

The Revenues and Benefits Policy

Purpose

The purpose of this policy is to specify how the Benefit Service will operate the scheme and to indicate some of the factors that will be considered when deciding if a DHP can be made. This document should be considered in conjunction with the Department of Work and Pension's (DWP) good practice guide. Each case will be treated strictly on its merits and all customers will be treated equally, fairly and consistently when the scheme is administered. The Benefits Service is committed to working with the local voluntary sector, social landlords and other interested parties in the Borough to maximise entitlement to all available state benefits and this will be reflected in the administration of the DHP schemes. The Benefits Service operates in line with the Council's anti-poverty strategy and is committed to the equitable operation of a DHP scheme. Where the evidence provided indicates that the claimant is not claiming another state benefit they may be entitled to, the Benefits Service will advise them to make such a claim and provide details of other agencies in the Borough who may be able to help with such a claim.

Statement of objectives

The Benefits Service will consider making a payment of a DHP to all claimants who meet the qualifying criteria as specified in this policy.

The Benefits Service will treat all applications on their individual merits, and will seek, through the operation of this policy, to make fair decisions on DHP claims. This is subject to any financial limits.

Fixed Budget

DHPs are made out of a fixed budget which comprises of a government grant and a spending limit (permitted total) based on 2.5x the government grant.

If the total payments made exceed the government grant, the council will have to spend its own funds up to the permitted total.

It is illegal for the council to exceed the permitted total (no matter what department spends the money)

Criteria for making a DHP

A DHP is **not** Housing Benefit (HB) and does not obey the same rules as HB. The circumstances under which a person may be entitled to a DHP

- They must be entitled to some Housing Benefit (no less than 50p per week)
- They must make a claim

A DHP will not cover items which are ineligible for HB (e.g. fuel charges or other ineligible service charges).

There is no other prescribed conditions under which have to be met by the claimant before a DHP can be made, because of the limited budget, the criteria for making payment is also fairly limited.

The benefits service would usually need to identify exceptional cases.

There is no fixed definition of the term “exceptional”. The only guidance is that circumstances should not be common to a significant amount of cases (e.g. low income) and at the same time should not be so rare as to be unique.

Exercising discretion

The Council cannot have a blanket policy to issue DHPs for all claimants affected by certain rules; this would remove the discretionary element of DHPs. For instance, if DHPs were paid to all young people aged under 35 to prevent them having to live in single room accommodation. This would not involve the application of discretion.

Discretionary Housing Payments are paid from limited funds, and in most cases should not be regarded as regular or indefinite income.

Payment of DHP can be brought to an end early, if the claimant’s or the council’s circumstances change.

A general rule when considering the period of the payment is that the longer the period of the payment, the more compelling the reasons must be for making the payment on a long term basis.

The circumstances under which an award is made, should be exceptional , but not necessarily unique.

Claiming a DHP

Every person claiming benefit is made aware of the existence of DHPs, through the Housing Benefit claim form.

A DHP can be claimed by:

- completing the extra help section on the HB claim form, or
 - making a request in writing which is signed by the claimant, or
 - completing the discretionary housing payment claim form or
 - completing a proforma identifying that the home is adapted for a disability or there is a person with a disability living in the household or
 - referral from internal department, independent advice agency, MP, Councillor or other such personnel
- Depending on the information, the Benefit Service may send/issue the claimant with the DHP application form. This will be date stamped and will count as the date of claim. The claimant will be required to return the form to the Benefits Service within one month of its issue and will be encouraged to include any relevant supporting evidence.
 - The Benefits Service may request any (reasonable) evidence in support of an application for a DHP. The Benefits Service will make such requests in writing. The claimant will be asked to provide the evidence within one month of such a request although this will be extended in appropriate circumstances.
 - If the claimant is unable to or does not provide the required evidence, the Benefits Service will still consider the application and will in any event take into account any other available evidence including that held on the Housing Benefit file.
 - The Benefits Service reserves the right to verify any information or evidence provided by the claimant in appropriate circumstances.

Period of award

In all cases, 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 normally be:

- the Monday after the written claim for a DHP is received by the Benefits Service; or
- the date of which entitlement to HB commenced (providing the application for DHP is received within one calendar month of the claim for HB being decided)

Whichever is the earlier, or the most appropriate. The Benefits Service cannot award a DHP for any period outside an existing HB benefit period granted under the HB statutory scheme.

- The minimum period for which the Benefits Service will award a DHP is one week.
- The Benefits Service will usually award a DHP for not less than 2 months.
- The Benefits Service will not normally award a DHP for a period exceeding 12 months.
- The Benefits Service will consider any reasonable request for backdating an award of a DHP but such consideration will usually be limited to the current financial year.

Decision not to award a DHP - The right to seek a review

DHP's are not payments of Housing Benefit and are therefore not subject to the statutory appeals mechanism. All Councils are expected to set up an appropriate review process.

The Benefits Service will operate the following policy for dealing with appeals about 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 dispute the decision. A request for a review shall be delivered in writing to the Benefits Service within one calendar month of the written decision about the DHP being issued to the claimant. Where this has not already been done, Officers from the Benefits Service will explain the DHP decision to the claimant by telephone, at interview or in writing and will seek to resolve the matter.
- Where a decision not to pay is made, another manager will consider the case. The officer will review all the evidence held and will make a decision within 14 days of referral or as soon as practicable.
- Where the manager decides not to revise the original decision, he / she will notify the claimant of their decision in writing, setting out the reasons for their decision.
- The decision will be relayed in writing to the claimant. The decision will be final and binding and may only be challenged via the Judicial Review process.
- In exceptional circumstances only, all of the above time periods for review may be extended as appropriate. In deciding to extend, the manager will take into account the financial difficulties in making an award for a previous financial year and any delay in seeking independent advice that was outside the control of the claimant.

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. Information about the amount spend will not normally be made available except at the end of the financial year.

More information

The link below is to The Department of Work and Pensions Guidance Manual

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

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