

Discretionary Housing Payments (DHP)

For Cabinet on Thursday 19 November 2020

Summary

Lead Member: Tom Dawlings – Portfolio Holder for Policy & Governance

Lead Director: Stephen McGinnes, Director Mid Kent Services

Head of Service: Sheila Coburn, Head of Revenues and Benefits Shared Service

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Classification: Public document (non-exempt)

Wards Affected: All

Approval Timetable	Date
Portfolio Holder	3 November 2020
Finance & Governance CAB	10 November 2020
Cabinet	19 November 2020
Full Council	16 December 2020

Recommendations

Committee recommendations as supported by the Portfolio Holder:

1. That Cabinet adopts the updated Discretionary Housing Payment (DHP) Policy as detailed in the report

1. Introduction and Background

- 1.1 The Council is provided with an annual Discretionary Housing Payment grant by the Department for Work and Pensions in order to provide additional financial support to that awarded through the Housing Benefit scheme.
- 1.2 Discretionary Housing Payments operate outside the main benefit system but for ease of administration are normally paid alongside Housing Benefit.
- 1.3 The payments are limited to providing support with housing related costs for residents in receipt of Housing Benefit or the housing element of Universal Credit. Support is restricted to those within the rental sector and cannot support home owners.
- 1.4 The budget available to Tunbridge Wells Borough Council in 2020-21 is £219,883.
- 1.5 The budget has increased as a result of COVID19 (last year 2019-20 £163,575).
- 1.6 Whilst this represents a significant budget, demand for DHP is high with support targeted to help those households affected by welfare reform or who are homeless or at risk of homelessness.
- 1.7 Last year 2019-20, 172 applicants were awarded a DHP award which was given for reasons such as
 - shortfall in rent whilst moving to a more affordable property
 - removal costs as downsizing
 - partner died, shortfall in rent whilst applying for benefits
 - possession order - paid to prevent eviction
 - assist move from temporary accommodation
- 1.8 The Council already has a Discretionary Payment Policy in place which was last approved in 2017 by Cabinet.
- 1.9 The policy has been updated to provide clarity with the responsibilities of both the claimant and the Council.
- 1.10 On recommendation of Internal Audit, the policy will be updated and approved on an annual basis in future.
- 1.11 The policy sets out the Council's aims in operating the DHP scheme and types of situations that it will prioritise:
 - Help alleviate poverty
 - Encourage employment

- Prevent homelessness
 - Support vulnerable households
 - Provide support at a time of crisis
- 1.12 Claims for DHP are used as an opportunity to review and promote other benefits e.g. unclaimed tax credits. We work closely with other agencies e.g. CAB for debt advice and social landlords to identify and pro actively support vulnerable people

2. Options Considered

- 2.1 Option 1 - The Council could operate a scheme without adopting a policy but this does not make clear the Council's approach for awards. The funding given is on the basis the Council has a policy in place.
- 2.2 Option 2 - Retain the current policy. Retaining the current policy is a consideration, but it has not been revised since 2017.
- 2.3 Option 3 - Adopt the updated policy so it is clear the Council's approach and priorities for awards are revised regularly.

3. Preferred Option and Reason

- 3.1 Option 3 is the preferred option - that the Council adopts the proposed policy in order to provide a transparent process which sets out the prioritisation of awards. The impact of not adopting this revised policy means the Council is working to an out of date policy.

4. Consultation on Options

- 4.1 The policy has been produced in consultation with representation from the voluntary sector, social landlords, Job Centre Plus/DWP, Kent County Council and the TWBC housing team.

5. Implementation

- 5.1 The availability of DHP is promoted through the customer services team, housing team, registered social landlords, private sector landlords and local advice agencies and social media.

6. Appendices and Background Documents

Appendices:

- Appendix A: Discretionary Housing Payment Policy
- Appendix B: Audit Report Discretionary Housing Payments

7. Cross Cutting Issues

A. Legal (including the Human Rights Act)

The administration of DHP is provided through the Discretionary Financial Assistance Regulations 2001. The proposed policy complies with the requirements of the Regulations and with government guidance which states that decisions must be made in accordance with ordinary principles of good decision making, i.e. administrative law. In particular, councils have a duty to act fairly, reasonably and consistently. Each case must be decided on its own merits, and decision making should be consistent throughout the year.

At this stage there are no direct consequences arising from the recommendation that adversely affect individual's rights and freedoms as set out in the Human Rights Act 1998.

Keith Trowell, Team Leader (Corporate Governance), MKLS

Finance and Other Resources

A grant of £219,883 has been allocated to Tunbridge Wells Borough Council by the Department for Work and Pensions in 2020/21, for the award of Discretionary Housing Payments. The grant is ring-fenced and if it isn't spent in year it must be returned. However, it is ensured that the grant is all allocated successfully each year.

Jane Fineman, Head of Finance, Procurement and Parking

C. Staffing

The Revenues and Benefits Team are staffed to administer the DHP scheme.

Sheila Coburn, Head of Revenues and Benefits Partnership

D. Risk Management

There are no risks associated with the implementation of the policy.

Sheila Coburn, Head of Revenues and Benefits Partnership

E. Environment and Sustainability

No impact

Sheila Coburn, Head of Revenues and Benefits Partnership

F. Community Safety

No impact

Sheila Coburn, Head of Revenues and Benefits Partnership

G. Equalities

The policy has not fundamentally changed, but been updated for clarity. The updated policy is not unlawfully discriminatory. The policy provides a clear approach and clarifies the Council's priorities for awards.

The policy will continue to offer sufficient flexibility to take account of a range of housing costs or scenarios, which could include needs relating to protected characteristics, such as disability or age. We have processes in place for determining awards and keep records of successful and unsuccessful applications. Information about age and disability is collected and analysis of this data does not indicate that the policy is unable to account for the needs of applicants with these protected characteristics.

Sheila Coburn, Head of Revenues and Benefits Partnership

H. Data Protection

Data will be collected for the purposes of processing the Discretionary Housing Payment application.

Sheila Coburn, Head of Revenues and Benefits Partnership

I. Health and Safety

No impact

Sheila Coburn, Head of Revenues and Benefits Partnership

J. Health and Wellbeing

No impact except to improve the wellbeing of the resident.

Sheila Coburn, Head of Revenues and Benefits Partnership