



Discretionary Housing Payment Scheme 2018/19

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Background

Discretionary Housing Payments (DHP) are payments that may be awarded by Local Authorities where it considers that a customer requires further assistance towards housing costs and meets the basic qualification criteria for an award of a DHP. The regulations that cover DHPs are the [Discretionary Financial Assistance Regulations 2001](#) (amended in 2013 to remove the reference to Council Tax Benefit following the abolishment of that scheme). These include a list of circumstances in which a DHP cannot be paid.

Brent's funding for the 2018/19 year is £2,204,211. This document outlines the policy intention for the DHP Scheme in 2018/19, who may qualify for an award and how the scheme is administered. Regular monitoring will take place and expenditure details will be available if required.

The budget allocation is subject to change during the year.

Main objectives of the scheme

The main objectives of Brent's Discretionary Housing Payment (DHP) Scheme reflect the objectives outlined in the Department for Work and Pensions (DWP) guidance for Local Authorities and Brent's Corporate Strategy. The main objectives are aimed at:-

- **Preventing homelessness**
- **Keeping families together**
- **Supporting the vulnerable and elderly in sustaining tenancies**
- **Enabling people to secure new sustainable tenancies**
- **Providing financial respite for people in short-term difficulty**
- **Incentivising people into and maintaining work**
- **Supporting people in education**

Preventing Homelessness

Applications from individuals who have been accepted on to The Single Homelessness Prevention Scheme (SHPS) have been identified as one of the priority groups for DHP funding. The project aims to prevent and relieve homelessness for single people and other households without dependent children, with low support needs who currently fall below the threshold for major assistance by the Council either through the homelessness legislation or by provision of council funded supported housing or floating support services. The Council is working in partnership with voluntary sector agencies who will engage with households to prevent and relieve homelessness. All DHP awards made in respect of these claims will receive match funding from the scheme provider and a proforma outlining the details should be completed.

Note: With regard to "Preventing homelessness", customers who find themselves unable to afford their rent are expected to apply for a DHP and/or seek advice from Brent Council before any arrears start accruing. This is to ensure various options can be explored at the earliest point in order to help make that persons rent more affordable. Failure to do this may result in any DHP applications which are received to pay off arrears before eviction proceedings begin being turned down.

In addition to these core objectives, the scheme has been designed to give clear, simple guidelines for both customers and decision-makers, enabling smooth and efficient service delivery. In particular, the scheme should provide:-

- **Ease of access:** The service must be equally accessible to all end users
- **Transparency:** The reasoning behind each decision should be clear to both customers and internal colleagues as well as in keeping with the scheme's framework
- **Consistency:** Decision making must be consistent and the review procedure should be fair

Main award reasons

Brent's DHP scheme has five main award categories, each of which support one or more of our overall strategic objectives. There is one overriding objective; to consider all applications for DHP on their own merits and dependant on the customer's individual circumstances. This objective can apply to any of the main award reasons. The main award reasons seek to:-

- **Support vulnerable customers**
- **Give short-term financial respite**
- **Support work**
- **Support education**
- **Secure or maintain sustainable tenancies**

In the following section, each category is defined along with examples of what are envisaged as being the main subcategories. It should be pointed out that these are not definitive, nor do they represent the detailed criteria for qualification, but rather provide a framework which will underpin the Core Objectives.

Supporting vulnerable and protected groups

The intention of this category is to enable people to maintain a tenancy that;

- a) Is unaffordable and cannot be sustained long-term without assistance but where a customer is deemed to be vulnerable because of their circumstances, or;
- b) Is unaffordable in the short-term but will be sustainable in the near future.

Examples of some of the areas covered by this category include the following:

- **Social sector size criteria (Bedroom Tax):** DHP's awarded in relation to this cause of shortfall will primarily be made up of long term awards to disabled customers where a property that has been significantly adapted for disabled use or short term awards to enable people to search for alternative accommodation, look for lodgers or other solutions to such short-term issues.
- **Serious / terminal illness:** People who have been diagnosed with a serious or terminal illness will fall into a vulnerable category and would usually be supported to remain in their property.

- **Pregnancy:** Those whose LHA (Local Housing Allowance) rate will shortly go up due to the birth of a child, and who at which point would receive an LHA equal to their liability.
- **Medical reasons:** For example, in the case of a couple, where they are unable to share a room because one of the couple needs a special bed which cannot reasonably be accommodated with just one bedroom (there may be other similar situations where this may apply).

This award category supports the strategic objectives of incentivising downsizing where a customer has spare bedrooms, freeing up larger properties in the social rented sector. This category also supports the objective of trying to assist disabled customers affected by the size criteria rules, although this support can only be offered on a relatively short term basis due to funding constraints.

Short-term respite

The intention of this category is to alleviate pressure for those in short-term difficulty, providing them with assistance and allowing them time to address the issue/s in question or seek help in addressing those issues.

Examples of some the areas covered by this category include the following:

- **Health issues:** People who have short-term health issues may be unable to move immediately or may need to be close to their current doctor/hospital whilst recovering. This would represent a short-term award to enable this person to stay in their property whilst recovering.
- **In-between jobs:** For those who have not qualified under OBC (Overall Benefit Cap) rules for protection on losing their job, a short-term award could be considered to allow an individual to find work or more affordable accommodation. This could also be considered for those coming off OBC protection having lost a job but who have been unsuccessful in finding work (assuming they can demonstrate how they are attempting to find work and that there is a reasonable prospects of success)
- **Temporary accommodation:** Where customers are in temporary accommodation, awards can be made to cover shortfalls (especially caused by the overall benefit cap) while seeing alternative accommodation that is more affordable.

