

The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (Regulation 13(4))

EXECUTIVE DECISION BY OFFICER

Issue Date: 8 March 2013
Decisions to take effect at end of: 15 March 2013

Ref No:	Date of Decision:	Decision Maker (Officer):	Subject to Call-in
OD004	8 March 2013	Corporate Director (Life Opportunities) – Paul Price	Yes

SUBJECT OF DECISION: Exceptional Hardship Policy, Discretionary Housing Payment Policy, Residency Policy

Decision:

To adopt and develop the following policies:

- Residency Policy for the Local Council Tax Support Scheme
- Exceptional Hardship Policy for Local Council Tax Support
- Discretionary Housing Payment Policy (Housing Benefit related)

Reason for Decision:

The Local Council Tax Support scheme ensures that from 1 April 2013, LC TS is only paid to those working age claimants only who have resided in this Council's jurisdiction for at least five years. With regards to the Exceptional Hardship Policy, this is aimed at those who need extra help with their Council Tax only. The Discretionary Housing Policy will enable the Council to help Claimants who need financial assistance with their housing costs.

On 27 November 2013, the Council agreed that "delegation" is given to the Head of Resource Management in consultation with the Portfolio Holder to undertake the necessary steps and actions to implement the new LCTS Scheme from 1 April 2013. Under this delegation, the Corporate Director of Life Opportunities has agreed the above policies in consultation with the Portfolio Holder for Housing, Revenues, Benefits and Sports Facilities.

**Alternative Options Considered
(and rejected – together with reasons):**

None.

Any conflict of interest declared by any executive member who is consulted by the Officer which relates to the decision:

None.

The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (Regulation 13(4))

Executive Decision by Officer

Decision Maker (Officer):	Paul Price Corporate Director, Life Opportunities
Is it a Key Decision?	Yes
Decision Made:	To adopt and develop the following policies: <ul style="list-style-type: none"> • Residency Policy for the Local Council Tax Support Scheme. • Exceptional Hardship Policy for Local Council Tax Support. • Discretionary Housing Payment Policy (Housing Benefit related)
Reason for Decision:	<p>The Local Council Tax Support scheme ensures that from 1 April 2013, LCTS is only paid to those working age claimants only who have resided in this Council's jurisdiction for at least five years. With regards to the Exceptional Hardship Policy, this is aimed at those who need extra help with their Council Tax only. The Discretionary Housing Policy will enable the Council to help Claimants who need financial assistance with their housing costs.</p> <p>On 27 November 2013, the Council agreed that "delegation" is given to the Head of Resource Management in consultation with the Portfolio Holder to undertake the necessary steps and actions to implement the new LCTS Scheme from 1 April 2013. Under this delegation, the Corporate Director of Life Opportunities has agreed the above policies in consultation with the Portfolio Holder for Housing Revenues, Benefits and Sports Facilities.</p>
Alternative Options Considered (and rejected – together with reasons):	NONE
Any conflict of interest declared by any executive member who is consulted by the officer which relates to the decision:	NONE
If so, note of dispensation granted by the Chief Executive:	
Date of Decision:	8 th March 2013

On completion, please forward this to democraticservices@tendringdc.gov.uk

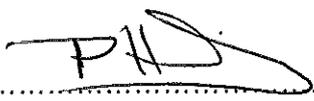
To: Corporate Director
Life Opportunities
Town Hall
Station Road
Clacton on Sea
Essex, CO15 1SE

Re: Discretionary Housing Payment Policy (DHP)
Exceptional Hardship Policy (EHP)
Residency Policy for Local Council Tax Support (LCTS)

On 27 November 2012, the Council agreed that "delegation" is given to the Head of Resource Management in consultation with the Portfolio Holder to undertake the necessary steps and actions to implement the new LCTS Scheme from 1 April 2013. Under this delegation, the Corporate Director is requested to agree to the above policies in consultation with the Portfolio Holder. The EHP and Residency Policies relate specifically to the LCTS Scheme.

