

REPORT TO People Scrutiny; Executive; Council
Date of Meeting: 3 November 2016; 8 November 2016; 13 December 2016
Report of: Assistant Director Customer Access
Title: Discretionary Housing Payments policy

Is this a Key Decision?

No

Is this an Executive or Council Function? Council

1. What is the report about?

This report seeks member's approval for a Discretionary Housing Payment policy – attached at appendix 1 – that allows the Council to make awards of DHP in a fair, lawful and consistent way.

2. Recommendations:

The report recommends that Council approve the Discretionary Housing Payments policy.

3. Reasons for the recommendation:

The Council can make awards of Discretionary Housing Payments to Housing Benefits and Universal Credit customers who need additional help with housing costs. The aim of this policy is to ensure awards are made fairly and lawfully, supporting the Council's priority of meeting housing need for residents of the City.

4. What are the resource implications including non financial resources.

Discretionary Housing Payments are fully funded by Department for Work and Pensions (DWP) to a level agreed each year (£165,475 for 2016/17) although claims cannot lawfully be rejected on the grounds that the allocated funds have been spent. The level of funding provided by the DWP has always been adequate to meet the level of claims and so expenditure has remained within budget. Adoption of this policy should help to maintain that position as it clearly sets out the Council's aim of supporting people in the short term only and not on an ongoing basis. It promotes people taking ownership of their issues and finding solutions themselves with only short term help from ECC.

5. Section 151 Officer comments:

Adoption of this policy should not have any further financial implications for the Council.

6. What are the legal aspects?

As it is a discretionary fund, we are required to have a policy which sets out how we will exercise our discretion in making decisions on Discretionary Housing Payments. Failure to have a policy which officers follow when administering the scheme could leave us open to legal challenge.

7. Monitoring Officer's comments:

This report raises no additional issues for the Monitoring Officer than those already identified in the report.

8. Report details:

8.1 Discretionary Housing Payments (DHP) funding is given to all local authorities administering Housing Benefit. It is a flexible fund for people in receipt of Housing Benefit or Universal Credit Housing Costs who need extra help with their housing costs. The amount granted by Department for Work and Pensions varies each year in line with changes to Housing Benefit and other welfare benefits.

8.2 The regulations governing the use of DHP allow very broad discretion for local authorities to decide who can be awarded DHP and how much they can receive. The regulations are supplemented by Good Practice Guidance published by Department for Work and Pensions and a limited amount of case law.

8.3 As this is a discretionary fund we cannot have a policy which is unreasonably restrictive or fetters the discretion of decision makers. The policy seeks to highlight groups of customers who we particularly wish to support through the fund and sets out the broad parameters within which individual awards will be decided.

8.4 DHPs play an important role in helping tenants retain their tenancies, prevent homelessness, and enable tenants to move to more affordable accommodation. The payments can cover all or part of a shortfall in a tenant's rent, or cover rent in advance, deposits, and other costs that a tenant may incur to secure a new affordable tenancy. In the year to date half of expenditure has been paid towards the costs of moving, particularly rent deposits. A further 17% of the expenditure has been to support customers in the short term while they secure new, more sustainable accommodation. Decision makers work closely with the Housing Needs team, the PATH private rented team and other partners to deliver flexible additional support. This fund allows us to respond flexibly to local priorities and the impacts of national policies in our communities at no cost to the Authority.

8.5 Due to the limited nature of the fund, DHPs are normally only awarded to provide short term help and not on an ongoing basis. This will allow applicants time to consider their housing options, to take reasonable steps to improve or resolve their situation, and come to a long term sustainable solution. Supporting people in the short term to help them to improve their own situation is a key aim of this DHP policy.

9. How does the decision contribute to the Council's Corporate Plan?

This policy supports Exeter's communities and neighbourhoods by helping residents remain in suitable accommodation and reduces avoidable homelessness. By providing a level of support in addition to mandatory benefits we are able to support complex family and personal situations which are not recognised through statutory entitlement. This enables us to support customers through the transition to work, move to sustainable accommodation, keep families together and ultimately increase financial independence.

10. What risks are there and how can they be reduced?

There are minimal risks to adopting this policy. It protects us from the risk of legal challenge if we don't have a valid policy in place.

11. What is the impact of the decision on equality and diversity; health and wellbeing; safeguarding children, young people and vulnerable adults, community safety and the environment?

Discretionary Housing Payments are available without discrimination to all Housing Benefit or Universal Credit Housing Costs customers with unmet housing costs. The policy includes the objectives to support vulnerable people in the local community, keep families together and safeguard residents in their homes. Providing additional funds in a more flexible way than mainstream benefits plays a valuable role in avoiding more costs to individuals and the wider public purse by reducing the risk of homelessness, helping to keep families together and providing crucial support to vulnerable individuals including those with protected characteristics.

12. Are there any other options?

The Council can choose not to adopt this policy. This would leave the authority vulnerable to legal challenge.

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Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:-

None

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