

The Shared Revenues Partnership

Discretionary Housing Payments Policy & Procedures

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1. What is the Shared Revenues Partnership?

- 1.1. The Shared Revenues Partnership ('SRP') is a partnership of three councils: Babergh District Council; Ipswich Borough Council; and Mid-Suffolk District Council.
- 1.2. The councils formed a revenues partnership to enable them to pool staff and resources to create a streamlined and more flexible model of local government for the communities they serve.
- 1.3. Each of the member councils is responsible for administering Housing Benefit and Discretionary Housing Payments ('DHPs') in its area; and each has agreed the policy and procedures below to promote the good administration of its DHP funds.

2. What are Discretionary Housing Payments?

- 2.1. Each year, local authorities receive money from central government to allocate to Housing Benefit claimants and those entitled to the housing costs element of Universal Credit, who appear to need additional help with their housing costs.
- 2.2. Government regulations provide some rules about how the money may be allocated, but otherwise it is for local authorities to decide who receives the money and how much they get. Payments are, therefore, at the discretion of the local authority.
- 2.3. The amount of money available to local authorities is limited and the amount they may spend each year is strictly capped¹.
- 2.4. The councils' aim, therefore, is to use the limited funds available to each of them to help those in greatest need of additional financial assistance with their housing costs.
- 2.5. The policy and procedures below explain how the councils propose to do this.

3. The statutory framework

- 3.1. The councils are able to make DHPs because of powers given by sections 69 and 70 of the Child Support, Pensions and Social Security Act 2000 and the Discretionary Financial

¹ Article 7, Discretionary Housing Payment (Grants) Order 2001

Assistance Regulations 2001 (SI No. 1167), as amended. You will find the relevant legislation by clicking [this link](#) and entering the title of the Act or Regulations.

- 3.2. The Department for Work and Pensions has also issued a [Discretionary Housing Payments Guidance Manual and the Local Authority Good Practice Guide](#) to help local authorities to use their powers lawfully and fairly. You can read the Guidance Manual and Guide by clicking on the link above.
- 3.3. The SRP has had full regard to the legislation, the Guidance Manual and Guide when formulating this policy and the procedures below.

4. Who is eligible for a DHP?

4.1. Your council can only award DHPs if:

- 4.1.1. you make a claim for them²; and
- 4.1.2. you are entitled to either Housing Benefit or Universal Credit, which includes a housing cost element³; and
- 4.1.3. there is a shortfall between the amount of your rent and the Housing Benefit or Universal Credit to which you are entitled⁴; and
- 4.1.4. you appear to need some further financial assistance, in addition to the benefit to which you are entitled, to meet your housing costs⁵; and
- 4.1.5. your need for assistance does not arise because, for example, you are required to pay: certain ineligible service charges; certain sanctions and reductions in your benefit entitlement; increases in rent due to outstanding rent arrears; and water or sewerage charges or council tax⁶.

² Regulation 3, SI 2001/1167

³ Regulation 2(1)(a), SI 2001/1167. You may also be eligible, in respect of a period falling before 1st April 2013, if you were entitled to Council Tax Benefit at that time.

⁴ Regulation 4, SI 2001/1167. If your claim depends on an entitlement to Council Tax Benefit, in the circumstances described above, there must be a shortfall between the Council Tax that you are required to pay and the Council Tax Benefit to which you are entitled.

⁵ Regulation 2(1)(b), SI 2001/1167

⁶ Regulation 3, SI 2001/1167

- 4.2. There is no statutory definition of 'housing costs'. Generally, the councils consider them to mean:
- 4.2.1. the rent that you are required to pay under the terms of your tenancy agreement;
 - 4.2.2. a requirement to pay rent in advance of a tenancy beginning;
 - 4.2.3. deposits; and
 - 4.2.4. administration fees relating to the grant of a new tenancy.
- 4.3. Depending on the circumstances of your case, your council may consider that other lump sums associated with housing need, for example removal costs, fall within the meaning of 'housing costs'.
- 4.4. DHPs are no longer available to help with council tax liability⁷. In very exceptional circumstances, however, your council may agree to backdate an award of DHPs to help you with council tax liability for a period before 1st April 2013.
- 4.5. You will find a list of the charges and liabilities, which may prevent your council from granting you DHPs, if your need for help arises because of them, in Regulation 3 of the Discretionary Financial Assistance Regulations 2001. Regulation 3 is summarised in Appendix A to the [Discretionary Housing Payments Guidance Manual and the Local Authority Good Practice Guide](#). Appendix A is reproduced in Annex A to this document for convenience.
- 4.6. The fact that you meet the statutory criteria, summarised above, does not mean that you will necessarily receive an award of DHPs. It simply means that your council will have a discretion to help you⁸.
- 4.7. Whether your council does so will depend, ultimately, on the circumstances of your claim. The councils have, however, identified a set of common objectives for the allocation of their DHP funds and have illustrated below some of the circumstances that may weigh in favour of- and against an award of DHPs.

