

REPORT TO: POLICY AND RESOURCES COMMITTEE
REPORT ON: DISCRETIONARY HOUSING PAYMENTS (DHP's)
REPORT BY: EXECUTIVE DIRECTOR OF CORPORATE SERVICES
REPORT No: 457-2015

1.0 PURPOSE OF REPORT

The report proposes the adoption of an updated Dundee City Council Discretionary Housing Payment (DHP) Policy.

2.0 RECOMMENDATION

It is recommended that the committee approve the updated DHP policy as detailed in appendix A and the placing of the policy on the Council's internet and intranet sites.

3.0 FINANCIAL IMPLICATIONS

The budget and sources of funding available in 2015/16 for Discretionary Housing Payments totals £2,174,458 with the breakdown shown below.

Department for Work and Pensions (DWP) - £412,411
Scottish Government estimated contribution to mitigate under Occupancy - £1,612,047
Dundee City Council Contribution - £150,000

4.0 BACKGROUND

The current legislation for Discretionary Housing Payments (DHP's) is the Discretionary Financial Assistance Regulations 2001. DHP's are administered by the Local Authority (the council) and are funded by allocated amounts received from the Department for Work and Pensions (DWP), Scottish Government and an additional optional contribution from the council.

The Discretionary Housing Payments (Limit on Total Expenditure) Revocation (Scotland) Order 2014 revokes the limit on DHP spend in Scotland and its effect is that there is no limit imposed on the expenditure on DHP's in Scotland from the financial year commencing 1 April 2014.

The total annual funding is used to alleviate hardship by providing further financial assistance to those benefit tenants who satisfy the qualifying criteria (which will be outlined for decision makers in operational guidance) and require additional help with their housing costs.

The Scottish Government's contribution of £1.612m will ensure that tenants in Dundee who have been affected by the Social Sector Size Criteria (bedroom tax), will have their reduction in Housing Benefit mitigated by a DHP award on application.

Article VIII of the Minute of the Meeting of the Policy and Resources Committee of 11th March 2013. Report No 72-2013 refers. The Councils DHP policy has been updated and is attached for approval.

5.0 POLICY IMPLICATIONS

This report has been screened for any policy implications in respect of Sustainability, Strategic Environmental Assessment, Anti-Poverty, Equality Impact Assessment and Risk Management.

An Equality Impact Assessment is attached.

6.0 CONSULTATIONS

The Chief Executive, Head of Democratic and Legal Services have been consulted and are in agreement with the contents of this report.

7.0 BACKGROUND PAPERS

None.

DUNDEE CITY COUNCIL
DISCRETIONARY HOUSING
PAYMENT POLICY

2016

DISCRETIONARY HOUSING PAYMENT POLICY

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Dundee City Council

Discretionary Housing Payment Policy

1. Background

The current legislation for discretionary Housing Payments (DHP's) is the Discretionary Financial Assistance Regulations 2001. DHP's are administered by the Local Authority (the council) and are funded by allocated amounts received from the Department for Work and Pensions (DWP), Scottish Government and an additional optional contribution from the council.

The Discretionary Housing Payments (Limit on Total Expenditure) Revocation (Scotland) Order 2014 revokes the limit on DHP spend in Scotland and its effect is that there is no limit imposed on the expenditure on DHP's in Scotland from the financial year commencing 1 April 2014.

The total annual funding is used to alleviate hardship by providing further financial assistance to those benefit tenants who satisfy the qualifying criteria (which will be outlined for decision makers in operational guidance) and require additional help with their housing costs.

The Scottish Government's contribution will ensure that tenants in Dundee who have been affected by the Social Sector Size Criteria (bedroom tax), will have their reduction in Housing Benefit mitigated by a DHP award on application.

This policy document relates to DHP awards with the exception of those which are made to mitigate the Social Sector Size Criteria (bedroom tax). DHPs are paid to all those affected by the Social Size Criteria (bedroom tax) on receipt of a shortened application form.

2. Objectives

The Benefits Service will consider making a payment of a DHP to tenants who meet the qualifying criteria. Each application for a DHP will be treated strictly on its merits and all tenants will be treated equally and fairly when the scheme is administered. The following objectives are linked to the council's corporate aims and objectives and seek through the operation of this policy to:

- Help tenants to sustain their tenancies
- Assist tenants threatened with homelessness
- Assist with the alleviation of poverty
- Support vulnerable young people in the transition to adult life
- Help those who are trying to help themselves
- Assist in keeping families together
- Help tenants through personal and difficult events
- Support the vulnerable residents of Dundee

3. Decision Making

A claim for a DHP should be made on a claim form approved by the council. Application forms are available at www.dundee.gov.uk/benefits/forms

- In deciding whether to make a DHP award the council will take into account the personal and financial circumstances of the tenant, their family and household members.
- The benefit services reserves the right to request and verify any reasonable evidence in support of an application for a DHP claim. The tenant will be asked to provide evidence within one month of such a request although this can be extended in appropriate circumstances.
- If the tenant is unable to or does not provide the required evidence, the benefits service will still consider the application and will take into account any other available evidence including that held on the housing benefit file.
- Decisions will aim to be made within 14 days of all the information required being received, or as soon as possible thereafter.