The Corporate Director for Life Opportunities therefore seeks the Portfolio Holder's concurrence to adopt and implement the Policies listed above.

I concur / ~~do not concur~~ with the action to propose.

Signed 
Cllr Paul Honeywood, Housing, Revenues, Benefits and Sports Facilities
Portfolio Holder

Dated 8 March 2013

*Please delete as appropriate

Additional comments (if any):

Key Decision Required:	Yes	In the Forward Plan:	Yes
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MANAGEMENT TEAM

FEBRUARY 2013

REPORT OF CORPORATE DIRECTOR

Exceptional Hardship Policy, Discretionary Housing Payment Policy, Residency Policy
Report prepared by Harry Bates

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To seek approval of the Exceptional Hardship, Discretionary Housing Payment and Residency policies.

EXECUTIVE SUMMARY

This report seeks Corporate Director approval for the following policies.

Discretionary Housing Payment Policy (DHP)

DHP is aimed at helping those claimants who need extra help with their housing costs, other than Council Tax.

The main change for the policy is that when considering a DHP, all claimants will be directed to the Citizens Advice Bureau or One Support or other recognised debt counselling services for debt counselling.

Exceptional Hardship Policy (EHP)

EHP is like the DHP but is aimed at only dealing with those claimants who need extra help to pay their Council Tax. It cannot be used for any other purpose.

Residency Policy

The aim of this policy is to ensure that from 1 April 2013 Local Council Tax Support (LCTS) is only paid to those working age claimants only who have resided in this Council's jurisdiction for at least five years.

The EHP and Residency policies are policies that relate specifically to the LCTS scheme. Full copies of these policies are included as appendices to this report.

On 27 November 12 the Council agreed that "delegation is given to the Head of Resource Management in consultation with the Benefits and Revenues Portfolio Holder to undertake the necessary steps and actions to implement the new LCTS Scheme from 1 April 2013." Under this delegation the Corporate Director is requested to agree the above policies in consultation with the Portfolio Holder.

RECOMMENDATION

It is recommended that we:

- a) **Adopt the Discretionary Housing Payment policy** to grant additional financial support for housing costs to assist claimants retain accommodation.
- b) **Adopt the Exceptional Hardship policy** to grant additional financial support for housing costs to assist claimants retain accommodation
- c) **Adopt the Residency Policy** to limit LCTS to those who have resided in the Tendring area for at least five years.

PART 2 – IMPLICATIONS OF THE DECISION

2.1 DELIVERING PRIORITIES

Discretionary Housing Payment Policy (DHP)

The legislation from Department of Work and Pensions (DWP) gives a broad discretion to local authorities to award additional support for housing costs (Council Tax is excluded) where the claimant (both working age and pension age) is eligible for Housing Benefit.

A DHP payment is not awarded as a benefit; it is an award from a cash limited fund provided by Central Government each financial year to local authorities.

Each case will be treated on its own merits and all applicants will be treated fairly and equally in gaining access to DHP.

The main change for the policy over previous years is that when considering a DHP award, the officer, when evaluating a claimant's overall indebtedness and in particular in cases where debts are accruing or not being fully addressed, will direct the claimant to the Citizens Advice Bureau or One Support for debt counselling or other recognised debt counselling services. The aim is to get to the root cause of increasing indebtedness so that DHP is not supporting positions that are unsustainable in the future. The claimant will be expected to actively address the underlying causes of increasing debts with an independent advisor on such matters.

Exceptional Hardship Policy (EHP)

EHP like the DHP is aimed at only dealing with those claimants (both working age and pension age) who need extra help to pay their Council Tax. It cannot be used for any other purpose.

Each case will be decided on its own merits.

This policy is written to cover the details that reflects the DWP guidance on the EHP and has provision for the claimant to accept assistance from the CAB in line with the EHP requirements.

A separate code is being maintained within the Council Tax financial system to monitor awards for 2013/2014 and is expected to be no greater than 0.05% of the Council Tax collectable debt. The precepting authorities are aware of this provision and have recognised and approved the existence of such a provision for exceptional circumstances.

