

# SHEFFIELD BENEFITS SERVICE

## Discretionary Housing Payments Procedure

### Claiming a Discretionary Housing Payment

In order to be considered for a DHP a customer must be entitled to Housing Benefit or Council Tax Benefit for the duration of the period that they are wishing to claim a DHP. Therefore, a DHP claim will only be considered once a decision has been made on a customer's Housing Benefit/Council Tax Benefit entitlement.

DHPs can only be awarded to cover housing costs. This means eligible rent and Council Tax. A DHP cannot be awarded for the following:

- Ineligible service charges (those specified in Schedule 1 to the Housing Benefit Regulations 2006
- Charges for water, sewerage and environmental services (as defined and calculated under the Housing Benefit Regulations 2006;
- Increases in rent due to outstanding rent arrears;
- Liability to meet Council Tax where second adult rebate is payable;
- Any reduction in benefit as a result of a DWP sanction (as defined in the Discretionary Financial Assistance Regulations);
- Any reduction in benefit due to a Benefit Direction arising from the customer not complying with a direction by the Child Support Agency;
- Any reduction in benefit as a result of non-attendance at a work-focused interview;
- Any reduction in benefits due to a Job Seekers Allowance sanction for 16/17 year olds;
- Any reduction or loss of benefit due to a Job Seekers Allowance employment sanction;
- Council Tax where the customer is entitled to Housing Benefit but not Council Tax Benefit, and;
- Housing costs where the customer is entitled to Council Tax Benefit but not Housing Benefit.

DHPs are not payments of Housing or Council Tax Benefits, but are made taking into account any payment of these benefits. The Council's DHP Administration Centre will administer the scheme. A dedicated DHP Officer (DHPO) will have specific responsibility for this task.

The address of the DHP Administration Centre is:

PO BOX 1283  
Town Hall  
Sheffield  
S1 1UJ

The phone number is:

(0114) 273 6983

Telephone contact can be made between the hours of 9.00 a.m. and 5.00 p.m. Monday to Friday.

The customer or his/her representative must make a written claim for a DHP to the council's DHP Administration Centre on a council approved claim form. We will make claim forms available for this purpose and where practicable, issue them within two working days of the DHP Administration Centre receiving a request. Any request for a DHP may be made verbally or in writing and made be made by a customer or someone acting on the customer's behalf.

The claim form invites the customer to state the details of their circumstances. It also contains a budget sheet allowing them to indicate their weekly expenses in order for the application to be assessed.

The customer will be asked to return the claim form within 28 days of its issue in order for it to be considered from the date of enquiry. If it is returned after this period, the claim will be considered from the date of receipt. The DHPO has the discretion to extend the time limit for the return of the form where there are exceptional circumstances.

If a customer requests a DHP within 28 days of the date that their claim for HB/CTB has been fully determined (this includes those cases where an appeal may be lodged against an initial decision), then the claim for DHP will be considered from the date the HB/CTB has been awarded.

If the request for a DHP is made outside of the 28 days from the date the claim for HB/CTB is finally determined, the claim for DHP will be considered from the date the DHP claim was requested. If a customer wishes for the claim for a DHP to be considered from an earlier date than the date the claim was requested, then they must request backdating of the claim for DHP and provide a detailed explanation as to why they were unable to make a claim for a DHP at an earlier date.

## **Decision Making**

When the claim form is returned it is considered by the DHPO and if it is decided that further information is required the DHPO will request this in writing to the customer or his/her representative, giving 28 days for the information to be provided.

If the DHPO is satisfied that all the required information to support the DHP claim has been supplied, the DHPO will make a recommendation to a senior officer (normally the Benefits Customer Liaison Manager) as to whether a DHP should be made.

The Benefits Customer Liaison Manager will consider the recommendation and, taking into account all the information provided, decide whether or not to uphold the recommendation made by the DHPO.

