

DECLARATION AND WARNING - Any false information or failure to disclose relevant information may lead to a prosecution under the Theft Act 1968 and 1978 or the Social Security Act 1986.

- \* I am currently living at the property for which I am claiming.
- \* The information I have given is true and complete.
- \* I authorise the local authority to verify the information if they wish to do so.
- \* I will write and tell you if there are any changes in my circumstances or my household's circumstances.

We must protect the public funds we handle and so we may use the information you have provided on this form to prevent and detect fraud. We may also share this information, for the same purposes, with other organisations which handle public funds.

The information may also be used for statistical surveys, which means we may pass this information, in confidence, to the Department of Social Security and agencies working on our behalf.

DO NOT DELAY IN RETURNING THIS FORM, OTHERWISE YOUR BENEFIT MAY BE AFFECTED

MUST BE COMPLETED BY ALL APPLICANTS

DECLARATION: I/We have read the declaration and warning above and declare that to the best of my/our knowledge and belief, the information shown on this form is in accordance with that declaration and warning.

Your Signature.....

Date.....

Your partner's Signature.....

.....

Date.....

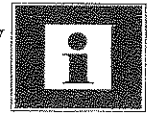
The Council will look again at its decision in the light of representations made by the claimant. Please write to the Council saying why you do not agree with the decision.



### Do I have to inform the Council of any changes?

YES: If your circumstances change in any way, it is a requirement of the benefit legislation that you inform the Benefit section immediately of any changes

### Do you require any more information?

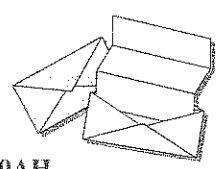


If you require any further information then please contact the Housing and Council Tax Benefit section of the following number:



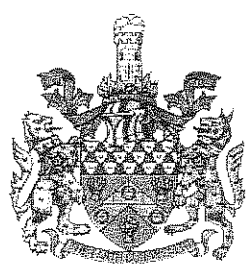
(01283) 221000

Revenue Services  
Civic Offices  
Civic Way  
Swadlincote  
Derbyshire DE11 0AH



SOUTH DERBYSHIRE DISTRICT COUNCIL

## HOUSING AND COUNCIL TAX BENEFIT



### DISCRETIONARY HOUSING PAYMENTS

### APPLICATION FORM

OTHER LEAFLETS WHICH GIVE INFORMATION OR ADVICE ABOUT HOUSING BENEFIT AND COUNCIL TAX BENEFIT

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\* BACKDATED CLAIMS

\* CODE OF PRACTICE FOR THE RECOVERY OF OVERPAYMENTS

\* HOW TO CHALLENGE DECISIONS

\* INFORMATION LEAFLET

\* NOTES ON EXTENDED BENEFIT PAYMENTS

A Discretionary Housing Payment cannot be made if benefit has been suspended either because there is a general doubt about entitlement or because you have failed to supply information for your claim.

Please note that if you are only getting Housing Benefit that you will not be able to get assistance with your Council Tax. If you are only getting Council Tax Benefit, you will not be able to get any help with your rent.

Applications for a Discretionary Housing Payment can be made by giving details over the telephone, writing a letter, sending a fax or by e-mail.

However, it will be of assistance if you will complete as much of the attached application form as you can. This will help the Council to make a decision in your case. Funds for Discretionary Housing Payments are limited so not all applications will be successful.

If the application is from someone acting on your behalf, please make this clear on your application.

Discretionary Housing Payments cannot meet any shortfall between the second adult rebate and the council tax liability.

Other areas where there is a reduction in benefit include cases where there is a reduction in benefit due to a Reduced Benefit Direction or failure to comply with the Child Support Agency in arranging maintenance; any reduction in benefit as a result of non-attendance at a work-focused interview; or any reduction or loss of benefit due to JSA employment sanction.

Any payment awarded is made in addition to any Housing and Council Tax Benefit that has been awarded. The Council only has a certain amount of money it can spend on these payments, so this application form will help the Council to decide if a payment can be made.

To be eligible for a payment, you must be entitled to Housing or Council Tax Benefit, or both, and satisfy the Council that you require further help with housing costs.

Housing costs means your liability for rent or council tax but a number of items are excluded. These include ineligible service charges, charges for water, sewerage and environmental services and increases in rent due to outstanding rent arrears.