Residency Policy

The aim of this policy is to ensure that from 1 April 2013 Local Council Tax Support (LCTS) is only

paid to those working age claimants only who have resided in this Council's jurisdiction for at least five years.

The policy sets the exemptions to this rule where there is one or more of the following factors;

- armed forces personnel,
- inability to work due to physically and / or mental problems
- fleeing domestic violence, and
- Redundancy (limited exemption)
- Statutory obligation discharges relating to homelessness and mutual exchanges.

2.2 FINANCE, OTHER RESOURCES AND RISK

2.2.1 Finance and other Resources

The cost of implementing these policies will be contained within existing budgets.

2.2.2 Risk

The DHP policy will help claimants financially to maintain their tenancy in times of unforeseen difficulties. Failure to give appropriate support would render such claimants to being unnecessarily homeless.

The EHF policy will help in cases where claimants (both working age and pension age) find themselves in extreme and exceptional circumstances financially and cannot meet their council tax liability (and fall outside the LCTS scheme but not contravening the Residency Policy) and gives the Council opportunity to prevent unnecessary collection enforcement in cases where there is no chance of collection.

Residency Policy will help prevent the increasing demand on the LCTS scheme from incoming working age claimants who have no means of financial support.

2.3 LEGAL

The DHP policy is based upon the DWP guidelines and meets in all aspects the Government's agency requirements.

The EHF policy has been largely based upon the DWP DHP guidance but refined to meet the specific needs of the LCTS scheme.

The Residency Policy is aimed at awarding the LCTS only to those working age claimants who have resided in this Council's jurisdiction for at least 5 years. Anyone of working age who moves into this area will not normally be considered as eligible for LCTS until after 5 years the start of their occupation in this area.

2.4 OTHER IMPLICATIONS

Consideration has also been given to the implications of the proposed decision in respect of the following:-

2.4.1. Crime and Disorder

There is no direct impact.

2.4.2 Equality and Diversity

The EHF and DHP policies meet the Council's obligations under the Equality Act 2010.

These policies meet the requirements of legislation relating to equality and diversity and other issues that affect disadvantaged or minority groups.

An assessment has been carried out and there is no evidence of, or potential for, discrimination or adverse differential impacts relating to any of the equality groups arising from the revised tenancy agreement.

2.4.3 Health inequalities

There are no direct benefits to health in these policies or in reducing health inequalities. However, the DHP and EHF will support claimants in exceptional financial circumstances keep their homes or help reduce indebtedness.

2.4.4 Area or Wards Affect

Affects all Wards

2.4.5 Consultation / public engagement

The consultation for the Local Council Tax scheme was carried out in August 2012 and all comments have been taken into account in developing the policies.

PART 3 – SUPPORTING INFORMATION

3.1 BACKGROUND AND ADDITIONAL INFORMATION

3.1.1 DHP -

This policy supplements the DWP's DHP guidance and does not replace it. It does support :

- Preventing exceptional hardship;
- Allow a short period of time for someone to adjust to unforeseen short-term circumstances and to enable them to "bridge the gap" during this time, whilst the applicant seeks alternative solutions;
- Enabling long term support to households in managing their finances;
- Help applicants through personal crises and difficult events that affect their finances;
- Help those applicants who are trying to help themselves financially; and
- Encourage and support people to obtain and sustain employment.

3.1.2 EHF

This policy recognises the importance of protecting our most vulnerable customers and also the impact the changes imposed by the removal of Council Tax Benefit by Central Government may have on the most vulnerable. This policy has been created to ensure that a level of protection and

support is available to those applicants most in need. It should be noted that the Exceptional Hardship Fund is intended to help in cases of extreme financial hardship and not to support a lifestyle or lifestyle choice. Whilst the definition 'Exceptional Hardship' is not exactly defined by this policy, it is accepted that changes to the level of support generally will cause financial hardship and any payment made will be at the total discretion of the Council. Exceptional Hardship should be considered as 'hardship beyond that which would normally be suffered'.

