

North Ayrshire Council Discretionary Housing Payment Policy

1 Introduction

1.1 Section 2(1) of the Discretionary Financial Assistance Regulations 2001 provides the Council with the discretion to make payments by way of financial assistance (“discretionary housing payments”) to persons who—

(a) are entitled to housing benefit; and

(b) appear to such an authority to require some further financial assistance (in addition to the benefit or benefits to which they are entitled) in order to meet housing costs.

(2) Subject to paragraph (3) and regulations 4 and 5, a relevant authority has a discretion:

(a) as to whether or not to make discretionary housing payments in a particular case; and

(b) as to the amount of the payments and the period for, or in respect of which, they are made.

1.2 *From April 2013, DHPs will be extended to people receiving Universal Credit (UC) providing they have a rental liability and are eligible for support towards housing costs. In essence, this means a person claiming UC who would have been eligible for Housing Benefit (HB), remains eligible for DHPs*

2 Funding and eligibility

2.1 The Discretionary Housing Payments (Limit on Total Expenditure) Revocation (Scotland) Order 2014 removed the 25% limit imposed on discretionary housing payments expenditure on local authorities in Scotland from 1st April 2014.

2.2 *Up to 31st March 2017, the Council used funding provided by the Department for Work and Pensions and Scottish Government to administer the Discretionary Housing Payment Scheme. From 1st April 2017, the DWP will no longer provide DHP funding. The Scottish Government and the Council will responsible for funding of the DHP scheme.*

- 2.3 A customer must be in receipt of Housing Benefit or Universal Credit (Housing Element) to be considered for, and receive a DHP payment.

3. Policy aims and objectives

- 3.1. To distribute equitably the DHP funding to benefit claimants that meet the qualifying criteria, and to promote the following Council objectives:

- ❖ Prevention of homelessness
- ❖ Sustain tenancies and safeguard residents in their homes
- ❖ Assist households move into more affordable accommodation
- ❖ Alleviate poverty
- ❖ Prevent hardship
- ❖ Support vulnerable young people in the transition to adult life
- ❖ Encourage residents to seek and sustain employment
- ❖ Help those who are trying to help themselves
- ❖ Keep families together
- ❖ Support the vulnerable in the local community
- ❖ Help claimants through personal crises and difficult events.

- 3.2. In particular the Council wishes to support the following groups of people to remain in their current property, or local area:

- ❖ Families with children at a critical point in their education
- ❖ Young people leaving the Council's care
- ❖ People who would suffer a significant reduction in their quality of life if they had to leave the local area
- ❖ People who have been previously homeless
- ❖ People subject to domestic violence
- ❖ People temporarily absent from their home
- ❖ People with a disability or in need of care
- ❖ Foster carers & kinship carers
- ❖ People moving into work or undertaking employment related training
- ❖ People moving into affordable accommodation
- ❖ Large families with no suitable alternative accommodation

- 3.3. To ensure as far as possible all customers are made aware of the availability of discretionary housing payments.

- 3.4. To ensure that all agencies supporting customers are made aware of the funding available and how it can be utilised to support their client group.

4. Exempt from DHP

4.1 DHP will not be paid to a claimant under the following circumstances:

- ❖ Where a tenancy was not affordable when taken on.
- ❖ When benefit fraud has been committed.
- ❖ Where a benefit in payment is subject to a reduction direction, sanction or suspension.
- ❖ Services charges which are ineligible for Housing Benefit.
- ❖ Where rent charges have increased due to outstanding levels of rent arrears.

5. Level and period of award

- 5.1 An application must be made in writing or by telephone to receive a DHP.
- 5.2 The level and period of award will be based on the individual circumstances of the applicant.
- 5.3 In the case of a shortfall the amount of DHP will not exceed the weekly eligible rent of the applicant.
- 5.4 In the case of lump sum payments no period will apply but due regard will be given to the DHP funding available.
- 5.5 Payment may be made to the applicant, agent, appointee, and landlord or directly into the rent account as required.
- 5.6 Payment of a DHP will stop if an applicant fails to disclose a material fact or obtained the funds under false pretences or the payment was made in error.
- 5.7 The level and period of award will be reviewed if there is a change in the circumstances of the applicant.

6. Recovery of overpaid DHP

6.1 The Council will recover all overpaid Discretionary Housing Payment.

7. The Right of Review

- 7.1 There is no statutory right of appeal against a DHP. The applicant (or their appointee or agent) who disagrees with a DHP decision may request the Benefits Service for a review of that decision.
- 7.2 A request for a review must be made in writing to the Benefits Service within 20 days of the written decision about the DHP being issued to the benefit claimant.
- 7.3 An officer from the Benefits Service who was not involved in the original decision will consider the request for a review.
- 7.4 The reviewing officer will notify the customer of their decision, which will be final and there will be no further right of review by the Council.
- 7.5 Dissatisfied customers may request a judicial review.

8. Policy review

- 8.1 The Council's DHP policy will be reviewed annually by the Senior Manager for Revenues and Benefits the Cabinet will be asked to approve any material changes.