



HYNDBURN

The place to be
an excellent council

Discretionary Housing Payments

2021/22

Contents

1 Policy Aim..... 2

2 About this policy..... 3

3 Introduction 3

4 Applications..... 5

5 Notification of decisions 5

6 Reconsiderations 6

7 Subsequent and multiple applications 6

8 Amount and Duration of Award 6

9 Backdating..... 7

10 Payments..... 7

11 Changes of circumstances..... 8

12 Overpayments and recovery 8

13 Complaints 8

14 Equality and diversity..... 8

15 Review/approval..... 8

1 Policy Aim

1.1 Hyndburn Borough Council is the local authority responsible for the administration of Discretionary Housing Payments (DHP’s) in Hyndburn. The Council is committed to the operation of a fair and equitable policy with two main aims:

1. To provide an efficient, proactive and accessible service to our residents. We will administer applications quickly, accurately and fairly.
2. To alleviate poverty, prevent homelessness and to protect vulnerable residents through the award of discretionary housing payments.

2 About this policy

- 2.1 This document outlines the Council's policy intentions for the administration of Discretionary Housing Payments and is used as a framework for our processes.
- 2.2 As part of our commitment to transparency this policy is an accurate record of our DHP practices and will be maintained, updated and published so that it is available to all residents.
- 2.3 The DHP scheme is discretionary by nature and while this policy does not intend to fetter the discretionary aspects of this scheme it is agreed that guidance should be provided. In both the writing of this policy and the administration of this scheme, the Council follows guidance provided by the Department for Work and Pensions at

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/576787/discretionary-housing-payments-guide.pdf

3 Introduction

- 3.1 DHP's can be awarded when a local authority considers that a claimant requires further short term assistance with their housing costs. Claimants must be in receipt of a qualifying social security benefit (including Housing Benefit or the housing element of Universal Credit). The regulations covering DHP's are the Discretionary Financial Assistance Regulations (2001)
- 3.2 Since the introduction of Local Council Tax Support which replaced Council Tax Benefit in 2013 DHP's can no longer be awarded towards Council Tax liability.
- 3.3 This policy's aim is to provide guidance to ensure that the administration of DHPs is reasonable, consistent and fair. DHP's are:
 - Discretionary, in amount, payment and duration;
 - Not statutory payments and as such claimants do not have a right to a DHP award or appeal;
 - Cash limited by the Secretary of State;
 - Separate to payments and administration of Housing Benefit and Universal Credit;
 - Designed to provide temporary financial assistance, not a long term solution.
- 3.4 The Council has a number of objectives in its administration of DHP's:
 - To alleviate poverty;

- To alleviate financial pressures created by Welfare Reform and changes made to statutory benefits on a national level;
- To encourage people to find and remain in employment;
- To safeguard housing and prevent homelessness;
- To support victims of domestic violence with new and/or temporary accommodation;
- To keep families together;
- To support the vulnerable;
- To support the elderly;
- To support young people transitioning to adult life;
- To support children and young people in education;
- To support foster carers in Registered Social Landlord properties;
- To support disabled people living in adapted accommodation.

3.5 A DHP can be awarded where the Council is satisfied that the claimant cannot meet their housing costs from their available income. The Council follows guidance provided by the Department for Work and Pensions on the definition of 'housing costs':

- Reductions in Housing Benefit or Universal Credit where the benefit cap has been applied;
- Reductions in Housing Benefit or Universal Credit following the removal of the spare room subsidy in the social rented sector;
- Reductions in Housing Benefit or Universal Credit as a result of local housing allowance restrictions;
- Rent shortfall due to a rent officer restrictions such as local reference or shared accommodation rate;
- Rent shortfall due to non-dependant deductions in Housing Benefit or cost contributions in Universal Credit;
- Rent shortfall due to income tapers;
- Rent shortfall due to essential expenditure in other areas;
- Rent in advance;
- Rent deposits;
- Removal fees;
- Payments of rent on a second property in exceptional circumstances for example because of domestic violence.

3.6 Rent in advance, deposits and removal fees will be considered if the Council is satisfied that the property is affordable for the tenant, the tenant has a valid reason to move and the deposit, rent in advance or removal fees are reasonable. Exceptions may be made for those fleeing domestic violence and who may not be able to find affordable safe accommodation at short notice. Claimants must already be in receipt of Housing Benefit or the housing element of Universal Credit at the current property in order to qualify.

3.7 DHP's cannot cover some specific elements of 'housing costs':

- Ineligible services charges that are not covered by Housing Benefit or Universal Credit;
- Increases in rent due to outstanding rent arrears;
- Certain sanctions and reductions in benefits;
- Council Tax liability.

