that the claimant requires further financial help with their housing costs.
- 1.5 Claimants (and their appointees) can claim DHPs as long as the above criteria are met. However, DHPs can only be claimed on the housing benefit element, and not on a council tax reduction.
- 1.6 As DHPs are not classed as a benefit, claims for DHP can be only made from the LA and not from the DWP.
- 1.7 A specific claim for DHP must be made, but it is at the local authority's discretion how and in what form the claim is made i.e. in writing, by telephone, by electronic means, etc. However, there must be something recorded/received that triggers the claim for DHP. The local authority cannot award a DHP without some type of benefit claim. The Vale of Glamorgan requires all claims for DHP to be submitted on an official application form, together with the required evidence.
- 1.8 The actual amount of DHP that is awarded is at the discretion of the local authority.
- 1.9 The decision as to how long a DHP can be awarded for is at the LAs discretion. When making a decision to award DHP, account must be taken of the overall commitment against the DHP budget and possible commitment against future year's budgets.
- 1.10 LAs can consider ending DHPs at any time they consider necessary. This can be due to a change of circumstance, for example a change that increases underlying benefit to a level where DHP is no longer needed, or thought necessary.

- 1.11 DHPs can also be stopped when the LA considers that the DHPs have been awarded due to fraudulent activity, when the LA considers there has been a misrepresentation or failure to disclose a material fact, that was not necessarily fraudulent, or when DHPs have been awarded in error.
- 1.12 DHPs can be paid to anyone it is deemed reasonable to do so by the LA. In practice this will usually be the person to whom benefit is paid to, including direct payment to the rent account.
- 1.13 DHPs can be paid along with normal Housing Benefit, using the same payment methods. However there are two important conditions that apply,
 - The LA must be able to clearly differentiate between DHPs and normal HB. There must be a clear audit trail; and
 - The LA must notify the claimant clearly how much of the payment being made is DHP and how much is normal HB.
- 1.14 DHP overpayments can be recovered if they have been awarded due to fraudulent activity or where the LA considers there has been a misrepresentation or failure to disclose a material fact, that was not necessarily fraudulent. DHPs can also be recovered where they have been made as a result of an error. It is the LA's responsibility to decide how disputes regarding the recovery of DHPs should be dealt with, and within what time limits. DHPs cannot be recovered from any ongoing benefits.
- 1.15 Where a claimant makes a claim for DHP they should be notified of the outcome of their claim, and the reasons behind it as soon as is reasonably practical.
- 1.16 The LA can intervene and review a claim for DHP at any time.
- 1.17 Anybody receiving DHP is required to notify the LA of any changes in circumstances that are relevant to DHP. The LA should ensure that the claimant is aware of this responsibility.
- 1.17 The claimant is also responsible for providing the LA with all proof that the LA considers relevant in order to consider the claim for DHP. It is up to the LA to set the time-limits for the claimant to provide the proof requested.
- 1.18 This policy should be read in conjunction with the relevant operational procedure. Nothing in this policy can override the provisions of the Discretionary Financial Assistance Regulations

2. DHP Claim

- 2.1 A claim for a DHP award is required to be made on the designated application form or other acceptable media.
- 2.2 All DHP applications will be administered by a Benefits Officer of the LA.

- 2.3 Upon receipt of a DHP application, on the designated form, the Benefits Officer will request further information in support of the application within 20 days or as reasonably practicable thereafter of receipt of the request.
- 2.4 A decision will be made within 20 days of the application or as reasonably practicable thereafter, or receipt of requested information as appropriate.
- 2.5 All persons affected will be notified, in writing, of the outcome within 5 working days of the decision being made.
- 2.6 The notification will detail:
 - The decision and reasons for the decision;
 - The amount of the award;
 - The start date and period of the award;
 - Details of the requirement to notify the LA of changes in circumstances.

