



ARGYLL AND BUTE COUNCIL

BENEFITS UNIT

DISCRETIONARY HOUSING PAYMENT POLICY

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1.0 INTRODUCTION

In 2001 a scheme was introduced granting all local authorities new powers to make Discretionary Housing Payments (DHPs) on top of the statutory Housing Benefit (HB) and Council Tax Benefit schemes. The Department of Works and Pensions (DWP) have published new guidance for DHP as a result of the abolition of Council Tax Benefit on 31 March 2013, through the government's Welfare Reforms, and the introduction of Universal Credit (UC) which replaces Housing Benefit from October 2013. DHPs will provide claimants with further financial assistance when a local authority considers that help with housing costs is needed. The regulations governing DHPs can be found in The Discretionary Financial Assistance Regulations 2001 (S1 001/1167). Amendments will come into force on 1 April 2013.

Housing costs apply when the claimant is:

- in receipt of Housing Benefit (HB). Housing costs mean eligible rent (subject to certain exclusions (noted in section 8));or
- in receipt of Universal Credit and must have
 - i) a rental liability; and
 - ii) be eligible for housing support within UC

Shortfalls can occur due to:

- reductions in HB or UC where the benefit cap has been applied;
- reductions in HB or UC for under- occupation in the social rented sector;
- reductions in HB or UC as a result of local housing allowance restrictions;
- rent shortfall to prevent a household becoming homeless whilst the housing authority explores alternative options;
- non-dependent deductions;
- income tapers;
- one-off need for a rent deposit or rent in advance.

Every claimant who has an entitlement to HB or UC and who has a shortfall in housing costs is entitled to submit a claim for additional financial support through DHP. The claimant must have entitlement to HB or UC for the weeks that DHP is claimed for.

The main features of the DHP scheme are that the scheme is discretionary and decisions must be made in accordance with the principles of fairness, reasonableness and consistency.

1.1 Cash Limit

The amount that can be paid out by Argyll and Bute Council (or any other local authority) is cash-limited each year by the Secretary of State for Works and Pensions. This cash limit is equivalent to two and a half times the government contribution to the fund. The Council is breaking the law as per Article 7 of The Discretionary Housing Payment (Grants) Order 2001 if they award payments above this limit.

In 2014/2015 the government contribution to the DHP fund for Argyll and Bute is £409,580 therefore the cash-limit is £1,023,950.

2.0 PURPOSE OF THE POLICY

The purpose of this policy is to specify how Argyll and Bute Council's Benefits Unit will operate the DHP scheme. The policy will provide guidance for staff in terms of specifying the key factors to consider when deciding to award DHP in individual cases.

Each case will be considered on its own merits and all customers will be treated equally and fairly. The Benefits Unit is committed to working with the local voluntary sector, registered social landlords and other interested parties such as the Council's Housing and Welfare Rights service in the area to maximise entitlement to all available state benefits and this will be reflected in the administration of the DHP scheme.

3.0 OBJECTIVES OF ADMINISTERING THE DHP FUND

The Benefits Unit will consider making a DHP to all claimants who are deemed suitable having considered the criteria identified in section 7 of this policy. In administering the scheme, the Unit will give consideration to the guidance produced by the Department of Works and Pensions (DWP).

The Unit will treat each application on its own merit and ensure that the stated principles of fairness, reasonableness and consistency are adhered to.

The objectives in administering the fund are;

- alleviating poverty,
- encouraging and sustaining people in employment,
- tenancy sustainment and homelessness prevention,
- safeguarding residents in their own homes,
- helping those who are trying to help themselves,
- keeping families together,
- supporting vulnerable people in the local community,
- supporting young people in the transition to adult life,
- supporting victims of domestic violence who are trying to move to a place of safety.

4.0 WHO CAN CLAIM DHP

In most cases, the person claiming a DHP will be the person who is entitled to receive HB or UC. However, the Benefits Unit will accept claims from someone acting on behalf of the person concerned, such as an appointee, if it is considered reasonable to do so. The claimant must have entitlement to HB or UC for the weeks when DHP is requested.

