

Discretionary Housing Payment (DHP) Policy

Purpose of the Policy

The purpose of this policy is to specify how East Dunbartonshire's Revenues and Benefits Service will operate the scheme and to indicate some of the factors that will be considered when deciding if a DHP can be made. The Revenues and Benefits Service is committed to working with other departments within the Council and the wider community, such as the voluntary sector and social landlords, to provide an inclusive and holistic approach to addressing financial difficulties. In this context:

- Each case will be treated strictly on its merits;
- All claimants will be treated equally and fairly;
- Where it is apparent that a claimant is not claiming another state benefit they may be entitled to, they will be advised to make a claim and seek advice from CAB in order to maximise their income.

The main features of the schemes are that:

- DHPs are intended to provide additional assistance for housing costs only;
- DHPs are discretionary and are not intended to be a long-term solution;
- Claimants do not have a statutory right to a payment;
- It is currently a cash limited fund;
- The Revenues and Benefits Service decides how the scheme is administered;
- DHPs are not a payment of Housing Benefit (HB) or Universal Credit (UC);
- HB or UC must be in payment, or expected to be in payment, in the benefit week that a DHP is awarded for.

Statement of Objectives

The Revenues and Benefits Service will seek through the operation of this policy to:

- Alleviate poverty;
- Support vulnerable young people in the transition to adult life;
- Encourage East Dunbartonshire residents to obtain and sustain employment;
- Safeguard East Dunbartonshire residents in their homes;
- Help those who are trying to help themselves;
- Keep families together;
- Support vulnerable people in the local community;
- Help claimants through personal crisis and difficult events;
- Support the work of foster carers;
- Support disabled people to remain in adapted properties;
- Support those affected by Welfare Reform changes;
- Allocate the funding received from the Scottish Government for the purposes outlined;
- Help claimants to meet the cost of taking up or securing a sustainable tenancy.

Claiming a DHP

- A claim for a DHP must normally be made in writing. This can be made by downloading the on-line DHP application form, by letter or e-mail;
- On request, the Revenues and Benefits Service will issue the claimant with a DHP application form;

- The claimant will be required to return the form to the Revenues and Benefits Service within one month of its issue with the relevant supporting evidence;
- The Revenues and Benefits Service will request evidence in support of an application;
- The Revenues and Benefits Service reserves the right to verify any information or evidence provided by the claimant.

Awarding a DHP

The Revenues and Benefits Service will decide whether or not to award a DHP and how much any award might be. When making this decision the Revenues and Benefits Service will take into account:

- The shortfall between HB or UC and the rental liability;
- The steps taken by the claimant to make adjustments to their circumstances to alleviate the requirement for a further DHP after their current award ends.
- The medical circumstances (including ill health and disabilities) of the claimant, their partner and any dependants and any other occupants of the claimant's home;
- The evidenced income and expenditure of the claimant, their partner and any dependants or other occupants of the claimant's home;
- Any savings or capital that might be held by the claimant or their family;
- The level of indebtedness of the claimant and their family;
- The exceptional nature of the claimant and their family's circumstances;
- The length of time they have lived in the property and level of DHP previously awarded;
- The amount available in the DHP budget at the time of the application, the requirement to prioritise DHP for foster carers and disabled people living in adapted accommodation, and allocate Scottish Government funding for the intended purposes.
- The possible impact on the Council of not making such an award (e.g. the Council's contribution to the fund subject to budget pressures, the pressure on priority homeless accommodation, loss of funding from the Scottish Government).

Notification

The Revenues and Benefits Service will inform the claimant in writing of the outcome of their application within 14 days of receipt. Where the application is unsuccessful, the Revenues and Benefits Service will set out the reasons why this decision was made and explain the right of review. Where the application is successful, the Revenues and Benefits Service will advise:

- The one-off or weekly amount of DHP awarded;
- Whether it is paid in advance or in arrears;
- The period of the award;
- How, when and to whom the award will be paid;
- The requirement to report a change in circumstances.