3.1.3 Residency Policy

The main aims of this policy are;

- prevent those of working age who have no long term connection with the area gaining access to the limited funds available to the local authority for those who are in need of financial support currently residing in this area, and in particular to limit assistance to those who may move to the area to specifically benefit from the scheme.
- To encourage those of working age to find employment
- To deter people in other areas from coming to the Tendring area without being able to contribute economically to the District.

BACKGROUND PAPERS FOR THE DECISION

The Local Council Tax Support Scheme report submitted to the Council 27 November 2012

APPENDICES

- Appendix A – Discretionary Housing Payment Policy
- Appendix B – Exceptional Hardship Policy
- Appendix C – Residency Policy



Policy on Residency (occupation) requirements to Qualify for Local Council Tax Support in Tendring District Council's jurisdiction.

1. Introduction

The aim of this policy is to ensure that from 1 April 2013 Local Council Tax Support (LCTS) is only paid to those claimants who have resided in this Council's jurisdiction for at least 5 years. Anyone of working age who moves into this area will not normally be considered as eligible for LCTS until after 5 years from the commencement of their occupation of accommodation in this area.

Persons who are classified as being of pensionable age are automatically exempt from this policy.

Any LCTS awarded will be subject to the conditions of the whole LCTS scheme agreed by the Council.

2. Aims of this policy.

The main aims of limiting qualification for LCTS to those who have long term connection with this area is to

- Prevent those of working age who have no long term connection with the area gaining access to the limited funds available to the local authority for those who are in need of financial support currently residing in this area, and in particular to limit assistance to those who may move to the area to specifically benefit from the scheme.
- To encourage those of working age to find employment
- To deter people in other areas from coming to the Tendring area without being able to contribute economically to the District.

3. Background

In the Spending Review 2010, the Government announced that it would localise financial support for council tax from 1 April 2013. This meant that Council Tax Benefit (CTB), the means of helping people on low incomes meet their Council Tax obligations, is replaced by a new localised support scheme. Contrary to the national CTB scheme, these local support schemes have to be designed, implemented and managed by individual local authorities from 1 April 2013.

The main points of the reform are:

- The amount of funding provided to local authorities to run a localised scheme will be at least 10% less than the amount previously available to spend on the outgoing national CTB scheme.
- Continued support for pensioners who will not be affected as under CTB.



- o The local scheme rules will only apply to working age people.

4. Criteria for LCTS award

A claim will be considered on the condition that the working age claimant has continuously occupied a property (or properties if the claimant has moved) within Tendring District Council's jurisdiction for at least 5 years and that the amount of support given to any individual will be subject to the conditions of the whole scheme.

This condition will be met if the person making a claim can provide evidence that they have occupied a dwelling continually for at least 5 years in the Tendring District Council area.

Evidence will be verified against such records as the electoral roll, council tax records, and any other council records that are deemed to be relevant.

Where necessary the claimant will be asked to provide additional evidence to support their claim from their own personal records such as water rates, utilities, bank records etc.

The above lists are neither exclusive nor exhaustive.

5. Exemptions from this policy

a) Physically and / or mentally unable to work.

- Those who are in receipt of Personal Independence Payment.
- Those in receipt of Disability Living Allowance receiving Care Component and / or Mobility Component.
- Those in receipt of Employment Support Allowance award classification circumstance is "Support Group".
- Those in receipt of Incapacity Benefit higher rate and / or long-term rate.

b) Redundancy

- Has been in paid employment working at least 16 hours per week for at least 6 months and has been made redundant. LCTS will be allowed for 6 months from the date of the claim is made and will be based upon the qualifying criteria in force during the financial year in which the claim is made.

c) Armed forces and emergency service personnel.