5.0 CLAIMING DHP

A claim for DHP must be made in writing and signed by the claimant. Claims may also be accepted from the claimant's appointee. A written statement, a request by phone or a face-to-face request made in any of the Council's local Customer Service Points or in any Benefits Unit back office may be received and will instigate the following process:

1. A DHP application form (see Appendix 1) will be issued by the local Customer Service Point, the Customer Service Centre or the Benefits Unit. This will be date stamped and will count as the start date of the claim. The claimant will be required to return the form to the Benefits Unit within one month of the date of issue.
2. The form should be returned together with any evidence in support of the claim such as receipts, bills and any other paperwork necessary to substantiate items of income or expenditure.
3. Once the form is returned the decision maker will check the Social Work system, Carefirst and the Housing Services system, Arbritas to see if the claimant is already known to the Council. This will not be done if the claimant doesn't consent. A box will be added to the claim form advising the claimant to tick the box if they do not consent to data sharing with our Argyll and Bute Council support agents.
4. If the application form is returned with incomplete information or without sufficient evidence to support the claim, then the Benefits Unit will contact the claimant or their support group or agency either by telephone, e-mail or by letter for further information. If the claimant is known to the Council then the supporting department may provide assistance to the claimant in respect of the DHP claim.
5. On occasions, an allocated Social Worker or Housing Officer will be sent out to assist the claimant with completion of the form and/or gathering evidence in support of a claim. This will normally occur if a claimant is considered vulnerable and they are already receiving support from the service.

6. If a claimant is unwilling or unable to provide information in support of a claim, the Benefit Unit will assess the claim on the basis of the evidence that it has available. This will include other information held within the HB file, on the Council Tax system or other Council systems such as Carefirst and Arbritas. The Unit may also verify information with DWP and Her Majesty's Revenue and Customs (HMRC) where applicable.
7. The provision of relevant verification will be necessary to support a claim. This will be specified on the claim form itself and in any response to partially completed claim forms.

6.0 PERIOD OF AWARD

The Benefits Unit will decide the length of time for which a DHP will be awarded on the basis of evidence supplied and the individual circumstances of each claim.

The start date of the award is determined by the Benefits Unit and can be:

- The Monday after the written claim for a DHP is received by the Benefits Unit; or
- The date on which entitlement to HB or UC commenced (provided that the application for DHP is received within one calendar month of the claim for HB or UC being decided) whichever is earlier, or most appropriate; or
- In some circumstances the date in which the need arose.

The period of award of a DHP will normally be:

- For a minimum period of 13 weeks unless there are exceptional circumstances where it can be for a shorter period,
- For families subject to Benefit Cap restrictions the initial award of 13 weeks will only be extended to 26 weeks where evidence is forthcoming from Job Centre Plus that the family has been actively engaging with them to try to move into employment. Payment between 26 weeks to 52 weeks can be made in exceptional circumstances for benefit cap where a full review of the claim has been carried out prior to the extension. Payment beyond 52 weeks can be extended on a case by case basis. The claimant must sign a development agreement with the Council and comply with that plan to be paid an extended DHP award under the new DHP Homelessness Prevention Fund.
- For not more than 26 weeks except where the claimant is subject to under-occupancy restrictions, or there are other exceptional circumstances,

- Where there are exceptional circumstances, a full review of the claim must be carried out prior to any extension. Such an extension may be for a further period of up to 26 weeks, making a total of a maximum of 52 weeks for any continuous award.

- For claimants subject to under-occupancy restrictions, an initial award can be made for up to a full 52 weeks if that appears appropriate and the award may also be backdated to 1 April 2013 or such later date when the under-occupancy restriction commenced.

The award may be extended following a full review of the claim for a further period of up to 52 weeks.

7.0 AWARDING A DHP

In deciding whether to award a DHP, the Benefits Unit will work together with other key stakeholders (e.g. the Council's Housing and Welfare Rights service, Money Advice Unit and ACHA) to consider the following main factors:

- The household's financial circumstances;
- The tenancy;
- Prevention of Homelessness;
- The household's medical circumstances;
- The priority group in which the applicant falls.

Each of these factors is considered in more detail below. These factors will be taken together and an overall assessment made which balances the degree of financial hardship and the likelihood that support will help to prevent homelessness and specific relevant tenancy factors. Using this overall assessment, applicants will be classed as high, medium or low priority within each priority group.

