



BARNSLEY

Metropolitan Borough Council

DISCRETIONARY HOUSING PAYMENTS POLICY

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

Introduction

Discretionary Housing Payments (DHP's) were introduced in 2001 under the Discretionary Financial Assistance Regulations Act 2001 (Statutory Instrument 2001/1167).

Each year the local authority is awarded a sum of money by the Department for Work and Pensions (DWP) specifically for DHP awards.

The funding allocated is a fixed amount each year and is insufficient to meet local demand, therefore once the funding allocation is spent in full no further awards can be made within the financial year.

The funding enables those local authorities who have responsibility for the administration of Housing Benefit and Council Tax Support to award limited financial support to applicants in financial hardship to provide help with their housing costs.

This can be either to make up a shortfall in the weekly rent, or to meet housing costs related to moving into a new home. You must be in receipt of housing benefit or receive the housing cost element of universal credit to be considered.

Whilst the scheme allows council's very broad discretion, Barnsley Metropolitan Borough Council (the Council) is committed in its administration of the fund to act fairly, reasonably, and consistently in accordance with the principles of good decision making.

Key Principles

The main principles of the scheme as administered by the Council are:

- The yearly funding is cash limited based on a ring-fenced Central Government grant.

- The scheme is discretionary.
- There is no statutory right to a payment.
- Applications will be considered individually on their own merit.
- The level of payment will be decided by the Council, fairly, reasonably, and consistently.
- There is no statutory right of appeal although the Council operates a review process.
- DHP will be used for short term needs giving applicants time to take appropriate actions to change their personal situation. There will be exceptions where longer-term support may be valid due to individual circumstances.
- To provide support for exceptional and or unforeseen circumstances to help the applicant meet their housing costs.
- The Council has the right to suspend, amend or cancel DHP's as appropriate.

The aim of a discretionary housing payment scheme is to give the applicant time to look for more suitable accommodation or make an improvement in their financial circumstances to enable them to stay in their current home.

The council has the right to refuse a DHP for the full amount if it thinks the shortfall in the weekly rent is too high, we will consider an award of a lower amount, this will ensure we help as many people as possible.

Who can apply for discretionary housing payment?

You can apply for DHP if you meet the following criteria:

- You are receiving housing benefit or universal credit with a housing element. A DHP can only be considered for a period where entitlement to HB or UC exists.
- You have a shortfall between your rent or housing costs and the amount of benefit you receive.
- You have a liability to pay rent and you live in the borough of Barnsley.
- You have no other means of covering the shortfall.

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

- Rent, which may also include rent in advance (in exceptional circumstances).
- Shortfall in housing benefit or universal credit for under occupancy (sometimes called the bedroom tax), LHA restrictions or where the benefit cap has been applied.
- Rent arrears.

- Removal and relocation costs to move to more affordable accommodation or fleeing violence (property must be in the borough of Barnsley).
- You have experienced a change in your income, household, or personal circumstances that has reduced your ability to pay your rent or housing costs.
- One off payment to maintain or secure affordable accommodation in exceptional circumstances.

DHP awards are meant to provide short-term support. The length of awards are at the discretion of the Council. Awards will normally be made for a single period of no more than 26 weeks, i.e., from the Monday after the date of the submitted application. Where an applicant's circumstances are expected to have improved before the end of the usual 26-week award period, an award may be made for less than 26 weeks.

The Council will consider the circumstances of all individual cases including any special circumstances, to ensure funds are targeted to prevent homelessness and hardship.

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

- Ineligible service charges e.g. fuel, water, meals and personal care and support.
- Any reduction in benefit because of a sanction.
- To recover deductions/recovery in housing benefit for housing benefit overpayments.
- To meet any shortfall in council tax arrears.
- Deductions for non-dependents.

Making an application for discretionary housing payment

An application for a DHP must be made by completing an on-line application form which is available on the council's website www.barnsley.gov.uk/dhp-form.