This award category supports the overall objective of giving assistance to customers facing exceptional hardship due to the shortfall between their rent and housing benefits as well as specifically assisting customers in temporary accommodation to find suitable alternative accommodation.

Supporting work

The intention of this category is to support and incentivise people to find work and sustain that employment once they have found work.

Awards within this category are primarily aimed at individuals who meet the qualifying conditions for an Extended Payment (An extended payment is a 4 week benefits run on where a customer moves from an out of work benefit into work to help ease the transition back into work). However, awards may also be considered to those who fall within a similar period of unemployment.

Awards of DHP can also be made where a customer is trying to find employment especially where they are engaging with Brent and taking advantage of one of our initiatives for example Brent Start and Brent Works.

This award category supports the strategic objectives of assisting people in gaining employment or helping customers during the transition into employment. This includes assisting with work attire, travel costs and help for those customers who are struggling with childcare costs.

Supporting education

The intention of this category is to support those claimants, partners or their children who are presently undertaking education where it is considered reasonable to give short term help to sustain their current tenancy.

The awards within this category can be considered where a customer, partner or their children are at a critical point in education (i.e. final exams / assignments), until that period has passed.

Securing sustainable tenancies

The intention of this category is to provide awards (normally one-off) to enable people to secure sustainable tenancies either in or out of Brent. Awards should only be considered where at present the Housing Benefit currently payable does not cover the individual's rent liability (i.e. they need to move to more affordable accommodation or to agree a new tenancy agreement with their landlord).

The awards within this category will generally consist of one or more of the following elements:

- **Removal costs:** These are based on an estimate of the likely costs for removal.
- **Deposits:** Deposits paid in order to help individual's secure new sustainable tenancies in or out of LBB.
- **Rent in advance:** Some tenancies require 1 months' rent upfront on top of a deposit. These would be paid in order to help individual's secure new sustainable tenancies outside of LBB

Deposits and rent upfront will be paid directly to the new Landlord / Agent. It is expected that some funds would be made available to cater for instances where all three of the above would be paid (removal costs, deposit and rent upfront) and that money would also be available to help with individual areas.

Exceptional Hardship

Where a customer's circumstances do not fit into one of those prescribed above and having regard to the financial constraints imposed on Brent by the available funding, a discretionary award may be made by a decision maker where they consider that a customer's circumstances are exceptional and that significant hardship may result in not awarding a DHP.

The claim process

To qualify for a Discretionary Housing payment, a customer needs to make a claim for an award, but the format of that claim is not prescribed. Although a form is available for the purposes of claiming a DHP, it is not necessary to complete one in every case as Brent will accept a claim over the phone or via any other reasonable

method subject to the circumstance of the case. On making an application for Housing Benefit in Brent, customers are also asked whether they would like to be considered for additional financial assistance, which explicitly includes DHP's.

Applications can be made on a customer's behalf by advocates/appointees or by support agencies.

Format of form and accessibility

A form is available [online](#) so that it can be completed by the customer at home, with the assistance of an advice agency or by using the self-service terminals in the Civic Centre.

Decision making

For the purposes of consistency, efficiency and on-going monitoring of the DHP scheme, all staff involved in the decision making process have received the appropriate training and guidance. There is a comprehensive list of award reasons on the back office system for recording those decisions for future analysis and monitoring. The decision on whether to award a DHP and how much is awarded, will always remain with the decision maker and will be based on the individual circumstances on a case by case basis.

If customers have been previously advised by Brent Council about various options that they should explore in order to make their rent more affordable and customers have failed to follow this advice, it may result in future awards of DHP being turned down. Also, if a DHP award has been overpaid during the same financial year, this may affect the customer's future awards amounts.

Review rights

Although there are no statutory rights of appeal in respect of a DHP award decision (either in terms of the decision not to grant an award or in the amount or period of award), Brent provides a non-statutory review of DHP application decisions to customers who request this. In such cases the application will be reviewed by an officer who had no involvement in deciding the original application, with reference to the relevant considerations outlined above, and taking any new information provided by the customer into account.

Requests for DHP's to be reviewed must be submitted via the [Dispute a benefit decision section of the website](#).

Decisions where DHP has been turned down

Officers can make the decision to turn down an application for a DHP. In these circumstances, officers must ensure that the DHP application form, DHP 'No' letter and a detailed completion note are on V360.

Overpaid Discretionary Housing Payments

Overpaid DHP can only be recovered in two circumstances:-

1. Where a person has misrepresented, or failed to disclose, a material fact and as a consequence a payment has been made that would not have been if all facts had been properly presented, or;
2. An error has been made leading to an incorrect award of DHP.

However, as overpaid DHP cannot be recovered from ongoing Housing Benefit, the only method of recovery is by raising a Sundry Debt and following the corporate debt recovery procedures.

The circumstances for which this action is recommended are:-

1. The overpaid DHP can be recovered in accordance with the guidance above, and:
2. The overpayment is over £1,000.

Where the payment has been made to a Registered Provider (Housing Association), recovery should always be sought where 1 and 2 apply. If the overpayment has been made to a customer, discretion is allowed in determining whether to pursue recovery based on the individual circumstances of the case and/or the prospect of recovery. Officers should seek advice from their Team Leader if there is doubt as to whether recovery action is appropriate or not.

In the event that a customer has been overpaid DHP within the current financial year and where a new DHP award is being considered, the decision maker may decide to adjust the new award where appropriate to factor in any unrecovered DHP overpayment.