Each month there will be an assessment of which groups can be supported. In general all high priority applicants will rank above medium priority applicants irrespective of which group A to E they fall into. Within a priority level (high, medium or low) applicants in group A would rank above group B and so on. The intention would be to support all groups A to E high priority cases and as many of the medium priority cases possible. It is unlikely that any low priority cases will receive support.

7.1 THE HOUSEHOLD'S FINANCIAL CIRCUMSTANCES

The table below shows the key considerations in respect of financial circumstances. The Benefits Officer may liaise with the Money Advice Unit with regards to the information on up-to-date budgeting figures. If appropriate, the Benefits Officer can offer to refer, with the client's permission, their personal details to the Money Advice Unit.

Assistance may also be sought from Welfare Rights Officers on the claimant's behalf to ensure that their income from Welfare Benefits are maximised.

TABLE 1:- FINANCIAL CONSIDERATIONS IN RESPECT OF DHP

NO.	CONSIDERATION
1	Weekly income and expenditure of claimant, their partner, any dependants and any other occupants of the home.
2	Any savings or capital that may be held by the claimant
3	The level of shortfall between weekly eligible rent and the payment of HB. If the claimant is a recipient of UC the award can be for the full amount up to the weekly eligible rent as the amount of housing cost element of UC is not specified.
4	The level of indebtedness of the claimant. Should they be referred to Money Advice?
5	Can the claimant's income be maximised by encouraging them to apply for welfare benefits? Should the claimant be referred to a Welfare Rights Officer?
6	Can the claimant change their spending pattern in terms of non-essential items?

Income from Disability Living Allowance (DLA) / Personal Independence Payments (PIP) Mobility component will be disregarded for the purpose of the financial assessment.

Claims will be subject to a means test where weekly levels of income and expenditure will be reviewed.

7.2 PREVENTION OF HOMELESSNESS

The table below shows the key considerations in respect of the prevention of homelessness. Homelessness can be expensive and can have a negative impact on a household in terms of health, education and employment prospects. Early intervention is a key issue for Argyll and Bute Council. The Benefit Officer will work with the Housing Service to assess the need to award a DHP to prevent Homelessness.

TABLE 2:- CONSIDERATIONS RE PREVENTION OF HOMELESSNESS

NO.	CONSIDERATION
1	Is the household at risk of being evicted and becoming homeless due to difficulty in meeting full housing costs?
2	The proximity of current accommodation to education, employment and social networks and whether moving to cheaper accommodation could jeopardise any of these links.
3	Whether an award of DHP would help the person to access or maintain employment, education or training and so that is less likely to become homeless.
4	Paying DHP's to households who have previously been homeless in order to help increase the long-term sustainability of their accommodation.

7.3 THE TENANCY

The table below shows the key considerations in respect of the claimant's tenancy.

TABLE 3:- CONSIDERATIONS IN RESPECT OF THE TENANCY FOR DHP

NO.	CONSIDERATION
1	Has the claimant taken any steps in an attempt to reduce their rent?
2	Can the Council help the tenant negotiate a lower rent?
3	Has the claimant been affected by the size criteria restrictions in the social rented sector?
4	Is it reasonable to expect the claimant to consider letting out a room in the property?
5	Did the claimant make any effort to find out about the level of HB entitlement or UC entitlement they would attract before taking up the tenancy?
6	Is it possible for the claimant to leave the tenancy before the due date?
7	Could the claimant afford the rent when they moved in?

7.4 THE HOUSEHOLD'S MEDICAL CIRCUMSTANCES

The table below shows the key considerations in respect of medical circumstances. The Benefits Officer may liaise with the claimant's support worker, Social Worker or representatives from the NHS for example in order to get more information in relation to the information received from the claimant. This is to ensure it is interpreted correctly and to see if any additional help and advice can be offered to the claimant with regard to their medical circumstances. These medical considerations are reflected in the priority groups below.

TABLE 4:- MEDICAL CONSIDERATIONS IN RESPECT OF DHP

NO.	CONSIDERATION
1	Does the household have health or support needs that require them to live in a particular property or, does the claimant require an extra room because of a health problem that affects them or a member of their household?
2	Does the household have any health related expenses such as the need for therapeutic classes or non-prescription medicine?
3	Is the claimant in receipt of Disabled Banding Reduction in respect of Council Tax?

