



**Flintshire County Council**

**Discretionary Housing Payments**

**Policy April 2013**

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## **Introduction**

Discretionary Housing Payments (DHPs) are discretionary sums payable by the Council to a person in receipt of Housing Benefit (HB) or Universal Credit (UC), where they still appear to require additional financial assistance with their Housing Costs.

DHPs are regulated by the Discretionary Financial Assistance Regulations 2001 (SI 2001 No 1167) which are summarised in Appendix A at the end of this document, but within the regulations a Council is allowed much discretion. Flintshire County Council (FCC) will administer the scheme with reference and regard to the contents of this policy

## **Objectives**

FCC has the following objectives for its DHP scheme;

- To encourage and help keep people in employment
- To prevent homelessness and aid people to retain sustainable tenancies
- To help people who are trying to help themselves
- To help keep families together
- To support vulnerable people in the community
- To help people through times in which they are stressed and vulnerable
- To help to alleviate poverty
- To assist people that are particularly disadvantaged by Welfare Reforms

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

## **Claiming a DHP**

Claims should be made on FCC's DHP application form, but an application will be accepted if made in another format if it contains sufficient information on which a decision can be reached.

## **Awarding a DHP**

The DHP award may be of any duration and will usually be paid from the Monday following the request being made. Upon representation consideration can be made for the DHP to be paid from an earlier date.

In deciding upon an award, FCC will consider the following factors as appropriate

- The shortfall between a person's Housing Benefit, or Universal Credit and their rent
- Steps taken by a person to reduce their rent liability
- Steps taken by the person to find cheaper alternative accommodation
- Reasons why a person cannot move to cheaper alternative accommodation
- Steps taken by a person to increase their income
- The financial circumstances of the person and their family, but Disability Living Allowance (Mobility Component) will not be considered as income
- Any relevant medical circumstances of the person and their family
- Any circumstances which may be considered as exceptional
- The level of funding available to FCC
- The consequences of not awarding a DHP

## **Payment and Notification**

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 FCC's decision.

The statement of reasons will ensure that successful recipients know when to report relevant changes, and for unsuccessful applicants the reasons will provide an explanation against which a review could be requested.

## **Review of Decisions**

Any representation regarding the refusal, rate or ending of a DHP payment may be subject to a review request from the affected person. The 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

## **Other forms of assistance with Housing Costs**

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.

Assistance with Rent Deposits is available from the FCC Bond Scheme.

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## **Appendix A) Overview of the Discretionary Financial Assistance Regulations 2001 (SI 2001 / 1167)**

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### **Regulation 1 – Citation, Commencement and Interpretation**

This regulation gives the scheme its name and commencement date

### **Regulation 2 – Discretionary Housing Payments**

This regulation describes the payments as follows;

The Local Authority (LA) may make payments to persons who –

- Are entitled to HB
- Require further financial assistance with their housing costs (in addition to their HB)

The LA has total discretion as to whom they pay or don't pay, but housing costs incurred before 2 July 2001 cannot be considered. There is also a discretion regarding

- The amount of the payments, and
- The period for, or in respect of which, they are made

### **Regulation 3 – Circumstances in which Discretionary Housing Payments may be made**

Payments may be made when a person has made a claim, and their need for financial assistance is not in respect of the following;

- A liability to meet ineligible service charges
- A liability to meet charges for water, sewerage or allied environmental services

- A liability for an increased weekly rent liability as a result of rent arrears
- Reductions in benefit due to the failure to co-operate in pursuit of child support maintenance or for failing to participate in a work – focussed interview
- Job Seekers Allowance being reduced or stopped due to the failure to attend an interview, or through the loss of employment either voluntarily or through misconduct
- The suspension of benefit payments
- The Loss of Benefit Provisions imposed for fraudulent claims
- The recovery of an overpayment by deductions to benefit

#### **Regulation 4 – Limit on the amount of the DHP that may be paid**

The amount of a DHP cannot exceed the following when calculated as a weekly sum;

- The weekly rent less ineligible service charges

#### **Regulation 5 – Period for, or in respect of which, DHPs may be made**

The LA may restrict the payments of DHPs to any period that it considers appropriate to the details of the case, but there must have been entitlement to HB for that period

#### **Regulation 6 – Form, manner and procedure for claims**

The LA may accept a DHP claim in any way it approves from;

- A person entitled to HB, or
- A person acting on behalf of a person entitled to HB where that is reasonable

The DHP can then be paid to either the person entitled to HB or some other person where that seems reasonable in that particular case

The LA must give written notice of any DHP decision or review together with the reasons for the decision to the applicant as soon as is reasonably practicable

#### **Regulation 7 – Provision of information**

A person claiming or receiving a DHP shall provide the LA with the following information;

- Particulars of the grounds of a claim, or for a review
- Changes in circumstances which may be relevant to the continuance of the DHP
- Such other information as the LA may specify in the time the LA considers appropriate

### **Regulation 8 – Reviews**

An LA may review any decision about the making, cancellation or recovery of a DHP in such circumstances as it sees fit.

The LA may cancel a DHP and make a recovery where it has determined that;

- Any person has misrepresented or failed to declare a material fact (fraudulently or otherwise) and as a result of that a payment was made, or
- An error has been made that caused a payment to be made when otherwise it would not have been

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