All claims for DHP will be treated equally and fairly in accordance with the council's policy on race, diversity and equality. The council will endeavour to ensure that no-one who applies for a DHP will be treated less favourably than any other person i.e. irrelevant grounds such as age, disability, genders, religious beliefs, marital status, nationality, race or sexual orientation.

4. What a DHP award cannot be used for

A DHP award cannot be used to cover any of the following

- Service or support charges that are ineligible for Housing Benefit or Universal Credit housing element.
- Any rental liability, if the tenant is getting Council Tax Support but not Housing Benefit or help with housing costs in Universal Credit.
- Any Council Tax liability
- Increases to cover rent arrears which are not eligible for Housing Benefit
- Reductions in benefit as a result of Job Seekers sanctions, Child support sanctions or sanctions following certain benefit related offences.
- Housing Benefit or Universal Credit that is suspended.
- A reduction in housing benefit as the result of anti social behaviour.
- Shortfalls caused by Housing Benefit or Universal Credit overpayment recovery.

5. Period of award

The benefits service will make a decision on the length of time of the DHP award, based on the known facts and the evidence supplied.

The start date of the award will usually be decided as circumstances warrant.

6. The award

In deciding whether to award a DHP, officers will take into account any of the following factors which may be relevant;

- The shortfall between Housing Benefit and the rental liability (net of any ineligible service charges)
- Any steps the tenant has taken to reduce their rental liability
- Any steps taken by the tenant to improve their situation

- The financial, medical or social needs and circumstances of the tenant, their partner and any other persons in the household.
- The income and expenditure of the tenant, their partner and any other member of the household.
- Any savings and capital held by the tenant or family members.
- The level of debt of the tenant and family
- Any exceptional circumstances of the tenant or family members
- Any special reasons which make it necessary or particularly desirable for the tenant to occupy the dwelling in respect of which the liability arises.
- The possible consequences of rent arrears for the tenant or family members, especially if any of them are vulnerable by reasons of age, sickness or disability
- The amount available in the councils DHP budget
- The possible impact on the council of not making an award e.g. the pressure on priority homeless accommodation
- The availability of suitable alternative accommodation
- Any other special circumstances brought to the officers attention.

The Benefits Service will decide how much to award based on all of the circumstances. This may be an amount below the difference between the rental liability and the payment of housing Benefit. An award of DHP does not guarantee that a further award will be made at a later date even if the tenant's circumstances remain the same.

7. Change of Circumstances

Tenants awarded DHP must notify the Benefits Service of any changes to their or any member of their family or household's personal or financial circumstances. The DHP may be revised up or down as appropriate.

8. Notification

The Benefits Service will notify the tenant of the outcome of their DHP application. Where the application is unsuccessful, the Benefits Service will set out the reasons why this decision was made and explain the right of review. If the application is successful the tenant will be advised of;

- The weekly amount of DHP awarded
- The period of the award
- How, when and to whom the award will be paid
- The requirement to report a change in circumstances
- The right to request a review of the decision
- Award decisions will reflect the fact that tenants are expected to make every effort to make adjustments to their circumstances to alleviate the requirement for a further DHP after their current award has ended.

9. The Right of Review

There is no statutory right of appeal against a DHP decision. The Benefits Service will operate the following procedure:

- The tenant or anyone acting on their behalf can request a review of that decision. A request for a review should be made in writing, within one calendar month of the date of the decision notification.
- A senior Officer who was not involved in the original decision will consider the request for review.
- The reviewing officer will notify the tenant in writing of their decision, which will be final and there will be no further right of review.

Tenants who remain dissatisfied have the option of requesting a judicial review.

10. Overpayments

The council will make every effort to minimise DHP overpayments. However, where an overpayment occurs, the decision maker will decide whether it is appropriate to recover the DHP by taking into consideration whether the tenant contributed to the overpayment or could reasonably have been expected to realise that an overpayment was occurring.

Fraudulent overpayments will be recovered.

11. Monitoring

All payments of DHP are recorded on the council's computer system.

Total DHP expenditure will be monitored on an ongoing monthly basis and reported to the Head of Customer Services and IT. The total awarded will be monitored to check that the expenditure will not exceed the budget available.

If during any course of monitoring the budget, or at any point concerns regarding the sustainability of the current processes or criteria arise, recommendations will be made as to where amendments are required to ensure continued support is provided to the most vulnerable individuals.

12. Fraud

The Benefits Service is committed to fighting fraud. Suspected fraudulent DHP applications will be investigated. Submitting a fraudulent claim for a DHP is a criminal offence and offenders may be prosecuted.

13. Publicity

The availability of the DHP scheme is publicised on the Council's Internet and in leaflets. All staff within the Benefits Service and Customer Services are aware of the scheme and are encouraged to proactively advise and assist those people on need of further financial assistance with their housing costs to make an application for DHP.