5. The councils' discretion: objectives and illustrations

Objectives

- 5.1. The councils' objectives are to use the limited funds available for DHPs to:

⁷ The Council Tax Benefit Abolition (Consequential Amendments) Regulations 2013

⁸ Regulation 2(2), SI 2001/1167

- 5.1.1. alleviate poverty and financial hardship, especially hardship caused by the Benefit Cap and Social Sector Size Criteria;
- 5.1.2. prevent homelessness;
- 5.1.3. help claimants to obtain, live in and keep decent and affordable housing;
- 5.1.4. preserve the health and safety of the claimant's household;
- 5.1.5. prevent the build up of serious debt; and
- 5.1.6. help claimants who are prepared to help themselves to avoid or limit the need for further financial assistance.

Illustrations: circumstances that may weigh in favour of- or against a DHP award

- 5.2. The circumstances in which the councils are asked to award DHPs are many and various; and the fund from which they can award them limited. It is important, therefore, that the councils have the flexibility to decide, in accordance with their objectives, which claims are the most deserving of the limited help available.
- 5.3. This need for flexibility means that it is undesirable to stipulate circumstances in which the councils will or will not make an award: there is no workable 'one size fits all' policy; and an award to one claimant affected by the Benefit Cap (below) will not necessarily result in an award to another.
- 5.4. The councils have, however, identified circumstances that often weigh in favour of- or against an award. They are described below. The list is illustrative and not exhaustive.
 - 5.4.1. *The Benefit Cap* The Benefit Cap came into force in April 2013 and presently, in simple terms, restricts the amount of benefits that a claimant may receive to £350 per week for single claimants and £500 per week for others. For those receiving Universal Credit, the equivalent monthly caps are £1517 and £2167 respectively. These figures may vary from time to time. The Cap is given effect by deducting any excess of benefits from the claimant's Housing Benefit or Universal Credit entitlement, though Housing Benefit claimants remain entitled to at least 50 pence Housing Benefit per week. The councils are keen to help claimants experiencing financial hardship because of the Cap. The DWP has provided additional funding for DHPs to assist claimants who, because of challenging circumstances, cannot move into work

or more affordable accommodation. They include but are not limited to claimants and their families who:

- 5.4.1.1. are living in temporary accommodation;
- 5.4.1.2. are fleeing domestic violence;
- 5.4.1.3. have family care responsibilities;
- 5.4.1.4. cannot move immediately because of health, education or child protection issues;
- 5.4.1.5. are moving to- or have difficulty finding more appropriate accommodation;
- 5.4.1.6. have a dual liability for housing costs.

In these circumstances, financial hardship arising because of the Cap will commonly weigh in favour of a DHP award.

5.4.2. *The social sector size criteria* The social sector size criteria, known colloquially as the 'bedroom tax' or 'removal of the spare room subsidy', have also been in force since April 2013. In simple terms, they reduce a claimant's eligible rent for the purposes of Housing Benefit or Universal Credit by 14% if he or she has one more bedroom than is considered necessary; and 25% if he or she has two or more such bedrooms. The councils are keen to help claimants experiencing financial hardship because of the Size Criteria. The DWP has provided additional funding for DHPs to assist claimants who are living in accommodation that has been adapted significantly to meet the needs of a disabled person. Other claimants, whose circumstances may weigh in favour of a DHP award, include but are not limited to those who:

- 5.4.2.1. do not live in adapted accommodation, but cannot share a bedroom with a spouse or partner because of a long-term medical condition or conditions;
- 5.4.2.2. have approval to adopt a child, or are applying for approval, and who will duly require an extra bedroom for the adopted child;
- 5.4.2.3. are applying for approval to foster a child, or already have approval and need more than one extra bedroom for the fostered children;
- 5.4.2.4. have a disabled child, who cannot share with a sibling because of the disability but does not qualify for the middle or highest rate care component of Disability Living Allowance.