- Where residential occupation comes about as a consequence of the local authority discharging its duty as part of its armed forces criteria within its housing policies and the claimant is placed into Social Housing.
- Where personnel have purchased their own property from their own resources as an owner occupier.
- Part-time Lifeboat, Fire Service, Coast guard services are included in this category.

d) Fleeing Domestic violence



- Victims of domestic violence; racial harassment amounting to violence or threats of violence; same sex couples who are victims of harassment amounting to violence or threats of violence;
- Witnesses of crime, or victims of crime, who would be at risk of intimidation amounting to violence or threats of violence if they remained in their current homes.

e) Tendring Housing Service

- **Homelessness**

Where this local authority has to meet its statutory obligation on a homelessness application under the homelessness legislation.

- **Mutual Exchanges**

All secure council and assured housing association tenants have an unfettered right to exchange homes subject to their respective landlords' permission.

6. Exceptional hardship

Any household that can demonstrate that they would suffer extreme or exceptional hardship by not having LCTS. The Exceptional Hardship Policy covers the considerations to assist applicants for Council Tax Support who are facing 'exceptional hardship'.

7. Appeals

Appeals against an officer decision will be dealt with by the Valuation Tribunal. The Valuation Tribunal is an independent legal body, which means its decisions are not influenced by the council.



**Localised Support for Council Tax
Exceptional Hardship Policy**



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1.0 Background

1.1 An Exceptional Hardship Fund (EHF) has been set up by the Council to assist applicants for Council Tax Support who are facing 'exceptional hardship'. The fund has been created to provide further assistance where an applicant is in receipt of Council Tax Support but the level of support being paid by the Council does not meet their full Council Tax liability.

1.2 The EHF will be available to any applicant (whether pension or working age) where their daily award of Council Tax Support does not meet 100% of their Council Tax liability (less any appropriate discounts and non dependant deductions).

1.3 The main features of the fund are as follows:

- The Exceptional Hardship Fund will be cash limited;
- The operation of the Fund will be at the total discretion of the Council;
- The Fund will be operated by the Revenues and Benefits section of the Council;
- There is no statutory right to payments from the fund although the Council will consider all applications received;
- Exceptional Hardship Fund payments are not payments of Council Tax Support (as defined within S13a of the Local Government Finance Act 1992);
- Exceptional Hardship Fund payments will only be available from 1st April 2013 and **will not be available for any other debt other than outstanding Council Tax;**
- A pre-requisite to receive a payment from the Fund is that an amount of Council Tax Support **must be in payment** for any day that an EHF payment is requested;
- Where an Exceptional Hardship Payment is requested for a previous period, Exceptional Hardship must have been proven to have existed throughout the whole of the period requested;
- Exceptional Hardship Payments are designed as a short-term help to the applicant only and it is expected that payments will be made for a short term only; and
- All applicants will be expected to engage with the Council and undertake the full application process.

2.0 Exceptional Hardship Fund and Equalities

2.1 The creation of an Exceptional Hardship Fund facility meets the Council's obligations under the Equality Act 2010.

2.2 The Council recognises the importance of protecting our most vulnerable customers and also the impact the changes imposed by the removal of Council Tax Benefit by Central Government may have on the most vulnerable. This policy has been created to ensure that a level of protection and support is available to those applicants most in need. It should be noted that the Exceptional Hardship Fund is intended to help in cases of **extreme** financial hardship and not to support a lifestyle or lifestyle choice. Whilst the definition 'Exceptional Hardship' is not exactly defined by



this policy, it is accepted that changes to the level of support generally will cause financial hardship and any payment made will be at the total discretion of the Council. Exceptional Hardship should be considered as 'hardship beyond that which would normally be suffered'

3.0 Purpose of this policy

3.1 The purpose of this policy is to specify how the Council will operate the scheme, to detail the application process and indicate a number of factors, which will be considered when deciding if an Exceptional Hardship Fund payment can be made.

3.2 Each case will be treated on its own merits and all applicants will be treated fairly and equally in gaining accessibility to the Fund and also in respect of the decisions made on each application.

