



# **The Shared Revenues Partnership**

## **Discretionary Housing Payments Guidance & Procedures**

**October 2018 (Effective 1<sup>st</sup> April 2019)**

**Version 5.5**

# Contents

<b>Section</b>	<b>Content</b>	<b>Page</b>
1.	What is the Shared Revenues Partnership?	3
2.	What are discretionary housing payments?	3
3.	The statutory framework	3
4.	Who is eligible for a discretionary housing payment?	4
5.	The councils' discretion: objectives and priorities	5
	5.1 Objectives	5
	5.2 Priorities	6
6.	How to claim	7
7.	Who will decide the claim?	8
8.	The councils' approach to DHP claims	8
9.	Decisions	11
10.	Payments	11
11.	Changes of circumstance	11
12.	Overpayments	12
13.	Reviews	13
14.	Appeals	14
15.	Still unhappy with the decision?	15
16.	Publicity	15
17.	Contact information	16
18.	Document review and control	18
	Annex A	20

## **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. 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 (DHPs)?**

- 2.1. Each year, local authorities receive money from central government to allocate to Housing Benefit customers 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 capped<sup>1</sup>.
- 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 councils' aim to make short term awards to ease transitions and to give claimants time to seek resolution of their difficulties.
- 2.6. 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 Assistance

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<sup>1</sup> Article 7, Discretionary Housing Payment (Grants) Order 2001

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 you meet the following statutory conditions:

- 4.1.1. you make a claim for them<sup>2</sup>; and
- 4.1.2. you are entitled to either Housing Benefit or Universal Credit, which includes a housing cost element<sup>3</sup>; 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 entitled<sup>4</sup>; 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 costs<sup>5</sup>; 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 including deductions for overpayment recovery; increases in rent due to

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<sup>2</sup> Regulation 3, SI 2001/1167

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

<sup>4</sup> 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.

<sup>5</sup> Regulation 2(1)(b), SI 2001/1167

outstanding rent arrears; and water or sewerage charges or council tax<sup>6</sup>. This is detailed at the end of this policy in Appendix A.

- 4.2. There is no statutory definition of 'housing costs'. Generally, the councils consider them to mean the rent you are required to pay for your accommodation inclusive of eligible service charges. Refer to Appendix A for eligibility of service charges.
- 4.3. DHP's cannot cover ineligible charges or rent arrears. Refer to Appendix A for a full breakdown.
- 4.4. The fact that you meet the statutory conditions, 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 you<sup>7</sup>.
- 4.5. Whether your council makes a DHP award will depend on the circumstances of your claim. The councils have, however, identified a set of common objectives & priorities for the allocation of their DHP funds.

## **5. The councils' discretion: objectives and priorities**

### **Objectives**

- 5.1. The councils' objectives are to use the limited funds available for DHPs to:
  - 5.1.1. alleviate poverty and financial hardship.
  - 5.1.2. prevent & reduce homelessness in line with duties of the Homelessness Reduction Act 2017.
  - 5.1.3. help customers to obtain, live in and keep decent and affordable housing ensuring quality homes for all;
  - 5.1.4. Help customers through personal crisis and difficult events;
  - 5.1.5. Support vulnerable households in the community to maintain their health and wellbeing.
  - 5.1.6. prevent the build up of serious debt; and

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<sup>6</sup> Regulation 3, SI 2001/1167

<sup>7</sup> Regulation 2(2), SI 2001/1167

- 5.1.7.** help customers to manage their household income and assist them in reducing their dependency on DHP awards.
  
- 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.** The Shared Revenue Partnership considers that the DHP scheme should not be regarded as a permanent source of income. It is intended to alleviate immediate financial hardship, offer a period of stability so that changes can be made to personal circumstances and dependency on continuing assistance is reduced.
  
- 5.4.** The councils are keen to use their limited DHP funds to prevent homelessness.

