

DISCRETIONARY HOUSING PAYMENTS

What are Discretionary Housing Payments?

Discretionary Housing Payments (DHP's) are 'free standing' payments, that is, they are not part of the Statutory Housing Benefit scheme. DHP's can only be awarded to top up either an existing Housing Benefit award or the Housing Costs element of a Universal Credit award. They cannot be used to meet the cost of charges that are not eligible for Housing Benefit or Universal Credit housing costs (e.g. heating and lighting of non-communal areas). The amount and duration of the award is entirely at the discretion of the Housing Benefit Service and each case is treated on its own merits.

The fund from which DHP's are made is limited; therefore Wirral Council takes care to ensure that payments go to those claimants in most need of additional financial help in meeting their housing costs.

How can a claim be made?

A claim for DHP will normally be made in writing and signed by the claimant and/or their representative. Claimants should go to www.wirral.gov.uk/dhp to download an application form. A leaflet called 'Discretionary Housing Payments' is also available on the website. Customers who apply for a DHP should whenever possible produce evidence of their income/ outgoings, loans and debts, details about any rent arrears and possession action taken by their landlord and particularly should include details about any disability related costs they incur both regularly or occasionally. Evidence in support of your claim can be up www.wirral.gov.uk/evidence. Claimants should also mention any exceptional circumstances that exist in support of their application.

Discretionary Housing Payments Policy

Wirral Council is committed to ensure the full DHP fund is awarded within each financial year to those claimants who need additional financial help to pay their rent. Each case will be treated strictly on its merits and all customers will be treated equally and fairly. All efforts will be made to establish what additional disability related costs a claimant has. This may mean they have less disposable income with which to contribute towards their rental costs.

A holistic approach will be taken when claimants report they have loans debts and rent arrears. If appropriate and when no other budgeting support is in place, a referral will be made to Wirral Council's Housing Options Team for them to arrange help and support for financial issues and for them to also offer specialist help with housing related issues; whether this is to assist a move to more suitable accommodation or for example liaison with an existing landlord if possession proceedings have started.

Through the operation of this policy Wirral Council will support the vision of the local 2020 plan. Some of the objectives of the plan, which relate directly to this policy are:-

To support people with disabilities to live independently

To help reduce child and family poverty
To help older people to live well
To support good quality housing

Wirral Council will take into account the following in deciding whether or not an award should be made:

- the shortfall between the Housing Benefit or Housing Costs in Universal Credit (UC) and the rental liability
- any steps taken by the claimant to reduce their rental liability, for example seeking a more suitably sized or priced property
- the financial circumstances of the claimant, their partner and any dependants or other occupants in the claimant's home and the financial ability to meet the rental shortfall in part or whole
- the medical circumstances etc of the claimant, their partner and any dependants or other occupants in the claimant's home and the costs both regularly and /or occasionally of all disability related expenditure
- the income and expenditure of the claimant their partner and any dependants or other occupants in the claimant's home
- any savings or capital that might be held by the claimant or their family
- the level of debts of the claimant or the family
- the exceptional nature of the claimant and their family's circumstances
- any possible impact on the Council of not making such an award e.g. the pressure on priority homeless accommodation and associated funding.
- any other special circumstances brought to the attention of Wirral Council.

Wirral Council will decide how much to award based on all of the circumstances. This may not meet the shortfall in its entirety and does not guarantee that a further award will be made at a later date even if the claimant's circumstances remain the same.

If a claimant has a change in their circumstances they should report this promptly as Wirral Council may need to revise an award.

Wirral Council considers that DHP's should usually be seen as a short term emergency fund and should not be considered as a way around any current or future entitlement set out within the Housing Benefit legislation or welfare reforms. However the availability of suitably sized and priced alternative accommodation will be taken into account.

In all cases Wirral Council will decide the length of time for which DHP is awarded on the basis of the evidence supplied and the facts known. The start date of the award will normally be:

- the Monday after the written claim is received unless individual circumstances indicate an earlier date is appropriate.
- DHP cannot be awarded for any period outside an existing HB/Housing Costs in UC benefit period
- the minimum period for which an award will be made is one week and the period will not usually exceed 12 months

Wirral Council will consider any reasonable request for backdating an award but such consideration will usually be limited to the current financial year.

Right to review:

DHP's are not payments of Housing Benefit or Universal Credit and are therefore not subject to the statutory appeals process.

Wirral Council will operate the following policy for dealing with appeals about 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. Wirral Benefits Team use experienced Benefit Processing Officers to consider appeals made. This will be a different Officer from the one who made the original DHP decision.

- a claimant (their appointee or agent) who disagrees with a DHP decision may dispute it. A request for a review must be made in writing within one calendar month of the written decision being issued. Where appropriate Wirral Council will explain the decision by telephone, at interview or in writing and will seek to resolve the matter
- where agreement cannot be reached the Benefit Processing Officer will review the evidence held and make a decision
- where the Benefit Processing Officer decides not to revise the original decision he/she will notify the claimant in writing, setting out reasons for their decision.
- where the claimant is still not satisfied they will be entitled to a further review which must be made in writing within one calendar month of the decision letter. This review will be conducted by the Senior Appeals Officer. The decision will be notified to the claimant in writing. The decision will be final and binding and may only be challenged via the judicial review process or by complaint to the Local Government Ombudsman.

Overpayments:

Wirral Council may seek to recover any DHP found to be overpaid if a claimant has misrepresented information at the time of the application or an error was made when the DHP award was decided.

Overpayments will normally be recovered via an invoice from the person to whom the DHP was paid.

Under no circumstances will recovery be made from any ongoing benefit.

Publicity:

Wirral Council will publicise the scheme and will work with interested parties to achieve this. A copy of this policy statement will be made available for inspection and will be posted on the Wirral website. Information about the total annual amount spent will not normally be made available until the end of the financial year.

Fraud:

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