4.0 The Exceptional Hardship Fund Process

4.1 As part of the process of applying for additional support from the Exceptional Hardship Fund, all applicants must be willing to undertake all of the following:

- a. Make a separate application for assistance;
- b. Provide full details of their income and expenditure;
- c. Accept assistance from either the Council or third parties such as the CAB or similar organisations to enable them to manage their finances more effectively including the termination of non-essential expenditure;
- d. Identify potential changes in payment methods and arrangements to assist the applicant;
- e. Assist the Council to minimise liability by ensuring that all discounts, exemptions and reductions are properly granted; and
- f. Maximise their income through the application for other welfare benefits, cancellation of non-essential contracts and outgoings and identifying the most economical tariffs for the supply of utilities and services generally.

4.2 Through the operation of this policy the Council will look to

- Prevent exceptional hardship;
- Allow a short period of time for someone to adjust to unforeseen short-term circumstances and to enable them to "bridge the gap" during this time, whilst the applicant seeks alternative solutions;
- Enable long term support to households in managing their finances;
- Help applicants through personal crises and difficult events that affect their finances;
- Help those applicants who are trying to help themselves financially; and
- Encourage and support people to obtain and sustain employment.

4.3 It cannot be awarded for the following circumstances:

- Where full Council Tax liability is being met by Council Tax Support;



- For any other reason, other than to reduce Council Tax liability;
- Where the Council considers that there are unnecessary expenses/debts etc. and that the applicant has not taken reasonable steps to reduce these;
- To pay for any overpayment of Council Tax Support caused through the failure of the applicant to notify changes in circumstances in a timely manner or where the applicant has failed to act correctly or honestly; or
- To cover previous years Council Tax arrears

5.0 Awarding an Exceptional Hardship Fund Payment

5.1 The Council will decide whether or not to make an Exceptional Hardship Fund award, and how much any award might be.

5.2 When making this decision the Council will consider:

- The shortfall between Council Tax Support and Council Tax liability;
- Whether the applicant has engaged with the Exceptional Hardship Payment process;
- If a Discretionary Housing Payment has already been awarded to meet a shortfall in rent;
- The personal circumstances, age and medical circumstances (including ill health and disabilities) of the applicant, their partner any dependants and any other occupants of the applicant's home;
- The difficulty experienced by the applicant, which prohibits them from being able to meet their Council Tax liability; and the length of time this difficulty will exist;
- Shortfalls due to non-dependant deductions;
- The income and expenditure of the applicant, their partner and any dependants or other occupants of the applicant's home;
- How reasonable expenditure exceeds income;
- All income received by the applicant, their partner and any member of their household irrespective of whether the income may fall to be disregarded under the Council Tax Support scheme;
- Any savings or capital that might be held by the applicant, their partner and any member of their household irrespective of whether the capital may fall to be disregarded under the Council Tax Support scheme;
- Other debts outstanding for the applicant and their partner;
- The exceptional nature of the applicant and/or their family's circumstances that impact on finances;
- The length of time they have lived in the property; and
- The amount available in the Exceptional Hardship Fund at the time of the application

5.3 The above list is not exhaustive and other relevant factors and special circumstances will be considered.



- 5.4 An award from the Exceptional Hardship Fund does not guarantee that a further award will be made at a later date, even if the applicant's circumstances have not changed.
- 5.5 An Exceptional Hardship Fund payment may be less than the difference between the Council Tax liability and the amount of Council Tax Support paid. The level of payment may be nil if the authority feels that, in its opinion, the applicant is not suffering 'exceptional hardship' or where the applicant has failed to comply with the Exceptional Hardship process.

6.0 Publicity

- 6.1 The Council will make a copy of this policy available for inspection and will be published on the Council's website.

7.0 Claiming an Exceptional Hardship Fund payment

- 7.1 An applicant must make a claim for an Exceptional Hardship Fund award by submitting an application to the Council. The application form can be obtained via the telephone or in person at

The Council Tax Office
88/90 Pier Avenue
Clacton on Sea
Essex CO15 1TN.

Telephone 01255 686811

Or by emailing benefitsmail@tendringdc.gov.uk

Or by on-line application on the Council's Website.

