

POLICY FOR THE AWARD OF DISCRETIONARY HOUSING PAYMENTS

The purpose of Discretionary Housing Payments is to provide further short-term financial assistance with housing costs for existing Housing and Council Tax Benefit customers.

For the purpose of the scheme, housing costs include rent and council tax liability, which are not met in full by normal benefit entitlement.

The main features of the scheme are that:

- It is completely separate from the Housing and Council Tax Benefit schemes apart from the fact that Housing Benefit or Council Tax Benefit must be in payment and the weekly amount of Discretionary Housing Payment awarded must not exceed the maximum Housing Benefit or Council Tax Benefit that could be awarded in a case
- The operation of the scheme is at the Council's discretion
- The claimant does not have a statutory right to a payment
- The amount that the Council can pay out in any financial year is cash limited by the Secretary of State
- To apply for a payment the claimant must have a Housing and/or Council Tax Benefit entitlement, and demonstrate that they are suffering from financial hardship as a direct result of the housing costs
- Payments cannot be made in respect of housing costs that are otherwise not eligible for Housing Benefit, for example, fuel charges included in the rental liability

Statement of Objectives

The Council has the discretion to award Discretionary Housing Payments to claimants whose circumstances meet the criteria set down in this policy. All applications will be assessed on their individual merits and the Council will operate this policy to:

- Alleviate poverty
- Safeguard people's housing, preventing evictions and homelessness
- Help people through personal crises and difficult times
- Encourage and sustain people in employment
- Provide a temporary solution to enable people to make choices regarding their living accommodation
- Support vulnerable people within the community

Claiming a Discretionary Housing Payment

- A claim must be made on an approved form issued by the Council
- The application must be made by the person claiming the Housing and/or Council Tax Benefit
- The Council may request any reasonable additional evidence to support the application. The request will be made in writing and will allow the claimant a reasonable time limit in which to provide the information

- The Council will refer applicants where appropriate to the Housing Options Service and all those with potential long term needs will be referred to this service in the first instance
- Once all available evidence is returned a decision regarding the award will be made and the claimant will be notified of the decision in writing
- If, after requested, additional information is not supplied, a decision regarding the award will be made and the claimant will be notified of the decision in writing
- The Council can contact third parties to verify information, where the claimant has consented to this

Period of award

Both the level and duration of the award are at the Council's discretion, relating to:

- The date on which the Council received the application
- The date on which the period of Housing and/or Council Tax Benefit commenced
- The term of the tenancy
- The amount of the housing cost short fall, not met by normal benefit entitlement

Factors used to determine eligibility for an award

When deciding the length and amount of the award the Council may take into account the following factors:

- The amount of Housing and Council Tax Benefit in payment
- Whether the amount of rent has been restricted by a Rent Officers decision and whether a pre-tenancy determination was requested prior to accepting the tenancy
- The circumstances surrounding the claimants move, if applicable
- Details of previous accommodation and rent charged, if applicable
- The financial/medical and social circumstances of the claimant and other members of their household
- The income and essential expenditure of the claimant and household
- Any savings and investments held by the claimant or other family members which could be used to help their financial situation
- Whether family members external to the household help in any way towards the financial expenditure
- The level of indebtedness of the claimant and their family
- Whether a notice to quit, in respect of the tenancy, has been issued
- Whether alternative accommodation would have detrimental effects on the claimant or other family members, for example children's schooling, health matters of the household
- Any steps taken by the claimant to help themselves, for example:
 - Negotiating with their landlord for a reduction in their rent
 - Looking for alternative cheaper accommodation
 - What financial advice they have sought to alleviate their situation, for example Citizens Advice Bureau or Welfare Rights
 - What advice they have sought from the Council's Housing Options Advisers regarding their accommodation
- Whether a person's ethnicity or disability is having or has had an adverse effect on their housing options or financial circumstances
- The impact a non-award of a Discretionary Housing Payment would have on the claimant.

The Council will also consider:

- The amount of Discretionary Housing Payment budget which they have for the financial year
- The ability to make future payments to other claimants

An award of Discretionary Housing Payments does not necessarily make the claimants eligible to receive the payment again once the initial award runs out. This applies even if the claimant's circumstances remain the same.

Notification

The Council will inform the claimant of the outcome of their claim, in writing, in every case.

Rights of Appeal

Discretionary Housing Payments are not payments of Housing and/or Council Tax Benefit and are therefore not subject to the statutory appeals procedure that governs those benefits. The Council will deal with requests for reviews and appeals in the following ways:

- The person who claimed Discretionary Housing Payments can ask us to explain our decision at any time. We will contact the claimant to explain our decision within 14 days of receiving their request
- A request for a review or appeal must be made in writing within one calendar month of notification of the outcome of the application being sent to the claimant
- Where a request for a review or appeal is made within the time limit and in writing the Council will conduct a review of the determination, this will be done by a senior officer different to the one who made the initial decision and the outcome will be notified in writing
- Following an internal review, if the claimant is still not satisfied, the matter would be dealt with through the Council's Corporate Complaints Procedure
- The Council may review an application if an internal error is discovered

Recovering Discretionary Housing Payments

The circumstances of each overpayment will be considered, for example:

- Whether the overpayment is as a result of a misrepresentation of facts by the claimant
- Failure by the claimant to report a change of circumstances
- A change in the claimant's normal entitlement to Housing and/or Council Tax Benefit
- Official Error

The Council will seek to recover any amount that is overpaid, that is deemed recoverable.

Referrals

Referrals for consideration of an award of Discretionary Housing Payments may be accepted from:

- Housing Options Advisors
- Welfare Rights Team
- Adult Services

Liaison

Liaison will take place between:

- The Discretionary Housing Payments decision maker
- The Housing Options Advisors
- The Welfare Rights Team
- Adult Services

Liaison will ensure:

- Claimants are referred for further assistance in relation to housing option advice, financial advice, and accessing other Welfare Benefits, where appropriate
- Claimant's circumstances in relation to advice sought, is confirmed
- All circumstances are considered in the decision making process
- Feedback is provided regarding individual decisions, if applicable

Publication

Darlington Borough Council will pro-actively promote the Discretionary Housing Payments scheme by working in partnership with Voluntary and Statutory Organisations to promote availability and take-up of Discretionary Housing Payments. The Council will publicise the existence of the scheme on dedicated leaflets and posters, on the literature sent out with all benefit notification letters, in appropriate publications issued by the Council and on the Council's website. The Council will ensure that frequent training is provided for front line staff to ensure their knowledge of the scheme is both relevant and up to date.

Summary

The Discretionary Housing Payment scheme provides the Council with some flexibility to provide further assistance towards housing costs. Although this flexibility is restricted by the designated cash fund, we will deal with each application purely on its merits, and we will treat all persons who apply equally and fairly, adhering to the Council's Equal Opportunities Policy. This policy will ensure that there will be consistency in the allocation of these funds and that it reaches those most in need.