7.5 OTHER CONSIDERATIONS

Arrangements will be made to ensure that as much information as possible is gathered before making a final decision. This will include liaising with a dedicated Housing Advisor with regard to the individual circumstances surrounding the claimant and their tenancy.

Advice will be requested from the Council's Money Advice service and a claimant may be referred to the Service for assistance where appropriate. Information may also be sought from Welfare Rights Officers and key staff both within the Council and those working with other key stakeholders such as Welfare Rights organisations and the Citizens Advice Bureau (CAB).

7.6 TAKING ACCOUNT OF INCREASED DEMAND

DHP funding has been increased nationally to cover 3 new categories – customers affected by the benefit cap, those affected by the social rented sector under-occupancy criteria and those affected by LHA reforms.

Given the numbers of people affected by Welfare Reform, awarding DHPs to meet all shortfalls is not going to be a viable option. It has been agreed that there will be 5 priority groups within Argyll & Bute Council.

PRIORITY GROUP A

Claimants who are subject to under-occupancy restrictions and who fall into the categories below;

- Foster carers, including those between placements. Foster carers should not be out of pocket because of their foster caring role
- People who are going through the approval process to become foster carers who may need to show that they have a spare room to be approved
- Families with kinship care arrangements. Children who go into the care of family and friends are often extremely vulnerable and will usually benefit from the stability of remaining in a familiar area and continuing to attend their local school
- Families with a child temporarily in care but who is expected to return home. What constitutes temporary will be at the discretion of the local authority. It is vital that social work services are consulted for their opinion on the temporary nature of the placement in care prior to a decision being made
- People with disabilities who need, or have had, significant adaptations made to their property, or where they are living in a property particularly suited to their needs.
- People who are subject to under-occupancy restrictions and where the claimant or someone in their household has a disability which requires them to have a larger property than would usually be the case for the size of their household due to, for example, a medical condition or where a child has a particular disability that might mean they are unable to share a bedroom

PRIORITY GROUP B

- Households with children who require an overnight carer
- Where someone in the household is expecting a baby (including those currently in shared accommodation or subject to an under-occupation reduction)
- Young people leaving local authority care
- People who have had to flee domestic violence or have moved because of the threat of violence in another area

PRIORITY GROUP C

- Families with a social services intervention, for example highly dependent adults, children at risk or involvement in a family intervention project
- People with disabilities who receive informal care and support in their current neighbourhood from family and friends which would not be available in a new area. In this respect you may also consider families who have a child with a disability who rely heavily on local support networks
- The elderly frail who have lived in the area for a long time and would find it difficult to establish support links in a new area
- People who need to live near their jobs because they work unsocial hours or split shifts; or where moving home may mean living in an area where public transport would be inadequate to enable them to sustain their current job
- Ex-homeless people being supported to settle in the community
- People with health or medical problems who need access to local medical centres or support that might not be available elsewhere
- Families with children at a critical point in their education
- To help with short-term rental costs until the claimant is able to secure and move to lower-cost, alternative accommodation

PRIORITY GROUP D

- To help secure and move to lower-cost, alternative accommodation (e.g. rent deposit)
- To help with short-term rental costs while the claimant seeks employment
- Households within 12 months of the pension credit age and subject to under-occupancy restrictions.
- Families subject to benefit cap restrictions who have taken up an appointment with a DWP work coach to review the routes to work available to them and/or have signed a support agreement with the Housing Options team.
- Claimants subject to LHA reforms

PRIORITY GROUP E

- To help with short term rental costs for any other reason

7.7 MAKING A DECISION

Decisions with regard to DHP applications will be made within 10 days of receipt of all relevant information and supporting documentation. Decisions will be made by a Benefit Officer who will have the knowledge and expertise to decide if a DHP is appropriate in the circumstances of the individual claim.

They will decide how much to award based on the individual circumstances up to a maximum of the difference between the eligible rent and the payment of HB or the housing cost element of UC if that information is available to them. The minimum award will be £5 per week. The Benefit Officer will determine the period of the award (see Section 6.0).