Discretionary Housing Payments cannot meet any shortfall between the second adult rebate and the council tax liability.

DISCRETIONARY HOUSING PAYMENTS

**STRICTLY CONFIDENTIAL**

PLEASE ANSWER QUESTIONS IN FULL OR TICK RELEVANT BOXES

Name.....

Address.....

Benefit Reference Number (if known)

Date.....

1. Why did you leave your last address?  
 YES  NO
2. How did you find out about your current property?  
 YES  NO
3. If you are a private tenant, did you ask for a Pre-Tenancy Determination prior to moving into the property?  
 YES  NO
4. If you are a private tenant, have you tried to negotiate with the landlord to reduce the rent?  
 YES  NO

If YES, please provide proof of the refusal to reduce the rent.

5. If you are a tenant, is there a risk that you will be evicted if you cannot pay the shortfall?  
 YES  NO

6. Do you and all members of your household have good health?  
 YES  NO

If NO, please provide details, and supporting medical evidence.

7. Has the property been adapted in any way?  
 YES  NO

If YES, please give details

8. Do you have any family living locally who could give help or financial support?  
 YES  NO

If YES, please give details.

9. Do you have any income that you could use to top up your rent and/or council tax?  
 YES  NO

If YES, how much could you pay towards the shortfall?

£.....per week (Rent)

£.....per week (Council Tax)

10. Do you have any property or belongings that you could sell to help pay the rent and/or council tax?  
 YES  NO

11. Please complete the financial statement at the end of this form and then go on to question 12.

12. Have you claimed the correct benefit entitlement?  
 YES  NO  DON'T KNOW

13. Could you move if the rent or council tax cannot be met?  
 YES  NO

14. Have you attempted to find cheaper alternative accommodation?  
 YES  NO

If YES, please give details of the accommodation, when you found it and why you were not able to move.

15. Have you approached the Citizens Advice Bureau or similar organisation in an attempt to improve your financial situation?  
 YES  NO

16. Any other information in support of your application (a separate sheet can be attached if necessary).

**REQUEST FOR FINANCIAL INFORMATION**

INCOME	Monthly	Weekly
Wages/Salary of the Claimant		
Wages/Salary of any Partner		
WFTC or DPTC		
Income Support/JSA		
Incapacity Benefit		
Other Benefits (specify which)		
State Pension		
Private Pension		
Savings		
Other income or Capital		

**REQUEST FOR FINANCIAL INFORMATION CONTINUED**

OUTGOINGS	Monthly	Weekly
Mortgage or Rent		
Electricity		
Gas		
Water		
Telephone		
TV Licence		
Car Tax/Petrol/Insurance		
Food		
Other (please specify)		

Please use this space to tell us of any other Income or Outgoings which you may have.

# SOUTH DERBYSHIRE DISTRICT COUNCIL

## POLICY FOR THE AWARD OF DISCRETIONARY HOUSING PAYMENTS

### BACKGROUND

From 2 July 2001, a new scheme is being introduced which grants Councils new powers to make Discretionary Housing Payments. (DHP) to top up the Housing Benefit and Council Tax Benefits Statutory Schemes. The legislation governing DHP's can be found in The Discretionary Financial Assistance Regulations 2001 (S1 001 / 1167). (DFA Regulations)

The main features of the new scheme is that

- a claimant does not have a statutory right to a payment
- the amount that can be paid by an Authority in any financial year is cash-limited by the Secretary of State
- the operation of the scheme is for Council's to determine apart from in a few specific areas.
- It is completely separate to the Statutory Housing Benefit and Council Tax Benefit (HB/CTB) Schemes apart from the fact that HB or CTB must be in payment and the weekly DHP amount awarded must not exceed the maximum HB or CTB that could be awarded in the case.

### THE COUNCIL'S POLICY

#### Purpose

The purpose of this policy is to specify how the scheme will be operated by this Council and to indicate the factors that will be considered when deciding if a DHP can be made. The aim is to treat all claimants equally when administering the scheme.