In these circumstances, financial hardship arising because of the Size Criteria will commonly weigh in favour of a DHP award.

5.4.3. *The Local Housing Allowance* The Local Housing Allowance ('LHA') is, in simple terms, the private sector equivalent of the Social Sector Size Criteria and reduces the eligible rent of benefit claimants according to the number of rooms by which they are deemed to under-occupy their accommodation. Before the LHA, the Rent Service applied similar restrictions by setting a Local Reference Rent.

5.4.4. Since 2011, the Government has changed the way in which LHA rates are calculated and has restricted the amount of Housing Benefit that claimants can receive. For example, it has capped the amount of Housing Benefit available for different sizes of accommodation; and raised the age of those affected by the Shared Accommodation Rate from 25 to 35. Transitional protection against the effect of these changes ended in December 2012. Some claimants may, however, still need help to meet the shortfall between the LHA and the rent they are required to pay: for example, those who have been unable to move because of a disability or other significant health problem. Financial hardship arising because of the LHA may, therefore, weigh in favour of a DHP award. In these cases, the councils may consider, for example:

5.4.4.1. the circumstances in which the claimant took his or her tenancy, including the availability of alternative accommodation, advice and assistance at the time;

5.4.4.2. whether the claimant needs to live in his or her current accommodation, or the area in which it is located;

5.4.4.3. whether there is cheaper accommodation in the local area or elsewhere;

5.4.4.4. if the claimant is affected by the Shared Accommodation Rate, whether he or she is able to share accommodation, or requires self-contained accommodation.

5.4.5. *Prevention of homelessness* The councils are keen to use their limited DHP funds to help prevent homelessness. If a claimant faces the prospect of eviction, the councils may - among other considerations - weigh the benefits of a DHP award against the potential cost of homelessness, whether emotional, physical or financial; whether it be to the claimant, members of his or her family or others. The councils may also consider the potential effect of the claimant's inability to pay the rent on the landlord's willingness to let the accommodation in the future.

5.4.6. *Moving to more affordable accommodation* The councils are able to award DHPs to help with one-off, as well as weekly, housing costs, provided the claimant is entitled to Housing Benefit or the housing costs element of Universal Credit for his or her current

accommodation. Examples of such one-off costs might include a deposit, rent in advance or the administration fee for future, more affordable accommodation. The councils are keen to use their DHP funds to help claimants meet the one-off costs of moving to more affordable and sustainable accommodation; and a willingness to move to more affordable and sustainable accommodation is likely, therefore, to weigh in favour of a DHP award. Normally, assistance with one-off costs will however be restricted as follows:

5.4.6.1. Deposit	a maximum of one month's rent plus £50
5.4.6.2. Rent in advance	a maximum of one month's rent
5.4.6.3. Administration fee	a maximum of £150.

5.4.7. *Self-help* The councils aim to use their limited DHP funds to assist those in greatest need of financial assistance. Often, those who are awarded DHPs will have no real choice about where they live or the rent they are required to pay; and will have done all they can to avoid financial hardship. The councils are keen to help those who are prepared to help themselves. If the councils identify steps that a claimant might reasonably take to avoid or limit the need for further financial assistance, the claimant's willingness to take these steps is likely to weigh in favour of a DHP award. Conversely, if it appears that a claimant has not helped him or herself, by taking steps to avoid financial hardship, the failure to do so is likely to weigh against an award of DHPs. Examples of such circumstances may include: spending disposable income on unnecessary items; or failing to take or move to more affordable accommodation when the claimant had the opportunity to do so.

5.5. Ultimately, however, the councils will decide each claim according to its facts, bearing in mind the claimant's known circumstances and the councils' objectives for their limited DHP funds.

6. How to claim

6.1. If you would like DHPs to help you meet your housing costs, you must apply for them. Your council cannot award DHPs unless it receives a claim⁹.

6.2. Your council can accept a claim from you, if you are the person entitled to Housing Benefit or the housing costs element of Universal Credit; or from a person acting on your behalf, if it appears reasonable to do so in all the circumstances. This may be appropriate, for example, if you have a Property and Affairs Deputy, or if another person has Power of Attorney to claim on your behalf.