4 Applications

4.1 A claim form is attached to this policy at Appendix 1 and is made available as a separate document on our website, in our offices at Broadway in Accrington and on request.

4.2 To apply for a DHP, a claimant must be in receipt of Housing Benefit or the housing element of Universal Credit or, in the case of rent deposits, be entitled to Housing Benefit or the housing element of Universal Credit at the point at which the award is made. The Council will only accept application forms from:

- The claimant (if claiming as a single person);
- The claimant and/or partner (if claiming as a couple) – please note all applications from couples (married or unmarried) must be made jointly;
- An appointee or similar already in place on the claim for Housing Benefit or Universal Credit.

4.3 Claims cannot be made by:

- Landlords;
- Agents;
- Non-dependants;
- Any resident other than the claimant or partner.

4.4 Once an application form has been completed it must be sent to the Council for processing. There are a number of ways to do this:

- By post to Benefits and Revenues, Broadway Offices, Accrington Town Hall, Accrington, Lancashire, BB5 1EZ;
- By hand using our secure post box at our Broadway Offices;
- By email to enquiries@hyndburnbc.gov.uk

4.5 Once an application has been received, the Council aim to process it and to respond to the claimant within two weeks.

5 Notification of decisions

5.1 All decisions will be sent to the claimant in writing. If successful, the award letter will include:

- The amount of the award;
- The duration of the award;
- The payment method.

- 5.2 If a DHP has been refused, the notification letter will include the reasons for the decision and information on how the claimant can have this decision reviewed.
- 5.3 There is no legal requirement to notify a landlord of a DHP award; however we will notify landlords if they are currently receiving direct payments of Housing Benefit and the DHP is to be awarded to them as part of that payment or as a deposit paid to them.

6 Reconsiderations

- 6.1 If a DHP has been refused, there is no right to appeal this decision to a Social Security Tribunal. The route of judicial review is available to claimants as well as the Local Government Ombudsman if there is an allegation of maladministration. Our normal complaints policy applies in the case of most complaints, but not requests for reconsiderations. Claimants can request that their application is reconsidered.
- 6.2 A request for reconsideration should be made to the Council in writing or by email within one month of the date of the original decision being made. The application will then be reconsidered by a more senior officer and the claimant will be notified of their decision in writing.
- 6.3 When making a request for reconsideration, the claimant is encouraged to provide reasons why they think their application should be reconsidered. Only information presented as part of the original application will be considered for reconsideration. If the claimant has had a change in their circumstances which they think will lead to the award of a DHP, we may consider this a new application rather than a request for reconsideration.

7 Subsequent and multiple applications

- 7.1 The Council will only accept one DHP application per claimant (or couple) at any one time. Once a DHP award ends, the claimant is eligible to apply for another DHP award. When considering further awards, we will look to see if the claimant has made any significant changes to their income, expenditure or circumstances which could reduce the need for a DHP.

8 Amount and Duration of Award

- 8.1 The primary purpose of a DHP is to meet on-going rent liability in the short term; DHP's are not intended as a long term or permanent solution to a shortfall in income. The amount and duration of the award is at the Council's discretion however, the Discretionary Financial Assistance Regulations 2001 require that the level of DHP must not exceed the weekly or monthly eligible rent on the home.¹ However, for lump sum payments such as deposits or rent in advance, the sum limits do not apply.

¹ Eligible rent means all the payments specified in Regulation 12(1) of the Housing Benefits Regulations 2006 or the Housing Benefits (Persons who have attained the qualifying age for state pension credit) Regulations 2006, except those specified in Regulation 12 (3)(b)(i) to (iii) of those regulations, i.e. deductions in respect of certain

8.2 When considering the amount of DHP to award, the following will be taken into consideration:

- The amount of Housing Benefit or Universal Credit in payment, however these benefit payments do not reduce the eligible rent limits for payments;
- Steps taken by the claimant to reduce their rent liability;
- Steps taken by the claimant to reduce their household expenditure;
- Steps taken by the claimant to increase their income;
- The household's medical circumstances, health or support needs;
- Whether the award would assist in the prevention of homelessness;
- Whether the award would support employment needs;
- Whether the award would support educational needs of the claimant or members of their household, specifically children and young people;
- Whether the award would support a vulnerable or elderly person;
- Any savings or capital held by the claimant or other member of their household;
- The level of indebtedness of the claimant and their family;
- Any previous DHP awards that have been made;
- The amount of money available in the DHP budget for that financial year.

