



LANCASTER CITY COUNCIL
Promoting City, Coast & Countryside

**HOUSING BENEFIT
AND
COUNCIL TAX BENEFIT**

**DISCRETIONARY HOUSING
PAYMENTS POLICY**

Version 1.0

November 2008

Introduction

The Discretionary Housing Payment scheme allows the Council to provide discretionary financial assistance to persons claiming Housing Benefit and or Council Tax Benefit when it considers that additional help with housing costs is needed. Housing costs are defined as rent and or Council Tax liability.

Discretionary Housing Payments (DHPs) are not payments of benefit and are outside of the Housing Benefit and Council Tax Benefit regulations. The regulations covering DHPs are The Discretionary Financial Assistance Regulations 2001.

Financial implications

The amount spent on the award of DHPs is subject to a cash limit (permitted total) set annually by the Department for Work and Pensions.

The permitted total is an amount up to which the Council can spend but not exceed in a financial year.

The Government makes an annual contribution towards the Council's permitted total. The Council may finance any spending over and above the contribution, up to the permitted total.

The level of a DHP award cannot exceed the shortfall between rent charged and Housing Benefit paid or Council Tax charged and Council Tax Benefit paid. There are also elements of a person's rent or council tax and shortfalls in benefit that cannot be met by a DHP and these are prescribed by regulations.

Purpose of this policy

The purpose of this policy is to specify how the Council will operate the DHP scheme.

The scheme is discretionary and the Council will not prescribe any conditions that need to be satisfied outside of the legal framework. To prescribe such conditions would fetter the Council's discretion and could lead to legal challenge. Each case will be considered on its own merits.

This policy ensures that the Council will act fairly, reasonably, and consistently throughout the DHP decision-making process.

All customers will be treated with due courtesy and respect and in accordance with the Council's policies.

Aims of the policy

Through the operation of the policy, the Council will seek to support the following:

- Alleviating poverty
- Encouraging residents of the district to obtain and sustain employment
- Safeguarding residents in their own homes and preventing homelessness
- Helping families to stay together
- Supporting young people in the transition to adult life
- Supporting the vulnerable in the local community.

Administration of DHP claims

In accordance with the legislative requirements of the scheme, the Council is responsible for the determination and award of claims.

The Benefits & Customer Services Team of Revenue Services will administer the DHP scheme and will:

- Provide a specified claim form and guidance notes for the purpose of claiming a DHP. Claims may be accepted by other means such as by telephone and by personal visit.
- Identify potential DHP claimants from records held and invite a claim accordingly. This is in addition to normal take up activity.
- Set targets for the speedy resolution and notification of claims.
- Provide training and procedural notes to relevant members of staff.
- Pay awards of DHPs via the Housing Benefit/Council Tax Benefit payment systems and within the relevant payment cycles.
- Notify a person claiming a DHP payment of the outcome of his/her application in writing stating the reason/s for the decision and providing details of dispute rights.
- Inform a person claiming a DHP of their duty to notify the Council of relevant changes of circumstances.
- Review a DHP award at the same time as entitlement to Housing Benefit/Council Tax Benefit is reviewed.
- Recover overpaid DHP dependent on the circumstances that gave rise to the overpayment.
- Periodically review the DHP claim process for effectiveness and efficiency.

Discretionary Housing Payments Panel

A panel will consider DHP claims made.

The panel will consist of representatives from statutory and voluntary sector agencies who will work alongside Council officers to demonstrate impartiality, transparency and openness. This will also enable a wide range of skills and experience to be used in the decision making process. Currently, the panel includes representatives from CAB, DISC, DWP and Lancashire Care NHS.

The Council is committed to working with stakeholders to improve service delivery and achieve its corporate objectives.
The role of the panel will be:

- To meet fortnightly to jointly consider all complete claims made for a DHP and make recommendations for payment/non-payment based on the individual circumstances of each case
- To make recommendations regarding the length of awards based on the individual circumstances of each case
- To signpost claimants to other help that may be available and maximise entitlement to all available state benefits
- To guarantee complete confidentiality when dealing with individual claims
- To work together to develop/improve the service provided to customers.

Awarding a DHP

Consideration of the following will be taken into consideration when determining a DHP claim:

- The prevention of homelessness (long term sustainability of accommodation)
- Access to employment, education or training
- The financial and medical circumstances of the claimant and his/her household
- The availability of other state welfare benefits
- Claimant fleeing domestic violence.

Appeals procedure

DHPs are not payments of Housing Benefit or Council Tax Benefit and are not therefore subject to the statutory appeals process.

It is good practice however to have an appeals procedure to promote fairness and openness and to help reduce any legal challenge through the judicial review process.

A DHP claimant can ask the Council to look at a decision again within 14 days of the date of the decision. Ideally, the claimant should provide fresh information and evidence to support the request.

The Head of Revenue Services will deal with the appeals request and will review the original decision made by the DHP panel.

The outcome of the review will be notified to the claimant in writing as soon as is reasonably practical.

Working in partnership

The Benefits & Customer Services Team will work closely with the district's Homeless and Housing Advice Teams to assist with meeting the aims and objectives of the Council's Homelessness Strategy.

Take –Up

The Council will publicise the availability of DHPs widely and will work in partnership with its stakeholders to achieve this.

Training will be provided to other Council services and external bodies to raise awareness of the availability of DHPs.

As part of the Council's Housing Benefit & Council Tax Benefit Take-Up Strategy, potential entitlement to other welfare benefits will be identified where possible throughout the application and decision making process.

Equality Impact Assessment

An initial impact assessment has been completed on this policy and it has been concluded that there is no relevance in relation to the equality target groups and therefore no adverse impact on those groups.

Fraudulent claims

The Council is committed to preventing and detecting the fraudulent use of public funds and will use its legal powers to prosecute offenders through the Courts.

A person who tries to fraudulently claim a DHP may have committed an offence under the Theft Act and criminal proceedings will be instigated accordingly.

Monitoring & Reporting

Monitoring of the award process will be undertaken at quarterly intervals.

Performance against Key Work & Performance Objectives will be included in the Benefits & Customer Services reports which are produced quarterly and annually.

It has been agreed to report performance regarding the award of DHPs to the members of the Council's Benefits Inter-Agency Partnership Group on a quarterly basis.