⁹ Regulation 3, SI 2001/1167

- 6.3.** Generally, your council will expect you to complete its online DHP claim form. You should provide your council with as much information as possible when you complete the form. Generally, the more information the councils have when they receive a claim, the quicker they will be when deciding it. You can access and complete the claim form by clicking [this link](#).
- 6.4.** If you cannot access the online form, in particular because of a disability or other protected characteristic, your council may accept a claim on paper, or orally or by such other means as will enable you to make a claim. You can ask your council about alternative ways of making a claim by contacting your Council using the Contact Information provided at the end of this document.

7. Who will decide the claim?

- 7.1.** A benefit officer will decide your claim. He or she may need- and may ask you to provide the council with further information. If the officer does so, you must provide the information requested within such time as the council thinks appropriate¹⁰. If you fail to provide the required information, the council may not be able to decide your claim and may refuse it.
- 7.2.** The officer will usually follow the 6-stage procedure described in section 8 below when deciding your claim. He or she will also complete the councils' standard form , providing details about your Housing Benefit or Universal Credit entitlement, responses to each stage of the decision-making procedure and the reasons for his or her decision.

8. The councils' approach to DHP claims

- 8.1.** The councils will usually follow a 6-stage procedure when determining your claim for DHPs.

Stage 1: Identifying the cause of financial hardship

- 8.2.** At Stage 1 of the decision-making process, the officer will aim to identify the reason why you are seeking financial assistance with your housing costs. There are countless reasons why you may ask for an award of DHPs. This policy cannot and does not explore all of them. Some common causes of financial hardship, which may lead to a DHP claim, are described above.

¹⁰ Regulation 7, SI 2001/1167

- 8.3.** This process will involve, among other considerations, an assessment of your income and expenditure. In most cases, you will need to demonstrate that you are unable to meet your housing costs from your available income. If you are in receipt of Housing Benefit or local Council Tax support, your council may use the details it already holds about your income and liabilities when assessing your claim; and it may obtain further information from the DWP. It will not take account of income that you receive from benefits, such as Disability Living Allowance, that is specifically intended to meet the costs of living with your disability. Nor will it take into account the expenditure that the benefits are intended to meet, unless the expenditure exceeds the amount of your benefit award. In that case, the councils may take the excess expenditure into consideration.
- 8.4.** In each case the officer will explore and aim to identify the reasons or combination of reasons for the claim, before proceeding to Stage 2.

Stage 2: Assessing the availability of self-help and other measures

- 8.5.** At Stage 2, the officer will consider whether there is anything that you could reasonably do differently to avoid or alleviate the need for further financial support. This might be, for example:
- 8.5.1.** reducing unnecessary expenditure;
 - 8.5.2.** applying for a benefit to which you may be entitled;
 - 8.5.3.** finding or taking up employment;
 - 8.5.4.** addressing an addiction, such as an addiction to alcohol or drugs;
 - 8.5.5.** taking financial advice to make the burden of existing debts more manageable.
 - 8.5.6.** obtaining assistance from another local authority department, for example from a housing department's rent deposit guarantee scheme;
 - 8.5.7.** making use of disregarded savings, or financial assistance from family and friends;
 - 8.5.8.** recovering a deposit from your current landlord; or
 - 8.5.9.** moving to more affordable accommodation.
- 8.6.** Again, the possibilities are countless and will depend on the facts of your case. The councils recognise however that, in some cases, there may be nothing further that you can do to avoid or alleviate the financial hardship you are experiencing.

Stage 3: Assessing your willingness to avoid or alleviate financial hardship

- 8.7.** If the officer identifies steps that you could reasonably take to avoid or alleviate financial hardship, the officer will identify them and consider your willingness to take them. Such steps might include, for example, ensuring: that you have applied for an allocation of more affordable or sustainable accommodation; that you have applied to take part in any local housing

exchange programme; or that you have sought and obtained financial or debt advice. An unwillingness to take steps that you could reasonably take to meet your housing costs is likely to weigh against an award of DHPs. By contrast, a willingness to engage in the steps identified is likely to favour a DHP award.

Stage 4: Is it reasonable to provide further assistance from the limited DHP fund?

- 8.8. The officer will weigh all the known circumstances of your claim in the balance to determine whether it would be reasonable to provide you with further financial assistance from the council's limited DHP funds. The officer will bear in mind, among other considerations, the councils' agreed objectives for the allocation of their DHP funds, the fact that the funds are limited, the fact that demand for an award of DHPs is likely to be high and the consequences of refusing your claim.