8.3 The duration of a DHP will be decided on a case by case basis using the following guidance:

- The minimum period for a DHP will be one day;
- A DHP will not normally be awarded for more than 6 months;
- The Council has the discretion to extend awards beyond 6 months if we consider the circumstances of the claimant to merit an extension;
- A DHP cannot be awarded for any period outside of any Housing Benefit or Universal Credit award period.

8.4 The Council will normally consider the start date of the DHP to be either:

- The Monday following the date on which the claim was received by the Council; or
- The date, on which entitlement to Housing Benefit or Universal Credit began, providing that the DHP claim is made within one month of that date.

9 Backdating

9.1 A DHP will not normally be backdated, however all applications will be looked at on a case-by-case basis and the Council will consider backdating if deemed appropriate.

10 Payments

10.1 Payments (other than lump sum payments) will normally be made alongside payments of Housing Benefit or in the case of Universal Credit, on a four-weekly payment cycle.

specified service charges. In addition this also includes the maximum amount of housing costs within Universal Credit towards rent liability as specified in within Regulation 26 of Universal Credit Regulations 2013.

10.2 Payment can be made to a number of parties:

- The claimant;
- The claimant's landlord;
- The claimant's appointee or similar;

11 Changes of circumstances

11.1 Claimants are required to notify the Council of any changes in their circumstances which may be relevant to their DHP.

12 Overpayments and recovery

12.1 If a DHP has been obtained as a result of misrepresentation or failure to disclose a material fact, the Council will recover the money through its normal Overpayment recovery methods, with the exception of deductions made from ongoing Housing Benefit payments or Universal Credit.

13 Complaints

13.1 Complaints about the handling of any DHP will be dealt with in accordance with the Council's general complaints policy.

14 Equality and diversity

14.1 A Customer First Analysis has been conducted. No adverse impact has been identified that may discriminate against any group with a protected characteristic as defined by the Equality Act 2010.

15 Review/approval

15.1 This policy will be reviewed annually and updated if required.



HYNDBURN

The place to be
an excellent council

Discretionary Housing Payments and Council Tax Support Exceptional Hardship Fund

This information guide and application form is for both Discretionary Housing Payments and Council Tax Support Exceptional Hardship Fund payments – as we require very similar information to process these applications we have made it easier for you to apply on one form. However, the two funds are administered separately using different regulations and your application will be assessed twice using different policies which may mean that you are awarded payment from one fund but not both.

Discretionary Housing Payments

Discretionary Housing Payments are payments awarded at the discretion of Hyndburn Borough Council to you if you need short term help towards your rent to support you while you find cheaper housing, re-organise your budget or help with payments for deposits, rent in advance or removal fees. DHP's are not payments of benefit but **you must be in receipt of Housing Benefit or Universal Credit to qualify**. If you are moving into Hyndburn from another borough and wish to apply for help with a rent in advance, deposit or bond, please apply to your current Council. If you are applying for rent in advance, a deposit or bond because you are homeless or you are at risk of becoming homeless, please contact our Housing Advice Team on 01254 388 111 as you may qualify for help under the Council's rent deposit scheme.

Council Tax Support Exceptional Hardship Fund

The Council Tax Support Exceptional Hardship Fund has been set up by the Council to assist applicants of Council Tax Support who are facing exceptional financial hardship. The fund has been created to provide further financial assistance where an applicant is in receipt of Council Tax Support and is suffering exceptional hardship. You must be in receipt of Council Tax Support to qualify.

What happens next?

We may need to contact you to ask you to provide proof of the details you have provided on this form. We aim to write to all applicants within two weeks of receiving their application.

Where to send this form

You can email this form to us at enquiries@hyndburnbc.gov.uk, provide this information by post to the address at the top of this page or by using our secure postbox on the outside of our Broadway Offices.

We are open for enquiries from 9am-5pm on weekdays (Wednesdays from 10am)

Discretionary Housing Payments and Council Tax Support Exceptional Hardship Fund

Section 1: Your details (the applicant)

Your Housing Benefit Council Tax Support reference number

8

0

Your Title:

Your surname:

Your first name(s):

Your date of birth:

Your full address:

Postcode:

Preferred telephone number:

Email address:

If someone else is helping you with this form, please give their details:

Their surname:

Their first name(s):

Their full address:

Postcode:

Their preferred telephone number:

Relationship to you:

Please tell us which fund you are applying for:

DHP

(for help with your rent)

EHF

(for help with your Council Tax)

For Discretionary Housing Payments, please tell us why you are applying:

For a
rental
deposit

For rent
in
advance

For
removal
fees

For my
rent

Section 2: about your current circumstances

To help us make a decision we need information about your current financial circumstances and what in particular has caused you hardship. For each answer, if you have any documents to support the information you have provided, please provide it with this form. Originals will be returned to you. Please answer each question with as much detail as you can.

