

## DISCRETIONARY HOUSING PAYMENTS (DHP) POLICY

<b>Scope</b>	<p>This policy sets out our approach to awarding Discretionary Housing Payments (DHP). It applies to how we award payments to all applicants of DHP in the London Borough of Enfield.</p> <p>This policy makes reference to other discretionary payments such as the Emergency Support Scheme; Council Tax Support Scheme; and Free School Uniforms Grant. However, the detail of our approach to awarding these payments is set out in their respective guidance documents</p>
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<b>Review</b>	We will keep this policy under constant review. We will update it based on any changes in legal or local context.

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## **1. INTRODUCTION**

- 1.1. The DHP scheme allows Councils the discretion to top up awards of benefit in certain cases. It is largely subsidised by the Government, up to a capped level each year. Above this, Enfield does not receive subsidy and the authority has to fund the excess expenditure itself. The total amount of DHP Enfield can pay is also capped. Enfield is committed to managing its DHP awards in accordance with the principles set out in the Government's Best Practice Guide<sup>1</sup>.
- 1.2. Our policy is to make DHP awards to pay shortfalls in Housing Benefit/ housing element of Universal Credit and Local Housing Allowance in certain cases that meet the criteria set out in this policy. The purpose of this policy is to specify how Enfield Council's Assessment Services will operate the scheme and to indicate the factors which will be considered when deciding if a DHP award can be made.
- 1.3. The DHP Fund is a short-term emergency fund, awarded whilst the customer seeks alternative solutions. The main features of the Fund are that:
  - DHP awards are discretionary
  - Customers do not have a statutory right to an award
  - The DHP covers shortfalls in housing costs only (where Housing Benefit/ housing element of Universal Credit is in payment)
  - It is a cash limited fund and we will keep the spend under regular review
  - Housing Benefit/ housing element of Universal Credit must be in payment in the week in which a DHP award is made.

## **2. AIMS AND OBJECTIVES**

- 2.1. In awarding DHP, the Local Authority expect all households to take positive steps to resolve their financial situation. We aim to:
  - safeguard and promote the welfare of children
  - prevent homelessness
  - alleviate poverty
  - support individuals or families who cannot move immediately for reasons of health, education or child protection
  - promote good educational outcomes for children and young people
  - help people through personal and difficult events
  - support young people in the transition to adult life

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<sup>1</sup> <https://www.gov.uk/government/publications/discretionary-housing-payments-guidance-manual>

- support families coping with illness or infirmity within their household, including by helping disabled people to remain in adapted properties
  - support carers, including foster carers
  - support domestic violence victims who are trying to move to a place of safety
  - support those leaving or working in the British Armed Forces
  - encourage and sustain people in employment
  - provide support to those affected by the Government's welfare reforms.
- 2.2. Each case will be treated on its own merits and all applicants will be treated fairly and equally in the accessibility to the Fund and also the decisions made with applications.
- 2.3. Both the amount and the duration of the award are determined at the discretion of the Council and will be done so on the basis of the evidence supplied and the circumstances of the claim.
- 2.4. The Assessment Service will give more weight to awarding funds to applicants whose circumstances show that they are taking certain defined steps to resolve their financial and housing difficulties.

### **3. ELIGIBILITY FOR DHP**

- 3.1. In order to be eligible, applicants must be the Housing Benefit/ Universal Credit claimant and have made an application for and secured an award of Housing Benefit or Universal Credit that includes a housing element. Whilst the following groups are treated as being eligible for a DHP, an award of a DHP is determined in accordance with the assessment process set out in this policy.
- 3.2. DHP is awarded for housing costs. Housing costs include rental liability, rent in advance, deposits and other lump sum costs associated with addressing a housing need.
- 3.3. We may decide that a backdated DHP award is appropriate where there is a shortfall between the Housing Benefit/ housing element of Universal Credit and the contractual rent for the backdated period which could then settle rent arrears. This would be the only circumstance where the DHP could be used to facilitate payment of rent arrears. A DHP in this circumstance may only be considered for a period where the linked Housing Benefit/ housing element of Universal Credit is (or was) payable.
- 3.4. Enfield's DHP fund is for households living in the London borough of Enfield. However, there are exceptions to this as follows:

- 3.5. Enfield council tenants or homeless households for whom we find accommodation in another borough are eligible for a DHP from Enfield council.
- 3.6. Council tenants and homeless households placed in temporary accommodation in Enfield by another local authority are ineligible for a DHP from Enfield Council. Households in these circumstances should approach the council that housed them in Enfield, if they would like to apply for a DHP. If a tenant is housed in a private rented sector property in Enfield by another local authority, they are eligible for a DHP from Enfield council.
- 3.7. If we place a homeless household in a private rented sector property in another borough, they are ineligible for a DHP from Enfield and must approach the local authority in which they are placed if they would like a DHP. However, if the household is at risk of homelessness and Enfield council has a duty to rehouse them, we may then consider a DHP at that stage in order to prevent homelessness.
- 3.8. Customers will be expected to take reasonable steps to increase their income and reduce their unnecessary expenditure.
- 3.9. Where a customer is not claiming a Council Tax discount or exemption to which they may be entitled or a welfare benefit or additional financial assistance, they will be advised, and where necessary assisted, in making a claim to maximise their income, before their claim for DHP will be decided.

#### **4. INELIGIBILITY FOR DHP**

- 4.1. DHP cannot be awarded for the following circumstances:
  - Where full rental liability is being met by Housing Benefit/ Universal Credit.
  - Where we consider that there are unnecessary expenses or debts which the customer has not taken reasonable steps to reduce.
  - To reduce any Housing Benefit/ Universal Credit recoverable overpayment.
  - To cover ineligible service charges.
  - To cover increases in rent due to outstanding rent arrears.
  - Where there is a shortfall caused by a Department for Work and Pensions sanction or suspension being applied because the customer has turned down work, an interview or training opportunities.

- When Housing Benefit/ housing element of Universal Credit is suspended.
- To cover Shortfalls in Council Tax Support or any other shortfall which is not housing related.

## **5. MAKING A CLAIM**

- 5.1. The application form must be fully completed and supporting information or evidence provided, as reasonably requested by the Local Authority. In cases of exceptional financial hardship applications must include sufficient evidence of financial hardship and personal circumstances that justify a DHP award.
- 5.2. In most cases the person who claims the award will be the person entitled to Housing Benefit or Universal Credit. However, a claim can be accepted from someone acting on another's behalf, such as an appointee, if it is considered reasonable.
- 5.3. All applications should be made by the claimant or his/her advocate or appointee online on the Council website at <https://new.enfield.gov.uk/services/benefits/discretionary-payments/>.
- 5.4. Claims made for DHP will also constitute a claim for council tax support hardship.

## **6. THE ASSESSMENT PROCESS**

- 6.1. When considering a DHP application, we will refer to the objectives of this policy, set out in 2.1 above.
- 6.2. Applicants will be assessed on the basis of demonstrable exceptional financial hardship. Applicants will need to demonstrate the need for short term assistance to allow time to resolve their financial hardship (for instance finding work, moving home, completing examinations or treatment programmes) or one-off funds to move to affordable accommodation.
- 6.3. We are more likely to award a DHP to applicants who will take action to resolve their housing situation, whether by finding work and/or moving home and/or re-prioritizing their expenditure and/or making applications for benefit to which they are entitled.
- 6.4. DHP will be awarded for a time limited period, usually for a period of six months, to give applicants time to sort out their financial and housing circumstances. The intention remains that those affected by welfare reform will take effective efforts to resolve their situation in the longer term.