#### **Priorities**

- 5.5.** The councils recognise that there will be occasions where the opportunity for moving to alternative accommodation is not suitable and will in these circumstances consider longer periods of support. However priority consideration will be given to awards that help people who:
  - 5.5.1.** Live in properties with significant disabled adaptations, that are necessary for their families needs;
  
  - 5.5.2.** Have been homeless or are threatened with homelessness;
  
  - 5.5.3.** Are fleeing domestic violence;
  
  - 5.5.4.** Are subject to welfare reform restrictions (e.g. benefit cap);
  
  - 5.5.5.** Are subject to social sector size criteria or Local Housing Allowance restrictions;
  
  - 5.5.6.** Have an unforeseen change of circumstances which impacts their ability to meet housing costs (e.g. loss of job, relationship breakdown, reduction in earned income);
  
  - 5.5.7.** Cannot move immediately due to health, education or child protection issues; or
  
  - 5.5.8.** Are care leavers under 25 years of age.

- 5.6** The councils expect that customers will work towards prioritising their household income to meet primary expenses to alleviate hardship in the medium term. Such examples may include terminating contracts for non essential goods and services, actively seeking to take on or move to more affordable accommodation, undertaking personal budgeting support/financial management advice, engaging with Housing Options team or otherwise being able to demonstrate their efforts in planning to limit their dependency on further awards in the near future.
- 5.7** As Universal Credit replaces Housing Benefit the Council will continue to have powers to make DHPs to help with housing costs and receives government funding for this. Payments can only be made towards eligible housing costs.
- 5.8** The council does not expect to use Discretionary Housing Payments as a general supplement to the level of Universal Credit paid but would make payments in line with its present policy where the Universal Credit housing element was restricted below a claimant's actual rent.
- 5.9** Ultimately, however, the councils will decide each claim according to its facts, bearing in mind the customer'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 claim<sup>8</sup>.
- 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 act on your behalf.
- 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.

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<sup>8</sup> Regulation 3, SI 2001/1167

## 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 appropriate<sup>9</sup>. 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.
- 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. When deciding how to treat income from disability-related benefits such as Disability Living Allowance (DLA) or the Personal Independence Payment (PIP), the Council must have regard to the decision of the High Court in *R v. Sandwell MBC, ex parte Hardy*. This decision places an obligation on the Council to consider each DHP application on a case by case basis having regard to the purpose of those disability related benefits and whether the money from those benefits has been committed to other liabilities associated with disability. Therefore the Council will not take account income that you receive from DLA (Mobility Component) or PIP (Mobility), but may take

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<sup>9</sup> Regulation 7, SI 2001/1167



in to account any DLA (Care Component) or PIP (Daily Living) unless you can show that these monies are required to off-set specific additional expenditure caused or attributable to the disability or illness concerned..

- 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.** consider the letting of any spare rooms;
- 8.5.9.** recovering a deposit from your current landlord; or
- 8.5.10.** 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. Customers should declare the steps they have already taken and when future circumstances may improve. 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; that you have sought and obtained financial or debt advice; or taken steps to reduce unnecessary expenditure.

#### **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 it will consider the impact to the council and household in refusing the request.

#### **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, 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 a DHP periodically for a longer period in support of a long term health condition which prevents a move to more affordable accommodation. In exceptional circumstances your council may make an indefinite award, subject to a requirement, 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 customer's circumstances or accommodation in the foreseeable future.
- 8.11. Regulations require that a DHP can only be considered for a period where the linked HB or relevant award of UC is payable. This is of particular relevance to requests for a period of backdated DHP.
- 8.12. The councils will usually award a DHP from the Monday following the date you make your claim, unless you have claimed within 1 month of a new award to HB or UC or following a change in circumstances.

#### **Stage 6: How much should the award be?**

- 8.13. 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 Credit<sup>10</sup>; and the total amount of benefits and DHPs cannot exceed the amount of the rent you are required to pay<sup>11</sup>.

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<sup>10</sup> Regulation 5(2), SI 2001/1167

**8.14.** The councils may, in exceptional circumstances, consider backdating an award of DHP. The councils will not backdate any award of DHP for more than 12 months before the date on which your claim was made.

## **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 practicable<sup>12</sup> 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.