Stage 5: What type of DHP award would be appropriate?

- 8.9. If the officer determines that it would be reasonable, in all the circumstances of your case, to make an award of DHPs, the officer will consider what type of award would be appropriate.
- 8.10. Depending on the circumstances of your claim, it may be appropriate to make you a one-off award, to help you with the up-front cost of obtaining more affordable and sustainable accommodation. Alternatively, the officer may decide to award you DHPs periodically for a short term only. For example, a pregnant claimant who under-occupies her home might receive a weekly payment of DHPs to offset the effect of the Social Sector Size Criteria until her child is born. In other circumstances, it may be appropriate to award you DHPs periodically for a longer term. For example, a disabled claimant, who lives in adapted accommodation and is unable to move to more affordable accommodation, might receive a weekly payment of DHPs until the end of the financial year; and again in the next financial year. Exceptionally, your council may make an indefinite award, subject to a requirement, for example, that you inform the council immediately of any material change in your circumstances and co-operate with a periodic review of your claim. This might be appropriate, for example, if there is unlikely to be any material change in a disabled claimant's circumstances or accommodation in the foreseeable future.
- 8.11. The councils will decide the dates on which your DHP award starts and ends on a case by case basis and, if your award is neither a one-off nor indefinite, will provide you with information about how to reapply for DHPs before your award ends.

Stage 6: How much should the award be?

8.12. Regulations limit the assistance that the councils can provide by way of periodic DHP awards. For example, your council can only award you DHPs for periods during which you are or were entitled to Housing Benefit or the housing costs element of Universal Credit¹¹; and the total amount of benefits and DHPs cannot exceed the amount of the rent you are required to pay¹².

8.13. In appropriate cases, however, your council may backdate an award of DHPs to help you meet the cost of rent that has already become due and is now in arrears. This may be appropriate, for example, if a claimant has accrued rent arrears between the introduction of the Benefit Cap and moving into employment; or if a landlord will not allow a claimant to move to more affordable accommodation because he or she is in rent arrears. The councils will not, save in exceptional circumstances, backdate any award of DHPs for more than 1 year before the date on which your claim was made; and they cannot award DHPs for any period falling before 2nd July 2001.

8.14. The regulations do not limit the amount of one-off DHP awards¹³. Normally, however, assistance with one-off, moving costs will be restricted as follows:

- | | |
|-----------------------------------|--|
| 8.14.1. Deposit | a maximum of one month's rent plus £50 |
| 8.14.2. Rent in advance | a maximum of one month's rent |
| 8.14.3. Administration fee | a maximum of £150. |

9. Decisions

9.1. The councils aim to determine each claim for DHPs within 14 days of receiving the claim or any additional information that the council requests. When the benefit officer has decided your claim, he or she will notify you of the decision and the reasons for it in writing, as soon as is reasonably practicable¹⁴. The decision letter will also inform you of your right to ask for a review of the decision and of the time limit for doing so.

10. Payments

10.1. If your claim is successful, your council will then pay the relevant DHP award.

¹¹ Regulation 5(2), SI 2001/1167

¹² Regulation 4, SI 2001/1167. Note that this limitation will not apply if the DHP award is calculated as a 'one off or lump sum to assist, for example, with payment of a deposit or rent in advance or with moving costs.

¹³ Regulation 4, SI 2001/1167

¹⁴ Regulation 6(3), SI 2001/1167

- 10.2.** If you are in receipt of Housing Benefit, the council will usually make periodic DHPs with and at the same frequency as your Housing Benefit payments. If you are in receipt of Universal Credit, by contrast, you will usually be paid any periodic award separately. Your council will usually make periodic DHPs directly to you, but may pay them to another person if it considers it reasonable to do so. Depending on the facts of your case, it may be appropriate to pay your award to an agent or appointee, or directly to your landlord. If you are entitled to a rent rebate, the council may credit the DHP award directly to the rent account for your home.
- 10.3.** If you are made a one-off award to assist, for example, with a deposit or rent in advance, your council will usually pay the award directly to your prospective landlord, or his or her agent.