- 7.2 Applicants can get assistance with the completion of the form from the Revenues and Benefits Service at the same address.
- 7.3 The application form must be fully completed and supporting information or evidence provided, as reasonably requested by the Council.
- 7.4 In most cases the person who claims the Exceptional Hardship Fund award will be the person entitled to Council Tax Support. However, a claim can be accepted from someone acting on another's behalf, such as an appointee, if it is considered reasonable.



- 8.0 Changes in circumstances**
- 8.1 The Council may revise an award from the Exceptional Hardship Fund where the applicant's circumstances have changed which either increases or reduces their Council Tax support entitlement.
- 9.0 Duties of the applicant and the applicant's household**
- 9.1 A person claiming an Exceptional Hardship Fund payment is required to:
- Provide the Council with such information as it may require to make a decision;
 - Tell the Council of any changes in circumstances that may be relevant to their ongoing claim; and
 - Provide the Council with such other information as it may require in connection with their claim.
- 10.0 The award and duration of an Exceptional Hardship Payment**
- 10.1 Both the amount and the duration of the award are determined at the discretion of the Council, and will be done so on the basis of the evidence supplied and the circumstances of the claim.
- 10.2 The start date of such a payment and the duration of any payment will be determined by the Council. In any event, the maximum length of the award will not exceed the end of the financial year in which the award is given.
- 11.0 Award of the Exceptional Hardship Fund payment**
- 11.0 Any Exceptional Hardship Fund payment will be made direct onto the customer's Council Tax account, thereby reducing the amount of Council Tax payable.
- 12.0 Overpaid Exceptional Hardship Fund Payments**
- 12.1 Overpaid Exceptional Hardship Fund payments will generally be recovered directly from the applicant's council tax account, thus increasing the amount of council tax due and payable.
- 13.0 Notification of an award**
- 13.1 The Council will notify the outcome of each application for Exceptional Hardship Fund payments in writing. The notification will include the reason for the decision and advise the applicant of their appeal rights.
- 14.0 Appeals**
- 14.1 Exceptional Hardship Fund payments are not part of Council Tax Support, and are therefore not subject to the statutory appeal process.
- 14.2 If the applicant is not satisfied with the decision in respect of an application for an Exceptional Hardship Fund payment, a decision to reduced amount of Exceptional Hardship Fund payment, a decision not to backdate an Exceptional Hardship Fund payment or a decision that there has been an overpayment of an Exceptional Hardship Fund payment, the Council will look at the decision again.



- 14.3 An officer, other than the original decision maker, will consider the appeal by reviewing the original application and any other additional information and/or representation made, and will make a decision within 14 days of referral or as soon as practicable. This decision will be final.
- 14.4 Any request for an appeal must be made within one month of the date of the notification letter confirming the original decision.
- 14.5 The outcome of the appeal will be set out in writing, detailing the reasons for the decision or upholding the original decision.
- 15.0 Fraud**
- 15.1 The Council is committed to protect public funds and ensure funds are awarded to the people who are rightfully eligible to them.
- 15.2 An applicant who tries to fraudulently claim an Exceptional Hardship Fund payment by falsely declaring their circumstances, providing a false statement or evidence in support of their application, may have committed an offence under The Fraud Act 2006.
- 15.3 Where the Council suspects that such a fraud may have been committed, this matter will be investigated as appropriate and may lead to criminal proceedings being instigated.
- 16.0 Complaints**
- 16.1 The Council's 'Compliments and Complaints Procedure' (available on the Council's website) will be applied in the event of any complaint received about this policy.
- 17.0 Policy Review**
- 17.1 This policy will be reviewed at least every year and updated as appropriate to ensure it remains fit for purpose. However, the review may take place sooner should there be any significant changes in legislation.



Discretionary Housing Payments (DHP) Policy

1. Introduction

The aim of this policy is to ensure that the Revenues and Benefits Section adopts a fair, reasonable and consistent approach in awarding Discretionary Housing Payments when claimants require extra help with their housing costs. This Authority is aware that the legislation gives a broad discretion to the making of awards but it is determined to ensure that the decisions it reaches are competent and transparent.