You will need to provide details of your income, expenditure, rent or housing costs, and the reasons why you need extra help. You will also need to provide evidence to support your application, such as:

- A copy of your tenancy agreement.
- A copy of your latest rent statement.
- A copy of your bank statements for the last three months.

The Council may request any evidence reasonably required in support of an application. The Council will normally allow 10 days in which to supply the information. The applicant may request longer if necessary.

The Council may verify the information/evidence supplied where necessary, for example verifying information with DWP or Berneslai Homes.

If you require assistance in completing the form, please contact the Council on 01226 787787 to discuss the available options.

Period of the award.

- Awards will normally be made for a single period of no more than 26 weeks.
- The start date of the DHP will normally be from the Monday after receiving the application by the Council.
- DHP's can be backdated if the applicant has good reason for the delay, but the backdate period must have Housing Benefit or UC Housing costs in payment and be for a maximum period of 3 months.

Repeat Claims/Awards

After the initial period the applicant will be required to complete a further form and evidence what actions have been taken to improve the current situation.

A further award may or may not be awarded and if awarded again, will be at a reduced level.

DHP funding is insufficient to meet demand, therefore it will not be possible for the Council to grant DHP to every applicant, nor to meet the full shortfall in cases where payment is made. DHP awards should be seen as a short-term emergency solution.

Applicants must consider this and seek advice regarding their housing needs and ways to manage financially in the long term.

Applicants will be advised of the temporary nature of the award upon application and signposted wherever possible to sources of further assistance.

Therefore, it is important that you pay your rent on time and in full every month, as this is a priority bill that affects your housing security. If you fail to pay your rent, you may face eviction and lose your home. If you have acted irresponsibly regarding your tenancy and not made reasonable attempts to pay your rent your request for a DHP to clear arrears may be refused. You should also try to reduce any other debts or expenses that are affecting your ability to pay your rent.

Qualifying Criteria

Income and Capital

An assessment of income and expenditure will be undertaken to determine if expenditure is higher than income. 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 (based on family size / composition) then the Council will limit the levels used in the assessment.

The Council will consider expenditure on non-essential outgoings.

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 applicant getting out of debt.
- Has the applicant sort advice/help from other agencies to prevent homelessness or improve financial situation.
- Has the applicant tried to renegotiate a lower rent.
- Has the applicant sought debt advice to lower repayments of debt.
- Has the applicant looked for cheaper accommodation? We will need evidence to support this.
- Is there cheaper alternative accommodation available to the applicant e.g. where the spare room subsidy (bedroom tax) applies, is there alternative accommodation available in the area.
- Are there reasons that the applicant 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.

The 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 consider any additional related expenditure that the applicant has because of their disablement needs.

The Council will seek to signpost applicants where it believes that they may be entitled to additional benefits.

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 up to 26 weeks (budget dependent) 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 budget granted to the council by the DWP.

Making an award

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

Award of DHP	Finance Officer
Review of a decision	Finance Officer (Who did not make the original decision)
Further review	Finance Team Leader
Complaint regarding a DHP	Operational Finance Manager

A Finance Officer will decide as to an award based on the criteria set above. The period of the award will be determined by the decision-making officer.

The fund is not appropriate 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.

Repeat requests will not be considered unless the resident can demonstrate that the situation has worsened significantly, or a substantial period of time has elapsed.

Making a Payment

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

- The applicant.

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

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

Change in circumstances.

The applicant 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.

- A change of address
- 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.

Notification and Reconsideration

The Council will normally inform the applicant, 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.

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.

An applicant (or their appointee) who disagrees with any of the above should complete a dispute form on-line by going to 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 reconsideration of a decision will be completed as detailed in the table in the Making an Award section of this document and notification of the outcome will be confirmed in writing. There is no statutory right of appeal against DHP decisions made by the Council. However, the right to seek a Judicial Review of the Council's decision is available.

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, for example a change in the applicants' circumstances.
- An error was made by the applicant when the application form was submitted.

Applicant will be sent an invoice for 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.

Review Frequency:	Annually
Date of last Review:	1 st April 2024
Policy Owner:	C Pantry, Head of Financial Services