- 6.5. There are exceptions to this, where the applicants' particular circumstance mean that the transitional nature of DHPs may represent an inappropriate form of assistance for applicants with an enduring need. For example, cases where the property has been substantially altered as a result of an occupier's disability, an extra room is needed for disabled occupier or foster child or where there are shared care arrangements and domestic violence safe rooms. In these cases, DHP will be awarded for a longer period of up to 12 months.
- 6.6. The Council's Assessment Service will assess and decide whether or not to make a DHP award, how much any award might be and for what period of time. When making this decision we will consider the following:
- 6.7. The shortfall in housing costs**
- The shortfall between the Housing Benefit/Universal Credit housing cost element and the rental liability
  - The reason for the shortfall
  - Whether the property was affordable at the time of the tenancy starting.
- 6.8. The circumstances of the households (with reference to the objectives of the policy set out in 2.1)**
- The personal circumstances, age and medical circumstances (including ill health and disabilities) of the customer, their partner and any dependants and any other occupants of the customer's home
  - The difficulty experienced by the customer which prevents them from being able to meet the shortfall, or to secure alternative, more affordable accommodation
  - The exceptional nature of the customer's and/or their family's circumstances that impact on finances.
- 6.9. The steps taken by the customer to reduce their shortfall**
- Steps taken by the customer to establish whether they are entitled to other welfare benefits.
  - The income and expenditure of the customer, their partner and any dependants or other occupants of the customer's home How deemed reasonable expenditure exceeds income
  - Any savings, capital or other financial assets that might be held by the customer or their partner or any other person living in the dwelling

- Any deposits due to the tenant
- Other debts outstanding for the customer and their partner
- Whether the customer has already accessed or is engaging for assistance with budgeting and financial/debt management advice.
- The length of time they have lived in the property
- Whether any move is reasonable and the tenant is moving to an affordable property.

#### **6.10. Other assistance already received from the Council**

- Whether a DHP has previously been awarded to meet a shortfall in rent
- Any other assistance provided by the Council towards deposit costs
- Any other assistance provided by the Council including other discretionary funds, including the Council Tax Support Hardship Scheme.. If the customer has not yet been assessed for an award under the Council Tax Support Hardship Scheme, we will make an assessment for this award at the same time as completing our assessment for DHP.

### **7. PAYMENT OF AN AWARD**

- 7.1. We will notify the outcome of each application for DHP in writing, including details of the amount and duration of the award. A DHP award may be less than the shortfall in housing costs (ie the difference between the Housing Benefit/Universal Credit award and the amount of rental liability). We will agree the time period over which the DHP will be awarded, which is generally six months, unless in exceptional circumstances.
- 7.2. Where HB is being paid by the Local Authority the DHP award will be added to the Housing Benefit payment. Where Universal Credit Housing costs are paid by the DWP, DHP will be paid separately by the Local Authority
- 7.3. The award may be made direct to a third party such as a landlord.
- 7.4. Our ability to make an award in any given case is necessarily dependent on the continued availability of funding for that purpose in the financial year concerned.
- 7.5. An award from the DHP Fund does not automatically mean that a further award will be made at a later date, even if the customer's circumstances have not changed. At the point of a DHP award, we will make it very clear to applicants that, were they to make a subsequent claim in future, DHP is more likely to be awarded to applicants whose



circumstances show that they can take certain defined steps to resolve their housing difficulties and during the period of their previous award, evidence that they have been doing so (see the section on Review below). The applicant will be made aware of the effect that failure to act is likely to have on any future DHP payment and thus their ability to meet their rental obligations.