11. Changes of circumstance

- 11.1.** If you are awarded DHPs and your circumstances later change, you must inform your council of the change as soon as is reasonably practicable. Generally, you will need to inform the council of any change that is relevant to either your eligibility for DHPs or the calculation of your DHP award. Specifically, and by way of example only, you will need to inform your council if:
- 11.1.1.** your income or expenditure changes;
 - 11.1.2.** you are no longer entitled to Housing Benefit or the housing costs element of Universal Credit, or the amount of your entitlement changes;
 - 11.1.3.** there is no longer a shortfall between the amount of your rent and the Housing Benefit or Universal Credit to which you are entitled;
 - 11.1.4.** you no longer need further financial assistance to meet your housing costs.
- 11.2.** Depending on the change, your council may be able to increase the amount of your DHPs, or it may have overpaid you. In either case, it is important that you inform the council of the change.
- 11.3.** Generally, you will be expected to do so by completing the councils' online Change of Circumstances form. You can access and complete the form by clicking this link [insert hyperlink].
- 11.4.** If you cannot access the online form, in particular because of a disability or other protected characteristic, your council may accept notification of a change of circumstances on paper, or orally or by such other means as will enable you to make the change known. You may enquire

about reporting changes in your circumstances using the Contact Information at the end of this document.

12. Overpayments

- 12.1.** There may be occasions when you receive more DHPs than you are entitled to. This may happen, for example, because your circumstances change. For example, you may continue to receive DHPs when you are no longer entitled to Housing Benefit, or the housing costs element of Universal Credit. On occasions, it happens because a claimant has misrepresented the facts of his or her case, or has failed to disclose all of the relevant facts to the council.
- 12.2.** If you or another have received DHPs in error, the council may cancel your DHP award and recover any overpayment from you or the person to whom the DHPs were paid¹⁵. The councils cannot recover the overpayment from any on-going Housing Benefit or Universal Credit entitlement, nor from other benefits. If you do not repay the overpaid DHPs when asked, your council may take action to recover them from you, for example by using debt collection agencies or court action.

13. Reviews

- 13.1.** If you are unhappy with the decision made in your claim, a decision cancelling your DHPs, or a decision that the council has overpaid you and that you are required to repay some or all of your DHPs, you can ask your council to review the decision¹⁶.

Time limits

- 13.2.** Generally, your council will only consider a request to review a decision if the request is made within one calendar month of the date on which the decision was made. It will not consider a request made more than three calendar months after that date; and it will only consider a request made after the one-month- and before the three-month deadlines if, in the opinion of your council's Head of Service, there is a good reason for the lateness of your request.

Requesting a review

- 13.3.** Your council can accept a review request from you; or it can accept a request from a person acting on your behalf, if it appears reasonable to do so in all the circumstances. This may be

¹⁵ Regulation 8, SI 2001/1167

¹⁶ Regulations 6, 7 and 8, SI 2001/1167

appropriate, for example, if you have a Property and Affairs Deputy, or if another person has Power of Attorney to claim on your behalf.

- 13.4.** Generally, your council will expect you to complete its online form when requesting a review and any extension of the one-month deadline for your request. You should provide your council with as much information as possible when you complete the form. Generally, the more information the councils have when they receive a request, the quicker they will be able to complete the review. You can access and complete the form by clicking this link [insert hyperlink].
- 13.5.** If you cannot access the online form, in particular because of a disability or other protected characteristic, your council may accept a request on paper, or orally or by such other means as will enable you to make a request. You can ask your council about alternative ways of requesting a review by contacting your benefits officer using the Contact Information at the end of this document.

Form of review and notification

- 13.6.** The original decision maker will not be involved in deciding the review. The review will be conducted by a benefits officer senior to the original decision maker, usually a Team Leader, and will take the form of a paper exercise. The review officer may ask you for further information to carry out the review. If you are asked for more information, you must provide it within such time as your council thinks appropriate¹⁷. If you fail to do so, the council may not be able to carry out the review.
- 13.7.** The councils aim to complete each review within 14 days of receiving the review request or any additional information that the council requests. The reviewing officer will provide you with written notice of his or her decision and of the reasons for it as soon as is reasonably practicable. The officer will also inform you of your right to request a further review or, as it is described below, an appeal.

14. Appeals

- 14.1.** There is no statutory right to appeal against a decision made on review. If you are unhappy with the first review decision, however, you can ask your council to undertake a further review. For convenience only, a further review is referred to here as an appeal. You can only appeal if you have first asked your council to review the original decision.