The Benefits Service is committed to working with other departments within the council and wider community such as the voluntary sector and social landlords to provide an inclusive approach to addressing financial difficulties.

EQUALITY IMPACT ASSESSMENT TOOL

Part 1: Description/Consultation

Is this a Rapid Equality Impact Assessment (RIAT)?		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Is this a Full Equality Impact Assessment (EQIA)?		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Date of Assessment:	9 December 2015	Committee Report Number:	457-2015
Title of document being assessed:		Discretionary Housing Payments	
1. This is a new policy, procedure, strategy or practice being assessed (If yes please check box) <input type="checkbox"/>		This is an existing policy, procedure, strategy or practice being assessed? (If yes please check box) <input checked="" type="checkbox"/>	
2. Please give a brief description of the policy, procedure, strategy or practice being assessed.		Proposal for adoption of an updated Dundee City Council Discretionary Housing Payment (DHP) policy.	
3. What is the intended outcome of this policy, procedure, strategy or practice?		DHP payments to be made to claimants who meet the qualifying criteria. Claims for DHP will be treated equally and fairly.	
4. Please list any existing documents which have been used to inform this Equality and Diversity Impact Assessment.		Discretionary Financial Assistance Regulations 2001. The Discretionary Housing Payments (Limit on Total Expenditure) Revocation (Scotland) Order 2014.	
5. Has any consultation, involvement or research with protected characteristic communities informed this assessment? If yes please give details.		N/A	
6. Please give details of council officer involvement in this assessment. (e.g. names of officers consulted, dates of meetings etc)		Jacqui Kopel Charmaine Wanless	
7. Is there a need to collect further evidence or to involve or consult protected characteristics communities on the impact of the proposed policy? (Example: if the impact on a community is not known what will you do to gather the information needed and when will you do this?)		Collection of statistical information in connection with number of DHP applications received.	

Part 2: Protected Characteristics

Which protected characteristics communities will be positively or negatively affected by this policy, procedure or strategy?

NB Please place an X in the box which best describes the "overall" impact. It is possible for an assessment to identify that a positive policy can have some negative impacts and visa versa. When this is the case please identify both positive and negative impacts in Part 3 of this form.

If the impact on a protected characteristic communities are not known please state how you will gather evidence of any potential negative impacts in box Part 1 section 7 above.

	Positively	Negatively	No Impact	Not Known
Ethnic Minority Communities including Gypsies and Travellers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Gender	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Gender Reassignment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Religion or Belief	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
People with a disability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Age	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Lesbian, Gay and Bisexual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Socio-economic	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Pregnancy & Maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other (please state)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Part 3: Impacts/Monitoring

<p>1. Have any positive impacts been identified?</p> <p>(We must ensure at this stage that we are not achieving equality for one strand of equality at the expense of another)</p>	<p>Support individuals to remain in their homes.</p>
<p>2. Have any negative impacts been identified?</p> <p>(Based on direct knowledge, published research, community involvement, customer feedback etc. If unsure seek advice from your departmental Equality Champion.)</p>	<p>None</p>
<p>3. What action is proposed to overcome any negative impacts?</p> <p>(e.g. involving community groups in the development or delivery of the policy or practice, providing information in community languages etc. See Good Practice on DCC equalities web page)</p>	<p>Promote awareness via voluntary organisations and third sector bodies along with the Council's website and information leaflets. Staff to proactively advise and assist customers in need of further financial assistance to apply for a DHP.</p>
<p>4. Is there a justification for continuing with this policy even if it cannot be amended or changed to end or reduce inequality without compromising its intended outcome?</p> <p>(If the policy that shows actual or potential unlawful discrimination you must stop and seek legal advice)</p>	<p>N/A</p>
<p>5. Has a 'Full' Equality Impact Assessment been recommended?</p> <p>(If the policy is a major one or is likely to have a major impact on protected characteristics communities a Full Equality Impact Assessment may be required. Seek advice from your departmental Equality lead.)</p>	<p>No</p>
<p>6. How will the policy be monitored?</p> <p>(How will you know it is doing what it is intended to do? e.g. data collection, customer survey etc.)</p>	<p>Through the collection of statistical information on DHP applications.</p>

Part 4: Contact Information

Name of Department or Partnership	Corporate Services
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Type of Document	
Human Resource Policy	<input type="checkbox"/>
General Policy	<input checked="" type="checkbox"/>
Strategy/Service	<input type="checkbox"/>
Change Papers/Local Procedure	<input type="checkbox"/>
Guidelines and Protocols	<input type="checkbox"/>
Other	<input type="checkbox"/>

Manager Responsible	Author Responsible
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Signature of author of the policy: Jacqui Kopel	Date: 9/12/2015
Signature of Director/Head of Service: Gregory Colgan	Date: 9/12/2015
Name of Director/Head of Service: Gregory Colgan	
Date of Next Policy Review: 31/1/2017	