3. Consideration of the Application

- 3.1 Each application will be considered on its own merits by a Benefits Officer.
- 3.2 Consideration will be given to:
 - The reason for the application;
 - The personal circumstances of the person making the claim;
 - The financial circumstances of the person making the claim;
 - The amount of award being requested;
 - The likely period of the award;
 - The amount of funding available.
- 3.3 In each case the reasons for the decision will be clearly recorded and maintained.
- 3.4 Upon the review of a claim or notification of change of circumstance, the claim will be passed to the Appeals Officer to confirm whether any reconsideration of the DHP award should be made.

4. Homelessness Prevention

- 4.1 DHP should be used effectively as a prevention tool that should be appropriately utilised for households where there is a shortfall between benefit entitlement and rent, ensuring the need to move and unnecessary disruption to households is kept to a minimum.
- 4.2 Where a household has a live housing benefit claim in payment and there is a need for a household to move to more suitable accommodation within the private rented sector, DHP may be utilised towards moving costs that could include rent in advance and rent

deposits. When awarding a rent deposit or rent in advance the Benefit Officer must be satisfied that:

- the property is affordable, and
- there is need to move, and
- the rent in advance and rent deposit is reasonable, and
- the claimant's household could not afford to pay the rent in advance or rent deposit themselves.

- 4.3 If a decision on a DHP application is made for a shortfall in rent the benefit officer will refer the case to the homelessness officer where appropriate, especially in cases where there may be potential to renegotiate the rent with the landlord.
- 4.4 If referred, the homelessness officer will contact the landlord to try to re-negotiate the rent and will also contact the claimant.
- 4.5 The benefits officer and the homelessness officer will review the impact of the decisions made on the DHP application.

5. Administration

- 5.1 The Benefits Manager will be responsible for the allocation and monitoring of DHP funding.
- 5.2 The Senior Benefits Officer will, on a monthly basis, report to the Benefits Manager:
- The amount of funding awarded/committed for the current financial year;
 - The amount remaining for the current financial year;
 - The amount of any awards that fall into subsequent financial years;
 - The amount of any awards already made that fall into subsequent financial years.
- 5.3 The Benefits Manager will, on a quarterly basis, report to the Head of Service:
- The amount of funding awarded/committed for the financial year;
 - The amount remaining for the current financial year;
 - The amount of funding allocated for the subsequent financial year;
 - The amount of any awards already made that fall into the subsequent financial years.
- 5.4 The Appeals Officer will carry out the first stages of reconsideration. The Appeals Officer will prepare and present the appeal to the DHP Review Committee. The DHP Review Committee will consist of Members of the Council determined at the annual meeting. The Benefits Manager advise the DHP Review Committee.

- 5.5 Any award of a DHP that is subsequently ended and results in an overpayment of DHP award will be recovered at the discretion of the Benefits Manager. Any overpayments written off will be made in line with the Scheme of Officer Delegation.

6. Resources

- 6.1 The Council recognises that the appropriate resources are required to achieve the aims of this policy and will aim to provide these as necessary. The resources required include appropriate levels of staffing, IT provision, staff training, project management and health and safety considerations.
- 6.2 The Council will aim to provide the necessary budgets in order to meet the current and future resource requirements.
- 6.3 In order to ensure that staff realise their development potential and maximum performance, the Head of Financial Services will ensure that all staff receive the necessary training to carry out their duties. The review of training needs will be incorporated into individual plans via the appraisal process and into corporate plans via analysis of overall requirements.

7. Document Review

- 7.1 The aims of the Service expressed in this document will require close monitoring and review to ensure that the objectives remain realistic and that progress is being made towards achievement.
- 7.2 The ownership of the Policy will be the responsibility of the Head of Financial Services who will ensure that all elements of the document are incorporated into the existing programme of monitoring. Review of the document as a whole will take place on, at least, an annual basis with ad hoc amendments made as deemed required by the Head of Financial Services
- 7.3 All monitoring and review activity will be fully documented for future reference.