**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.

## **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:

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<sup>11</sup> 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.

<sup>12</sup> Regulation 6(3), SI 2001/1167

- 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](#).
- 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 paid<sup>13</sup>. 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.

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<sup>13</sup> Regulation 8, SI 2001/1167

## **13. Reviews**

- 13.1.** If you are unhappy with the decision made in your claim, the decision to cancel your DHP, or the 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 decision<sup>14</sup>.

### **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, 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 appropriate, for example, if you have a Property and Affairs Deputy, or if another person has Power of Attorney to act 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 office using the Contact Information at the end of this document.

### **Form of review and notification**

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<sup>14</sup> Regulations 6, 7 and 8, SI 2001/1167

**13.6.** The original decision maker will not be involved in deciding the review. The review will be conducted by a second officer 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 appropriate<sup>15</sup>. 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**

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.

### **Time limits**

**14.1.** 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**

**14.2.** 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.

**14.3.** Generally, your council will expect you to set out your appeal in writing when appealing against a review decision. There is no specific form.

**14.4.** 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 office using the Contact Information at the end of this document.

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<sup>15</sup> Regulation 7, SI 2001/1167

## **Form of appeal and notification**

- 14.5.** 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, and may be the Officer responsible for the Financial Affairs of the Council<sup>16</sup> (known as the Section 151 Officer), this will take the form of a paper exercise and you will not be asked to attend. The appeal officer may ask you for further information to help decide your appeal. If you are asked for more information, you must provide it within such time as your council thinks appropriate<sup>17</sup>. If you fail to do so, the council may not be able to decide your appeal and may refuse it.
- 14.6.** 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 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](#), Home Group 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;

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<sup>16</sup> As define in Section 151 of the Local Government Act 1972

<sup>17</sup> Regulation 7, SI 2001/1167

- 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 customer's with reasons for decisions about their claims;
- 16.1.7. provide customer's with a right to review and appeal decisions about their claims;
- 16.1.8. inform customer's 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 & Mid Suffolk District Council**

Telephone: 0300 123 4000 (9am to 5pm Monday to Friday)

Drop in: 54 Ipswich Street, Stowmarket, IP14 1AD or Sudbury Town Hall, Old Market Place, Sudbury, CO10 1TL

Email: [customer.services@baberghmidsuffolk.gov.uk](mailto:customer.services@baberghmidsuffolk.gov.uk)

Online enquiries: [click here](#)

### **Ipswich Borough Council**

Telephone: 01473 432700

Email: [benefits@ipswich.gov.uk](mailto:benefits@ipswich.gov.uk)

Online enquiry: [click here](#)



**Shared Revenue Partnership**

Grafton House

15-17 Russell Road

Ipswich

IP1 2DE

## 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. 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
24.09.2015	5.2	Add Appendix A content, insert links and edit for sense	7.2, 10.2, 14.6 and App. A
01.04.2017	5.3	Amended in the light of the new DWP DHP Guide and limits uprated	
01.04.2019	5.4	Policy Review following reduced grant funding limit.	

## Annex A

### What are Discretionary Housing Payments unable to cover?

Legislation precludes the following elements of rent, and shortfalls in HB or UC, from being met by a DHP.

**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 and Schedule 1 to the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations. Nor can a DHP cover charges for water, sewerage, and environmental services – as defined and calculated under the HB provisions. The service charge rules for UC can be found in the UC Regulations 2013, Schedule 1.

**1.2 Increases in rent due to outstanding rent arrears:** under Regulation 11(3) of the Housing Benefit Regulations and Regulation 11(2) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations, where a claimant's rent is increased on account of outstanding arrears owed by the claimant in respect of their current or former property, the shortfall cannot be covered by a DHP.

**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);
- 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 IS) is subject to a sanction;
- 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 unemployment 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;
- 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 employment voluntarily or failing to attend a prescribed training scheme;

- restriction in benefit due to a breach of a community service order, or
- reduction in UC due to a sanction as specified under regulations 100 to 114 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, a DHP cannot be paid. 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 a DHP 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.