#### **Claiming a DHP**

A claim for a DHP must be made on a claim form approved and issued without charge by the Council

- A claim for a DHP may be made initially in writing or verbally.
- The Council will issue the applicant with its DHP application form for completion. For the claim to proceed, the applicant must return the form to the Council within one calendar month of its issue.
- All applications for a DHP must be made by the benefit claimant of HB/CTB and in the case of a married or unmarried couple as decided for statutory HB/CTB purposes must be made jointly.
- The Council may request any reasonable evidence in support of an application for a DHP. The Council will make such requests in writing. The applicant should provide the evidence within one calendar month. Evidence and information provided to decide the HB/CTB claim may be taken into account.
- If the applicant does not provide the required evidence, the Council will still consider the application. However, the Council may disregard any unsubstantiated statements or draw its own conclusions from other evidence available

- The Council may in any circumstances verify any information or evidence provided by the claimant(s) by contacting third parties, other organisations and the claimant(s).

### **Authorised Decision Makers**

The following Council Officers will make decisions in respect of DHPs:

- Revenues Manager
- Benefit Manager
- Benefit Officer

In the case of any dispute following a DHP decision there will be an independent Internal Review by an officer. If the original decision is upheld an appeal can be made in writing within one calendar month of the notification of the DHP decision. This appeal will be held by the Council's Appeals and Licensing Committee.

### **Period of award**

The Council will decide the length of time for which a DHP will be awarded if a payment can be made under this scheme.

- The minimum period for which the Council will award a DHP is one day.
- The Council cannot award a DHP for any period outside an existing HB/CTB benefit period granted under the HB/CTB statutory scheme
- The Council will usually award a DHP for a period of 6 months.
- The Council will not award a DHP for a period exceeding 12 months.
- The Council will consider any reasonable request for backdating an award of DHP. All such requests should be in writing and clearly give the reasons why the application was not made at an earlier time. The Council reserves its discretion not to make backdated awards of DHP, but in any case will not make awards where:
  - a) the underlying conditions for an award are not met; and
  - b) the application was made more than 6 months after the period for which it is made.

Any delay in deciding the award of HB/CTB under the statutory scheme will be taken into account and in the event that the Council has failed to decide such a claim within the DHP 6 month time limit so as to grant HB/CTB the backdating time limit will be waived and the claimant will have one calendar month from the date of the Statutory HB/CTB claim being decided in which to make a claim for a DHP

### **The amount of DHP awarded**

The award of a DHP will be the exception rather than the normality. The Council will consider whether to award a DHP and the amount of any such award. It will take into account:

- the amount of Housing Benefit or Council Tax Benefit in payment;
- the liability of the applicant to pay rent and council tax, net of any deductions specified by Regulation 3 of the Discretionary Financial Regulations 2001;

- whether a persons maximum Housing Benefit has been restricted by a Rent Officer of the Rent Service or the Council; and if so:
  - a) the amount of the restriction;
  - b) the reason for the restriction;
  - c) the length of time that the restriction has been imposed.
- Steps taken by the claimant to reduce their rental liability
- the circumstances surrounding the application;
- the financial and social health/medical circumstances of the applicant, their partner and any dependants and any other occupants of the applicant's home;
- the income and "essential" expenditure of the applicant, their partner and any dependants or other occupants of the applicant's home;
- any savings or capital that might be held by the applicant or their family or could be made available to the applicant or their family;
- the availability and any steps taken by the claimant(s) to obtain extra income or to reduce expenditure of the applicant or their family;
- the level of indebtedness of the applicant(s) and their family;
- the exceptional nature of the claimant(s) and their families circumstances
- whether there have been any previous awards of DHP; and if so
  - a) the number, length and dates of those awards; and
  - b) what action the applicant has taken to reduce the need for a DHP;
- the impact any award of DHP will have on the Council's budgets and its ability to make further awards of DHP to others within the financial year;
- the impact the non-award of a DHP will have on the applicant and other DHP's.
- The amount of money available to the Council to spend on this scheme within the cash limits specified by the Secretary of State from time to time. The Council may take into account expenditure and estimated committed expenditure.

The award of DHP at one time does not guarantee that a further award will be made at a later date even if the claimant's circumstances remain the same. The Council cannot fetter its discretion in making one decision on a claim with regard to a later claim by the same claimant(s).

The amount of any DHP award will be decided by the Council taking into account the above matters and limited to the statutory limits imposed by DFA Regs. The Council may decide not to award anything or any amount up to the maximum allowed under the DFA Regs.

### **Changes of Circumstances**

As applicants for DHP must be in receipt of Housing Benefit or Council Tax Benefit. They therefore remain under a general requirement to inform us of changes in their circumstances that might affect their claim for HB/CTB.

