

Discretionary Housing Payments (DHP) Policy

The DHP scheme is designed to provide further financial assistance to people in receipt of Housing Benefit (HB) or a relevant award of Universal Credit (UC) who have a shortfall between their HB or UC housing costs element and their rent. A “relevant award of Universal Credit” means an award which includes a housing costs element.

Every claimant who is entitled to HB or a relevant award of UC and who has such a shortfall is entitled to make a claim for help.

The main features of the scheme are that:

- DHPs are discretionary
- Claimants do not have a statutory right to a payment
- It is a cash limited fund
- The Benefits Service decides how the scheme is administered
- DHPs are not a payment of HB
- HB / UC housing costs element must be in payment in the benefit week that a DHP is awarded for.

Purpose of the Policy

The purpose of this policy is to specify how Camden’s Benefits Service will operate the scheme and to indicate some of the factors that will be considered when deciding if a DHP can be made.

- Each case will be treated strictly on its merits.
- All claimants will be treated equally and fairly when the scheme is administered.
- Where it is apparent that a claimant is not claiming another state benefit they may be entitled to, they will be advised to make a claim in order to maximise their income.

Statement of objectives

The Benefits Service will seek through the operation of this policy to:

- alleviate poverty
- support vulnerable young people in the transition to adult life
- encourage Camden residents to obtain and sustain employment
- safeguard Camden residents in their homes
- help those who are trying to help themselves
- keep families together
- support vulnerable people in the local community
- help claimants through personal crises and difficult events

The DHP scheme is a short term emergency fund.

Awarding a DHP

The Benefits Service will decide whether or not to award a DHP and how much any award might be.

When making this decision the Benefits Service will take into account:

- the shortfall between HB / UC housing costs element and rental liability
- the steps taken by the claimant to reduce their rental liability
- the medical circumstances (including ill health and disabilities) of the claimant, their partner, any dependants and any other occupants of the claimant's home
- the income and expenditure of the claimant, their partner, any dependants or other occupants of the claimant's home
- any savings or capital that might be held by the claimant or their family
- the level of indebtedness of the claimant and their family
- the exceptional nature of the claimant and their family's circumstances
- the length of time they have lived in the property
- the amount available in the DHP budget at the time of the application
- the possible impact on the Council of not making such an award, e.g. the pressure on priority homeless accommodation

An award of a DHP does not guarantee that a further award will be made at a later date even if the claimant's circumstances have not changed

The DHP may be less than the difference between the liability and the amount of HB or UC housing costs element.

Period of award

The Benefits Service will decide the length of time for which a DHP will be awarded on the basis of the evidence supplied and the facts known.

- The start date of an award will usually be the Monday after the written claim for a DHP is received by the Benefits Service
- The DHP will normally be paid for a minimum of one week.
- The maximum length of award will usually be to the end of the tenancy or a period not exceeding 12 months.

Backdate Requests

The Benefits Service will consider any reasonable request for backdating an award. However these will be limited to the current financial year.

Changes of Circumstances

The Benefits Service may revise an award of a DHP where the claimant's circumstances have materially changed.

The right to seek a review

DHPs are not payments of HB and are therefore not subject to the statutory appeals process.

The Benefits Service will operate the following policy for dealing with a review request following a refusal to award a DHP, a decision to award a reduced amount of DHP, a decision not to backdate a DHP or a decision that there has been an overpayment of a DHP.

- A claimant (or their appointee or agent) who disagrees with a DHP decision may request a review. This should be delivered in writing to the Benefits Service within one calendar month of the written decision about the DHP.
- A Benefits Service Policy and Appeals Officer will review the case. The Policy and Appeals Officer will review all the evidence held and will make a decision within 14 days of receipt or as soon as practicable.
- Where the Policy and Appeals Officer decides not to revise the original decision, he / she will notify the claimant in writing, setting out the reasons for their decision.
- The decision made by the Benefits Service Policy and Appeals Officer will be final, subject only to an application for Judicial Review.
- In exceptional circumstances only, any of the above time periods for review may be extended by the Policy and Appeals Officer. In deciding to extend, they will take into account any delay in seeking independent advice that was outside the control of the claimant.

Overpayments

- The Benefits Service will normally seek to recover any overpaid DHP that is recoverable by the legislation.
- An invoice will be issued to the claimant or the person to whom the award was paid.
- The decision letter that notifies a decision that there is an overpayment will also set out the right of review.

Publicity

The Benefits Service will publicise the scheme and will work with all interested parties to achieve this. A copy of this policy statement will be made available for inspection and will be posted on Camden's web site. Information about the amount spent will not normally be made available except at the end of the financial year.

Fraud

The Benefits Service is committed to the fight against fraud in all its forms. A claimant who tries to fraudulently claim a DHP by falsely declaring their circumstances, providing a false statement or evidence in support of their application, may have committed an offence under the Theft Act 1968. Where the Benefits Service suspects that such a fraud may have occurred, the matter will be investigated as appropriate and this may lead to criminal proceedings being instigated.

Appendix 1

Claiming a DHP

- A claim for a DHP must be made in writing. This can be made on-line using the DHP application form, by letter or email
- On request the Benefits Service will issue the claimant with a DHP application form.
- The claimant will be required to return the form to the Benefits Service within one month of its issue with the any relevant supporting evidence.
- The Benefits Service may request evidence in support of an application.
- The Benefits Service reserves the right to verify any information or evidence provided by the claimant.

Method of Payment

The Benefits Service will decide the most appropriate person to pay based upon the circumstances of each case. This could include paying:

- the claimant
- their partner
- an appointee
- their landlord (or an agent of the landlord) or
- any third party to whom it might be most appropriate to make payment

The Benefits Service will pay an award of DHP by the most appropriate means available in each case. This could include payment:

- to a bank account
- by crediting the claimant's rent account.

If Housing Benefit is in payment, payment frequency will be in line with how Housing Benefit is paid.

If the claimant is receiving the housing costs element of Universal Credit, the method of payment will be decided on a case by case basis.

Notification

The Benefits Service will inform the claimant in writing of the outcome of their application within 14 days of receipt or as soon as reasonably practicable after that. Where the application is unsuccessful, the Benefits Service will set out the reasons why this decision was made and explain the right of review. Where the application is successful, the Benefits Service will advise:

- the weekly amount of DHP awarded
- whether it is paid in advance or in arrears
- the period of the award
- how, when and to whom the award will be paid
- the requirement to report a change in circumstances

Legislation

The legislation governing DHPs is the Discretionary Financial Assistance Regulations 2001 (SI 2001 / 1167).