1. What is the address that the request for help is for?

2. How much is the rental deposit/rent in advance? And what period does this cover? **Please provide evidence of deposits or rent in advance.**

3. If you are applying for help with rent in advance, a deposit or bond, have you contacted our Housing Advice Team about the Rent Deposit Scheme?

4. Who is the landlord of the property?

5. How much are the removal fees? **Please provide evidence of charges.**

Questions 5 - 12 are about your rent – please answer these questions if you are applying for a Discretionary Housing Payment for help with your rent:

6. When did you move in to this address? If it was within the last 12 months please provide your previous address.

7. Were you able to afford the rent when you moved in? If so, how?

8. Have you asked your landlord to reduce your rent? If so what was the outcome?

9. If you owe rent, how much do you owe? **Please provide a copy of your rent book and any evidence of rent arrears.**

10. What is your landlord doing to get this money?

11. Have you been served with a notice to quit by your landlord?

12. Do you have anyone that could help you with accommodation or with your rent, even temporarily?

13. If your request is based on a medical need for you or someone in your household, please give any details that you think are relevant to your claim:

Please answer questions 13-16 if you are applying to the Council Tax Support Exceptional Hardship Fund:

14. Is the property undergoing any major structural renovations?

15. Is the property occupied? If not by you, please provide the occupant's details:

16. Please outline other current debts and how you are meeting these payments. Please specify if any debts are subject to any court orders.

17. Please outline how you are paying for utilities and food.

Questions 17-23 are for all applicants.

18. Has there been a death in the household in the last 12 months?

19. Do you have any savings or property here or abroad? **If yes, please provide evidence – e.g. banks statements.**

20. Are you receiving financial support from any other fund or have you applied to any other hardship funds? If so, please tell us which:

21. What are the current circumstances which are causing you hardship?

22. How long do you expect these circumstances to continue?

23. What have you done to improve this situation?

24. Please provide any additional information you think will support your claim. Please continue on a separate piece of paper if you need to:

Section 3: statement of income and expenditure – for all applicants.

Please provide details of all people living with you:

Name	Date of Birth	Relationship to you

Please provide details of all income for you and your partner if you have one:

Type of income	You: £ per week	Your partner: £ per week
Wages		
Jobseeker's allowance (JSA)		
Employment Support Allowance (ESA)		
Incapacity Benefit		
Income Support		
Working Tax Credits		
Child Tax Credits		
Child Benefit		
Pension Credit		
Saving Credit		
Maintenance payments		
Disability Living Allowance		
Personal Independence Payments		
Universal Credit		
Any other income		

Please provide proof of all income listed above.

Please provide details of all expenditure for you and your partner combined if you have one:

Type of expenditure	Amount per week
Rent/Mortgage	
2 nd mortgage or secured loan	
Council Tax	
Water Rates	
Gas	
Electricity	
Food/household expenses	
TV Licence	
Building and contents insurance	
Telephone bills (including all mobile phones)	
Sky or cable television	
Internet or broadband	
Car payments	
Car insurance	
Petrol	
Other travel expenses	
Medication inc. prescription charges	
Clothing/laundry	
Credit cards	
Loans	
Store cards	

Hire purchase agreements	
Socialising (including cigarettes)	
Child care	
Child maintenance	
Student loans	
Court fines	
Any other insurance (inc. life, ill health etc.)	
Any other expenditure (please specify below)	
1.	
2.	
3.	
4.	
Total expenditure:	£

Section 4: declaration

I declare that the information I have given on this form is true and correct. I understand that I may be prosecuted if I try to get a Discretionary Housing Payment and/or Council Tax Support Exceptional Hardship Payment dishonestly. I authorise Hyndburn Borough Council to make enquiries necessary to verify the details I have given on this form.

Your signature:	
Date	

Section 4a: declaration to be signed if you have completed this form on behalf of someone else:

I declare that the information I have given on this form is true and correct. I understand that I may be prosecuted if I try to get a Discretionary Housing Payment and/or Council Tax Support Exceptional Hardship Payment dishonestly on behalf of the person named in Section 1 as the applicant.

I confirm that I have been given permission by the applicant to complete this form on their behalf. I confirm that I understand that I may not be entitled to any information about this applicant or this application as a result of completing this form. I authorise Hyndburn Borough Council to make enquiries necessary to verify the details I have given on this form.

Your signature:	
Date:	