A sample of Benefit Officer's decision will be checked by a senior member of the Benefits Unit to ensure that the principles of consistency, fairness and reasonableness have been implemented.

An award of DHP does not guarantee that a further award will be made at a later date even if the claimant's circumstances have not changed.

8.0 WHAT DHP CAN AND CANNOT COVER

An award of DHP may be made for a rent deposit or rent in advance scheme for a property that the claimant has yet to move into if they are already entitled to HB for the present home. Alternatively anyone homeless or threatened with homelessness under current legislation and who is in housing need can apply to the council for a rent deposit guarantee. This guarantees damage to the property up to the value on one month's rent instead of the tenant having to find the deposit themselves.

DHP can be paid for a new home that a tenant is not yet able to occupy while they remain in and are in receipt of HB at their old home i.e. they have two homes and overlapping benefit. DHP can be made for any shortfall between the eligible rent and the payment of HB or the eligible rent used to calculate UC.

Payments of DHP can be made to cover past Housing Costs (such as arrears of rent) on the grounds that the applicant is currently receiving full HB. Therefore payment can be made for a past period where because full HB was not awarded, arrears developed.

These are the elements of a person's rent, and shortfalls in benefit that cannot be met by DHP under the legislation:

- Ineligible charges - service charges that are not eligible for HB cannot be covered by DHP. DHPs cannot cover charges for water, sewerage and environmental services, as defined and calculated under the HB provisions.
- Increases in Rent due to Outstanding Rent Arrears - refers to those cases where a claimant's rent is increased on account of outstanding arrears which are owed by the claimant in respect of their current or former property.
- Sanctions and reductions in Benefit – DHPs cannot be used to meet these as to do so would undermine the effectiveness of the sanctions or reduction in benefit.
- Benefit Suspensions. HB/UC can be suspended either because there is a general doubt about entitlement or because a claimant has failed to supply information pertinent to their claim. DHP cannot be paid instead.
- Shortfalls caused by HB/UC overpayment recovery.

9.0 BACKDATING THE AWARD

The decision to award DHPs can be backdated and each backdated claim will be reviewed on its own merits. DHP can only be considered for a period when the claimant is also in receipt of HB/UC. The claimant should explain the reason for the delay in making the DHP claim. The Benefit Unit will consider the overall reasons for awarding DHP to the claimant and also the potential impact of refusing to backdate an award of DHP.

The minimum period that a backdated award re DHP can be made is one week. There is no maximum period of backdated DHP. Consideration will also be given to the statutory limit of the DHP fund when considering the period of backdate.

10.0 CHANGES IN CIRCUMSTANCES

The claimant has a duty to notify the Benefits Unit of any change in circumstances which may be relevant to their continuing to get DHPs. Claimants will be advised of the changes that they should report by the inclusion of a standard paragraph in the award letter.

Changes can be notified by face-to-face presentation at any of the Council's local Customer Service Points or by phoning the Benefit Enquiry line 01546 605512. Verification in relation to the reported change should also be presented where possible. Where verification is not provided the Benefits Unit may write to the claimant seeking evidence of the reported change.

Many changes in circumstances that claimants have a duty to report for HB or UC claim purposes are likely to be relevant in relation to their continuing to get DHPs. This information will be used to review the entitlement to continuing DHPs.

The Benefits Unit can revise an award of DHP at any time to take account of a change in circumstance.

11.0 METHOD OF PAYMENT

The Benefits Unit will decide to whom the DHP should be paid. The needs of the claimant will be the primary factor. This means that DHPs could be paid to:

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

The Benefit Unit will pay a DHP by electronic transfer (i.e.:- BACS) preferably however where the claimant has no known bank account payment will be made by cheque.

The payment frequency will be in line with how the HB or UC payment is made.

12.0 NOTIFICATION OF AWARD

The Benefit Unit will inform the claimant in writing of the outcome of their application within 10 working days of receipt of all information.

Where the application is unsuccessful, the Benefit Unit will set out reasons why this decision was made. The letter will also explain the right of review (see section 13).

Where the application is successful the Benefits Unit will advise:

- the weekly amount of DHP awarded;
- whether it is paid in advance or arrears;
- the period of the award;
- how, when and to whom the award will be paid;
- the requirement to report changes in circumstances, the typical changes that are reported and how they can go about reporting them to the Benefit Unit.