Period of Award

The Revenues and 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 usually be the Monday after the written claim for a DHP is received by the Revenues and Benefits Service;
- The DHP will be paid for a minimum period of a week, or as a one-off payment as appropriate.
- The length of award will be a period not exceeding 12 months, but will be considered for a longer period as appropriate to the claimant's circumstances;
- The DHP may be less than the difference between rental liability and the amount of HB or UC paid.
- An award of a DHP does not guarantee that a further award will be made at a later date, even if the claimant's circumstances have not changed.

Method of Payment

The Revenues and Benefits Service will decide the most appropriate person to pay based upon the circumstances of each case. This could include paying:

- The claimant;
- Their partner;
- An appointee;
- Their landlord (or an agent of the landlord) or;
- Any third party to whom it might be most appropriate to make payment.

The Revenues and Benefits Service will pay an award of DHP by the most appropriate means available.

Payment frequency will normally be in line with how Housing Benefit is paid, and as close as possible to the date that Universal Credit is paid.

Changes of Circumstances

The Revenues and Benefits Service may revise an award of a DHP where the claimant's circumstances have materially changed.

The claimant must advise the Revenues and Benefits Service immediately of any change in circumstances that may affect their entitlement to DHP. Failure to notify of a change in circumstances which affects DHP entitlement will result in the award being reviewed, and any further action as appropriate.

Backdated Requests

The Revenues and Benefits Service will consider any reasonable request for backdating an award. However, these will be limited to the current financial year.

The Right to Seek a Review

DHPs are not payments of HB or UC and are therefore not subject to the statutory appeals process. The Revenues and Benefits Service will operate the following policy for dealing with a review request following 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 DHP:

- A claimant (or their appointee or agent) who disagrees with a DHP decision may request a review. This should be delivered in writing to the Revenues and Benefits Service within one calendar month of the written decision about the DHP;
- The Revenues and Benefits Team Leader or Policy Adviser will review the case. They will review all the evidence held and will make a decision within 14 days of referral or as soon as practicable;
- Where the Revenues and Benefits Team Leader or Policy Adviser decides not to revise the original decision, the claimant will be advised in writing, setting the reasons for their decision;
- The decision made by the Revenues and Benefits Team Leader or Policy Adviser will be final;
- In exceptional circumstances only, all of the above time periods for review may be extended by the Revenues and Benefits Team Leader or Policy Adviser. In deciding to extend, they will take into account any delay in seeking independent advice that was outside the control of the claimant.

Overpayments

- The Revenues and Benefits Service will seek to recover any overpaid DHP;
- An invoice will be issued to the claimant or the person to whom the award was paid;
- The decision letter that notifies a decision that there is an overpayment will also set out the right of review.

Write Offs

The decision not to pursue recovery of an overpayment will be made by the Revenues and Benefits Manager following a written report and recommendation from the Revenues and Benefits Team Leader or the Corporate Debt Team Leader. Each case will be considered on its individual merits and will only be submitted for write off if the claimant can provide valid reasons for not having to repay the overpaid DHP.

All write offs will be in line with the Council's write off policy and procedures as set out in the Financial Regulations.

Fraud

The Revenues and Benefits Service is committed to the fight against fraud. A claimant who tries to fraudulently claim a DHP by falsely declaring their circumstances, providing a false statement or evidence in support of their application, may have committed an offence. Where the Revenues and Benefits Service suspects that such a fraud may have occurred, the matter will be investigated as appropriate and this may lead to criminal proceedings being instigated.

Financial Management and Reporting

The Revenues and Benefits Service will keep records of all DHP claims made, and details of awards. This information will be used to provide:

- Budget profiling and monitoring information.
- Statutory reports on the details of DHP awards to the Department for Work and Pensions.

Accessibility

This policy will be published on the HUB and website.