## **8. SUBSEQUENT APPLICATIONS: REVIEWS**

- 8.1. If a subsequent application is made on expiry of an award, we will review the case to determine whether a subsequent payment will be made and the level of any subsequent payment.
- 8.2. DHP is more likely to be awarded to applicants whose circumstances show that they can take certain defined steps to resolve their housing difficulties and during the period of their previous award, evidence that they have been doing so. If the tenant has failed to take reasonable actions to resolve their housing difficulties, a subsequent DHP payment is less likely to be made. This will be made clear to all applicants at the point at which the DHP is awarded.
- 8.3. Applicants will be deemed to be taking action to resolve their housing problems in the longer term if they are taking steps to find work; are looking for cheaper accommodation; are taking steps to maximize their welfare entitlements; and are paying what rent they can afford while taking reasonable actions to resolve their housing difficulties.
- 8.4. In exceptional cases, where the transitional nature of DHPs may represent an inappropriate form of assistance due to an enduring need, the decision to renew the award will be based on evidence of the enduring need. This will include cases where the property has been substantially altered as a result of an occupier's disability, an extra room is needed for disabled occupier or foster child or where there are shared care arrangements and domestic violence safe rooms.
- 8.5. If it is agreed to renew the award, we may revise the amount of DHP awarded following our review, where the applicant's circumstances have changed which either increases or reduces their Housing Benefit/Universal Credit entitlement, or where there are changes to other income sources such as employment.
- 8.6. Our ability to make a further award in any given case is necessarily dependent on the continued availability of funding for that purpose in the financial year concerned.

## **9. DUTIES OF THE CUSTOMER**

9.1. A person claiming a DHP award is required to:

- Provide us with the information we require in a timely manner in order to make a decision
- Tell us of any changes in circumstances that may be relevant to their ongoing claim
- Deliver any actions agreed as part of the DHP award to alleviate their financial situation such as to find work or find more affordable accommodation
- Provide us with any other information we may require in connection with their claim.
- Repay any overpaid DHP. This will be done by way of an invoice.

## **10. THE RIGHT TO A RECONSIDERATION OF A DECISION**

10.1. There are no statutory appeal rights concerning the refusal of DHP awards, but we will reconsider any cases where new information subsequently comes to light or where we have made an error. The route of Judicial Review is available.

10.2. If the customer is not satisfied with the decision in respect of an application for a DHP award, a decision to make a reduced amount of DHP award, a decision not to backdate a DHP award or a decision that there has been an overpayment of a DHP award, they must write to us setting out their grounds for a request for a reconsideration within 28 days of being informed of the decision that has been made.

10.3. We will reconsider the decision and the review will be carried out by someone other than the person making the original decision. We will respond in writing within 28 days of receiving the appeal, setting out the decision and associated reasons for the decision. Any request for a reconsideration must be made within 28 days of the date of the notification letter notifying the original decision.

10.4. Any complaint about how we have applied our operating procedures in handling an application will be managed through the our Complaints Procedure (available on the Council website).

## **11. TACKLING FRAUD**

11.1 We are committed to protect public funds and seek to ensure funds are awarded to the people who are rightfully eligible to them.

- 11.2 A customer who tries to fraudulently claim a DHP award by falsely declaring their circumstances or providing a false statement or evidence in support of their application may have committed an offence under The Fraud Act 2006.
- 11.3 Where we suspect that such a fraud may have been committed, this matter will be investigated as appropriate and may lead to criminal proceedings being instigated.

## **12. PUBLICITY**

- 12.1. We will publicise the DHP Fund. We will raise awareness through promotion on the Council website and by raising awareness with staff across the Council, relevant voluntary organisations, advice agencies, landlords and other partner organisations. A copy of this policy will be available on our website.

## **13. EQUALITIES**

- 13.1. The DHP Award Scheme assists us with meeting our obligations under the Equalities Act. The Act requires the Council to have due regard to eliminating discrimination and harassment and supporting people with protected characteristics including age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation, marriage and civil partnership.
- 13.2. We recognise the importance of protecting the most vulnerable people in our community and also the impact that welfare reform changes could have on these groups. We have created a Policy that seeks to ensure that we protect and support those most in need with assistance in cases of extreme financial hardship in relation to housing costs.
- 13.3. We will collect equalities data on applicants for the DHP Award. We will undertake analysis of this data in order to ensure that any necessary amendments can be made to the Policy, or to how we communicate and implement the Policy, to ensure we continue to meet our obligations under the Equalities Act.

## **14. LEGISLATION**

- 14.1 The regulations covering DHPs are The Discretionary Financial Assistance Regulations 2001. The legislation which specifies the overall limit on expenditure is Article 7 of The Discretionary Housing Payment (Grants) Order 2001.