The payment of HB and DHP will be clearly differentiated on the notification letters which will show how much HB and how much DHP is being paid. If the claimant is in receipt of UC the notification letter issued by the Council will only have details of the DHP awarded.

13.0 RIGHT TO REVIEW

Unlike payments of HB or UC entitlement DHP's are not subject to the statutory appeal mechanism. Decisions on DHP's cannot be appealed to an HB or UC tribunal as they are not empowered to deal with them.

The Benefits Unit will review a decision as part of an internal DHP review process. A DHP decision will be reviewed in light of any representations made by the claimant or when a claimant asks for a review if the circumstances are appropriate.

A claimant can request a review if they feel aggrieved by:

- a refusal to award DHP;
- the amount of DHP awarded;
- a decision to backdate or not to backdate a claim for DHP;
- a decision that there has been an overpayment of DHP.

The review process is as follows:

- A request for review/appeal should be made in writing to the Benefits Unit within one calendar month from the date of the decision about the DHP award;
- A request received later than one calendar month from the date of the decision about the DHP award will still be considered in exceptional circumstances;
- Upon receipt of the letter the decision will be reconsidered by a Senior Officer not involved in the original decision;
- As part of the reconsideration process, the Council may gather additional information by contacting the claimant by telephone or via a face-to-face interview with the claimant and/or their representative. Further information may also be requested in writing;
- The claimant will be notified of the DHP reconsideration decision in writing within 10 working days of the receipt of all relevant information in respect of the reconsideration;
- If, on receipt of the DHP reconsideration decision, the claimant continues to feel aggrieved, then they can make a complaint under the Council's Corporate Complaints Procedure (see Appendix 2).
- Where the claimant is still not satisfied, then they can make a complaint to the Scottish Public Services Ombudsman if they believe there has been maladministration;

- A claimant may also have recourse to judicial review.

14.0 DHP FRAUD, ERROR AND OVERPAYMENTS

The Benefit Service will seek to recover any DHP found to be overpaid. Recovery will be considered where the Benefits Unit decide that payment was made as a result of:

- misrepresentation or failure to disclose a material fact, fraudulently or otherwise;
- an error made when the claim was determined.

Recovery will not be made by direct deductions of any HB or UC due to the claimant.

The decision letter issued to the claimant in respect of the overpayment decision will also explain the right to review (see section 13).

The Benefits Unit is committed to identifying and subsequently investigating suspected fraudulent claims for Benefit and DHP. Individuals who falsely declare their circumstances in order to claim DHP will have committed a criminal offence, which may lead to criminal proceedings being instigated.

15.0 ONGOING MONITORING AND REPORTING

The Benefit Assessor when making a decision to award DHP will record the following information about the award;

1. whether or not the claimant has been affected by one of the key welfare reforms, namely: the benefit cap, social sector size criteria, LHA reforms or a combination of reforms,
2. the total amount paid to the claimant. For example, if the award is £10.00 per week for 20 weeks, the total award should be recorded as £200.00. If the payment is a one-off payment, then simply the amount paid.
3. the priority level and broad or main outcome expected from that award, for example,
 - To help secure and move to alternative accommodation (e.g. rent deposit)
 - To help with short-term rental costs until the claimant is able to secure and move to alternative accommodation
 - To help with short-term rental costs while the claimant seeks employment
 - To help with on-going rental costs for foster carer
 - To help with on-going rental costs for disabled person in adapted accommodation
 - To help with short term rental costs for any other reason

A report detailing the level of DHP applications received, the decisions made and the level of DHP committed for the financial year will be forwarded to the Revenues and Benefits Manager for monitoring purposes, and to ensure that the statutory limit is not exceeded.

This report will include:

- the name of the claimant;
- the payee;
- the amount awarded and the period of the award

Once the statutory limit is reached, or is expected to be reached by virtue of a DHP award, no further awards of DHP will be made in any financial year.

16.0 POLICY REVIEW PERIOD

The policy will be reviewed annually or sooner if appropriate, to take account of operational adjustments and/or change in legislation. Any amendments to the policy must be approved by full Council.