A Discretionary Housing Payment is not awarded as a benefit; it is an award from a cash limited fund given by Central Government each financial year.

2. Overall Aims of DHP

The main aims of DHP are to:

- To maintain tenancy and prevent homelessness.
- Safeguard residents in their own home.
- Keep families together
- Support victims of domestic violence who are trying to move to a place of safety
- Support the vulnerable or the elderly in the local community
- Help customers through personal and difficult events.
- Support young people in transition to adult life.
- Alleviate poverty
- Encourage people to stay in employment

3. Background

The regulations covering a DHP are the Discretionary Financial Assistance Regulations 2001.

A DHP provides claimants with further financial assistance with their housing costs, in addition to any welfare benefits.

Housing costs are not defined within the regulations but in general housing costs means rental liability, but it can also cover a wider spectrum which includes, rent in advance, rent deposits and other lump sum costs associated with a housing need.

Following the abolition of Council Tax Benefit from April 2013, a DHP can no longer be made towards Council Tax liability.

4. Criteria for award



Before an award the authority must be satisfied that the claimant (claimant in this policy refers to a tenant having a relevant commercial tenancy upon which housing benefit is determined) is entitled to:

- Housing Benefit (HB) or,
- Universal Credit (UC) and,
- Has a commercial rental liability and,
- Requires further assistance with housing costs

5. A DHP can cover

1. Reductions in HB or UC where the benefit cap has been applied
2. Reductions in HB or UC for under-occupation in the social rented sector
3. Reductions in HB or UC as a result of local housing allowance restrictions
4. Rent shortfall to prevent a household becoming homeless whilst the housing authority explores alternative options
5. Rent officer restrictions such as local reference rent or shared room rate
6. Non dependant deductions
7. Income tapers
8. rent in advance
9. deposits
10. other lump sum costs associated with a housing need.

Before points 8, 9 and 10 can be considered and to avoid future evictions the claimant must prove they can meet the financial commitment when moving into the property where there is a liability to pay rent.

6. A DHP cannot cover?

1. Ineligible services such water or heating costs
2. Increases in rent due to outstanding rent arrears
3. Reductions in any benefit as a result of Jobseekers sanctions, Child Support Sanctions or sanctions following benefit related offences
4. Any Council Tax Liability
5. Shortfalls caused by overpayment recovery

7. Process

The DHP process will be audited therefore it is expected that a completed application form is received for each request showing a budget statement of their monthly/weekly income and expenditure. The income can be compared to what is shown on our records for the Housing Benefit award and then queried if it differs.

A DHP decision will always be in writing with an explanation of the award or refusal.



A DHP can be backdated but normally a claimant's request will be considered from the date of the DHP application is made.

Before awarding the DHP this Authority will decide whether the claim for Housing Benefit is correct for example:

- Is the applicant entitled to more relevant benefits?
- Could a Housing Benefit overlap be given?
- Should a 13 week rule apply because they could afford the rent before losing their employment?
- Are they trying to improve their own personal and financial situation by considering debt counselling or possible move?

When evaluating a claimant's overall indebtedness and in particular in cases where debts are accruing or not being fully addressed, the Council will direct the claimant to the Citizens Advice Bureau or One Support for debt counselling or other recognised debt counselling services.

The DHP will be awarded in a fair and consistent way and awarded on the claimant's financial circumstances, therefore these policy guidelines will help support the decision making process in deciding whether or not an award of DHP can be made.

The claimant's income/expenditure information will be checked to determine whether or not the data submitted is fair and reasonable. Further enquiries could be made to clarify the information supplied.

8. Review of Decision

The Authority will review a DHP decision in the event of a dispute. This will be carried out by a different officer and the claimant will be advised of the outcome of the review in writing with the reasons of the decision.

9. Overpaid DHPs

The Authority will recover DHPs if it decides that payment has been made as a result of misrepresentation or failure to disclose a material fact, either fraudulently or otherwise.

10. Publicity

The Council will make a copy of this policy available for inspection and it will be published on the Council's website.