¹⁷ Regulation 7, SI 2001/1167

Time limits

- 14.2.** If you would like to appeal against a review decision, you must do so within one calendar month of the date on which the review decision was made.

How to appeal

- 14.3.** As for claims and review requests, your council can accept an appeal from you; or it can accept an appeal request from a person acting on your behalf, if it appears reasonable to do so in all the circumstances. Some of the circumstances in which this may be appropriate are identified above.
- 14.4.** Generally, your council will expect you to set out your appeal in writing when appealing against a review decision. There is no specific form.
- 14.5.** If you cannot write out your appeal, in particular because of a disability or other protected characteristic, your council may accept an appeal orally or by such other means as will enable you to make an appeal. You can ask your council about alternative ways of appealing by contacting your benefits officer using the Contact Information at the end of this document.

Form of appeal and notification

- 14.6.** The review officer will not be involved in deciding your appeal. The appeal will be conducted by an officer senior to the review decision maker, usually the Officer responsible for the Financial Affairs of the Council¹⁸ (known as the Section 151 Officer), and will take the form of a paper exercise. The appeal officer may ask you for further information to decide your appeal. If you are asked for more information, you must provide it within such time as your council thinks appropriate¹⁹. If you fail to do so, the council may not be able to decide your appeal and may refuse it.
- 14.7.** The councils aim to decide each appeal within 14 days of receiving it or any additional information that the council requests. The appeal officer will provide you with written notice of his or her decision and of the reasons for it as soon as is reasonably practicable.

15. Still unhappy with the decision?

- 15.1.** There is no further right of appeal against your council's appeal decision. If you think that the council's decision is wrong, you may - in certain, limited circumstances - seek the High Court's

¹⁸ As defined in Section 151 of the Local Government Act 1972

¹⁹ Regulation 7, SI 2001/1167

permission for a judicial review. If, by contrast, you are unhappy with the way in which the council has administered your claim, rather than the decision it has reached, you may complain using your council's complaints procedure.

- 15.2.** In any case, you should first seek legal advice from the [Citizens' Advice Bureau](#) or from a solicitor. Depending on your circumstances, you may also be able to obtain advice and assistance from the [Disabled Advice Bureau](#), the [SNAP Support and Advice Project](#) or [Ipswich Housing Action Group](#).

16. Publicity

- 16.1.** The councils aim to maximise public awareness of their limited DHP funds and the circumstances in which they may be available. They also aim to administer their DHP funds consistently and transparently. To that end, the councils have agreed that they will:

16.1.1. publish this document on their websites, with accessible information about the availability and limitations of DHPs;

16.1.2. include information about the availability of DHPs in all benefit notification letters;

16.1.3. ensure that all means of accessing their benefits service also enable access to information about DHPs;

16.1.4. ensure that all SRP, public access and appropriate housing staff are educated about the availability of DHPs and the circumstances in which they may be available;

16.1.5. use and apply the DHP policy and procedures flexibly, retaining and exercising, in appropriate cases, an overriding discretion, to enable them to meet their objectives and offer assistance in circumstances where the policy and procedures might otherwise hinder or prevent it;

16.1.6. provide claimants with reasons for decisions about their claims;

16.1.7. provide claimants with a right to review and appeal decisions about their claims;

16.1.8. inform claimants about their review and appeal rights; and

16.1.9. review this policy and these procedures at least every two years to ensure their fitness for purpose.

17. Contact information

- 17.1. If you would like more information about claiming Discretionary Housing Payments or would like to enquire about a claim, please use the contact information below for your council.

Babergh District Council

Address: Babergh District Council, Corks Lane, Hadleigh, IP7 6SJ

Telephone: 01473 825798 (9am to 5pm Monday to Friday)

Email: customer.services@babergh.gov.uk

Online enquiries: [click here](#)

Ipswich Borough Council

Address: Benefits, Ipswich Borough Council, 1E Grafton House, 15-17 Russell Road,
Ipswich, IP1 2DE

Telephone: 01473 432701

Email: benefits@ipswich.gov.uk

Online enquiry: [click here](#)

Mid-Suffolk District Council

Address: Mid-Suffolk District Council, 131 High Street, Needham Market, IP6 8DL

Telephone: 0845 606 6080 or 01473 825798 (9am to 5pm Monday to Friday)

Email: benefits@midsuffolk.gov.uk

Online enquiry: [click here](#)

18. Document review and control

Review

- 18.1. The councils have agreed that the policy and procedures contained in this document will be reviewed at least bi-annually and, to promote consistency, that responsibility for initiating a review or updating this document will lie with the Head of the SRP. All reviews of the policy and procedures will be undertaken by the Joint Board and Joint Committee of the SRP.