The Council's policy will be that a change in the applicant's circumstances will not affect the level of their DHP providing:

- they retain entitlement to Housing benefit and/or Council Tax Benefit;
- the level of their Housing Benefit and Council Tax Benefit, plus the DHP does not exceed their rent or council tax liability, less the deductions specified in Regulation 3 of the Discretionary Financial Regulations 2001;
- the change of circumstances was specifically defined as being critical to the award of the DHP in the notification of the award to the claimant(s). the Council may specify charges in circumstances that will need to be notified to the Council as it is considered that the amount or need for a DHP will change on such an event. In these cases the Council may revise the DHP award.

## **Method of Payment**

We will decide to whom to make payment of the DHP based upon the circumstances of each case. This could include:

- the applicant;
- their partner;
- an appointee;
- their landlord (or an agent of the landlord); or
- any third party to whom it might be appropriate to make payment.

We will pay any award of DHP by the most appropriate means available in each case. This could include payment:

- with Housing Benefit or Council Tax Benefits;
  - by cheque
  - by crediting the applicant's council tax and/or rent accounts;
  - by offsetting the DHP against any other liability the applicant or partner has to the Council to reduce indebtedness and reduce their expenditure..

We will decide in each case whether the DHP should be paid in advance or in arrears. We will not usually pay it more than one month in advance unless the total amount due to be paid during the DHP award period is less than £25.

## **Notification**

We will inform applicants of the outcome of the application within 14 days of making a decision about their DHP claim. We will notify:

those whose application is unsuccessful

- the reasons why we have decided not to award a DHP

those whose application is successful

- the weekly amount of DHP awarded;
- whether it is paid in advance or in arrears;
- the period of the award;
- how, when and to whom the award will be paid;
- a summary of the reasons for the award;
- any requirement to notify us of changes in circumstances that could affect the DHP award.

all applicants

- a reminder of the requirement to notify the council of changes in circumstances;
- their appeal rights

## **Appeal Rights**

DHP's are not payments of Housing or Council tax Benefit and are therefore not subject to the statutory benefits appeals mechanism where appeals are decided by the Appeals Service which is an independent statutory body. Appeals will therefore be decided by the Council.

We will therefore operate the following policy for dealing with appeals about DHP's.

- An applicant (or their appointee or agent) who wants an explanation of a DHP decision may request one in writing within one calendar month of notification of the DHP award.
- An applicant (or their appointee or agent) who disagrees with a DHP decision may dispute the decision.
- Any such dispute may be made verbally or in writing, but must be made within one calendar month of the written decision about the DHP being issued to the applicant. Officers will explain the DHP decision verbally to the applicant by telephone or by interview and seek to resolve disagreement. Where this cannot be achieved Officers will formally review the decision.
- The Officers will reconsider the award of any DHP that has been disputed and notify the applicant of the outcome of the review. A review will be suspended if we need more information from a claimant until the information is received.
- In the event that following a internal review of a decision, the Officers decide that the original decision should not be revised, it will pass details of the case to the Council's Appeals and Licensing Committee. If a decision is amended by Officers the appeal will lapse and the claimant will get new appeal rights. The Appeals and Licensing Committee will review the DHP decision and is bound by the Housing and Council Tax Benefit Regulations.

## **Overpayments**

The Council will seek to recover any DHP found to be overpaid. We will seek recovery from the applicant and/or their partner, regardless of how and to whom the DHP was paid. We will do this by invoicing the claimant and/or partner. We will not seek recovery of any overpayment caused through our error. A decision that a DHP is overpaid will be notified by decision letter. An appeal may be made against the decision.

The Council will allow an appeal against a decision that an overpayment of a DHP has been made. These appeals will be allowed on the following grounds only:

- the calculation of the overpayment;
- that the overpayment should not be recoverable as it was caused by Council error.

## **Fraud**

The Council is committed to the fight against fraud in all its forms. Any applicant who tries to fraudulently claim a DHP by falsely declaring their circumstances, providing a false statement or evidence in support of their application, will have committed an offence under the Theft Act 1968.

Any cases where the Council suspects that this has occurred, will be investigated and subject to the actions available within the Council's Anti Fraud policy. This may lead to our commencing criminal proceedings against suspected fraudsters.

We will include a statement on the application form, advising applicants of this.