We will endeavour to make a decision within 10 days of receipt of a complete claim being received by the DHP Administration Centre.

The DHPO will issue an appropriate letter to the customer advising of the award of a DHP. Customers will receive written confirmation of the outcome of their application for a DHP within seven days of a

decision being made. This confirmation will include the amount and duration of any award, the reasons for the decision and their right to request a review of the decision.

All decision letters will advise customers whose claim for a DHP has been successful that, at the end of their award period, they can reclaim a DHP. We may, at the discretion of the DHPO, automatically issue a reclaim form to existing customers

The notification will also advise the customer of their duty to report any change in their circumstances that may affect entitlement to the DHP. It will also inform them that we may seek recovery of any overpayment from the person to whom the DHP has been paid.

### **Payment of Discretionary Housing Payments**

Payments are made in one of the following ways:

#### **Rent Allowance cases**

The DHPO raises a payment in the form of a BACS to cover the period of the DHP.

#### **Rent Rebate cases**

Details of the DHP are sent by memorandum to the Financial Services Team, Corporate Finance, who liaise with Rent Services to credit the customer's rent account.

#### **Council Tax Benefit cases**

Details of the DHP are sent by memorandum to the Accounting System and Control Team, Corporate Finance, who liaise with the Council Tax section to credit the customer's Council Tax account.

### **Amount and duration of a Discretionary Housing Payment**

Awards will usually be made for a period of 13 weeks unless the individual circumstances of a case require a differing period.

Customers will be given an opportunity to reclaim at the end of the period of award. If at the time of the initial award it is felt that the accommodation is inappropriate, the customer will be advised to look for alternative ways of alleviating the hardship, for example, moving to cheaper accommodation.

The customer will be asked on the application form to whom any payment should be made. If no indication is given, then the DHP will be paid to whoever receives the Housing Benefit.

In exceptional circumstances, an award may be backdated provided there is also payment of Housing and/or Council Tax Benefit in respect of the backdated period. A DHP may not be backdated to a date before the start date of the scheme, 2 July 2001

If the decision is not to award a DHP, a letter is issued to the customer explaining the decision and advising them that they can request a review by writing directly to the Reviewing Officer at the DHPAC. The customer is advised that they have one calendar month from the date of the decision letter in which to do this. The DHPO has the discretion to extend this time limit in exceptional circumstances.

## Reviewing a DHP decision

Although there are no formal rights of appeal on DHP decisions, customers will be given the opportunity to have a decision on their claim reviewed by a different council officer from the one making the original decision. The right of review will also be given to someone from whom we decide to recover an overpayment of a DHP.

Third parties, such as landlords, will not be given the right of review on decisions other than one where it has been decided to recover an overpayment from them.

Requests for review must be made in writing, although verbal requests will be accepted in certain circumstances e.g. where there are language/literacy problems. Any request for review, either written or verbal, must be received by the DHP Administration Centre within one calendar month of the decision being notified to the customer. The Reviewing Officer may extend this period if there are special reasons for doing so. The customer may be asked to provide additional information in support of the request for review.

Following a review of the decision, the Reviewing Officer will pass their decision back to the DHPO for action.

We will endeavour to ensure that the review takes place within fourteen days of the request being received by the DHP Administration Centre.

If the decision is to uphold the request the DHPO will process the claim in accordance with the normal procedure.

Following a review of the claim, a letter explaining the Reviewing Officer's decision will be issued to the customer. This letter will also inform the customer that the Reviewing Officers decision is final and the customer has no further right of review.

## Overpayments

Customers will be advised of their duty to notify us of any changes in their circumstances that may affect their entitlement to a DHP. These will normally be the changes that affect their entitlement to Housing Benefit or Council Tax Benefit at the address for which the DHP is claimed. They will also be advised that we will seek to recover any overpayment of DHP that they receive.

Where an overpayment of a DHP is identified recovery will be sought from the person to whom it was paid.