Control log

Date	Version	Description	Sections affected
07.02.2012	0.1	Draft	All
13.02.2012	0.2	Final draft	All
16.08.2012	2.0	Updated draft	All
24.08.2012	2.1	Final	All
29.10.2012	2.2	Appeal clarification	6.3 and App 1
21.11.2012	2.3	Appeals for BDC and MSDC cases	6.3 and App 1
31.01.2013	2.4	Review clarification	6.3
11.03.2013	2.5	Corrections	5.1
04.11.2013	3.0	Review and appeal changes	All
24.12.2013	3.1	Appeal response time inserted.	7.2.4.1 and 7.2.5.1
		Refer to on-line form	6.1
26.03.2014	3.2	Addition of starting work process	All
12.03.2015	4.0	Annual review	2, 3, 5, 6 and App 1
20.04.2015	5.0	Complete revision following high court decision in <i>R (Hardy) v Sandwell MBC</i>	All
15.06.2015	5.1	Amended draft revision	All

24.09.15

5.2

Add Appendix A 7.2, 10.2, 14.6 and
content, insert links App. A
and edit for sense

Annex A

What are Discretionary Housing Payments unable to cover?

1.0 These are the elements of a person's rent, and shortfalls in benefit that cannot be met by a DHP under the legislation.

1.1 **Ineligible charges:** service charges which are ineligible for HB cannot be covered by a DHP. These are as specified in Schedule 1 to the Housing Benefit Regulations 2006 and Schedule 1 to the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006. Nor can DHPs cover charges for water, sewerage, and environmental services – as defined and calculated under the HB provisions.

1.2 **Increases in rent due to outstanding rent arrears:** Regulation 11(3) of the Housing Benefit Regulations 2006 and Regulation 11(2) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 refer. This refers to those cases where a claimant's rent is increased on account of outstanding arrears which are owed by the claimant in respect of their current or former property.

1.3 **Sanctions and reductions in benefit:** DHPs cannot meet these because to do so would undermine the effectiveness of the sanctions or reduction in benefit. These are:

- any reduction in Income Support (IS) or income-based Jobseeker's Allowance (JSA(IB)) due to a Reduced Benefit Direction (RBD) for failure to comply with the Child Support Agency in arranging maintenance. The RBD is a reduction in benefit of 40% of the personal allowance and only applies to IS or JSA(IB)
- any reduction in benefit as a result of non-attendance at a work-focused interview. This applies both where the person's HB is reduced and when any other benefit that the person is receiving, such as income support is subject to a sanction
- any reduction or loss of benefit due to a JSA employment sanction. JSA is not payable for the period of sanction if they have contributed towards their unemployed status, for example, by leaving employment voluntarily or failing to attend a prescribed training scheme. In such cases, it may be possible for a reduced rate of JSA to be paid under the JSA hardship provisions
- any reduction in benefit due to a JSA sanction for 16/17 year olds – for certain young people who receive JSA under a Severe Hardship Direction. JSA is not payable for the period of the sanction if they have contributed towards their unemployed status, for example, by leaving unemployment voluntarily or failing to attend a prescribed training scheme, or
- any restriction in benefit due to a breach of a community service order
- any reduction in UC due to a sanction as specified under regulation 100 of the UC Regulations 2013

1.4 **Benefit suspensions:** HB or UC can be suspended either because there is a general doubt about entitlement or because a claimant has failed to supply information pertinent to their claim. In such cases, it would not be permissible to pay DHPs instead. One of the intentions of the suspension provisions is to act as a lever to ensure that the claimant takes the necessary steps to provide the authority with the required information/evidence - paying DHPs could reduce the effectiveness of this lever.

1.5 **Rent, when the person is getting Council Tax support but not HB or help with housing costs in UC:** in other words, when a person is only getting local Council Tax support, you cannot award a DHP towards a rental liability.

1.6 **Shortfalls caused by HB or UC overpayment recovery:** when recovery of an HB or UC overpayment is taking place, such shortfalls should not be considered for a DHP.