

Title: Discretionary Housing Payments Policy for 2020/21

Report authorised by: Richard Grice, Director for Customers, Transformation and Resources

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Ward(s) affected: All

**Report for Key/
Non Key Decision:** Key

1. Describe the issue under consideration

- 1.1 Each year the Department for Work and Pensions (DWP) makes grants available to local authorities for Discretionary Housing Payment (DHP) purposes and a report is taken to Cabinet with an updated DHP policy to reflect the new funding allocation.
- 1.2 For 2020/21 the amount allocated to Haringey Council is £2,047,737, this is £483,790 more than the amount allocated in 2019/20.
- 1.3 The main objective of the DHP policy continues to be to prevent homelessness and to sustain tenancies, however the key changes to note are:
 - The funding amount has been updated to £2,047,737
 - Applications need to be submitted electronically online via the Council's 'My Account' system, this will ensure that all the required information is captured and supporting evidence is uploaded.
 - In exceptional circumstances we will accept printed version of the application form.

2. Cabinet Member Introduction

- 2.1 Central government attacks on the living standards and security of the least well off people continue to make the lives of Haringey's families on low incomes much harder. The report therefore draws members attention to the proposed benefit cuts due to take effect in 2020/21, including the lowered benefit cap, that will significantly reduce the amount of Housing Benefit paid to households that are living in Haringey and/or in temporary accommodation. This will put significant pressure on Haringey's DHP budget in addition to the ongoing impact of previous 'welfare reform'.
- 2.2 Use of our DHP budget is an important means by which the Council aims to assist and protect families threatened with homelessness. We are seeking to focus on increasing financial resilience and reducing demand for crisis support, aligned with our objective of preventing homelessness and reducing our reliance on temporary accommodation. With the resources at our disposal, Haringey will ensure that the DHP policy for 20/21 is administered in a fair and transparent way. We remain committed to doing everything we can to sustain tenancies, prevent homelessness and, where possible, ensure tenants secure more affordable accommodation.

3. Recommendations

- 3.1 It is recommended that Cabinet approves Haringey's Discretionary Housing Payments Policy 2020/21 (see Appendix A) as the means by which the Council will determine how the DHP funds will be allocated during the 2020/21 financial year having regard to the Equalities Impact Assessment (set out in Appendix B).

4. Reasons for Decision

- 4.1 The DHP Policy has to be reviewed and approved every year in line with the changing funding allocated by the DWP.

5. Alternative Options Considered

- 5.1 Consideration has been given to the option of continuing with Haringey's existing DHP Policy. The policy is reviewed each year in line with the new allocation of funding; as such this option is viable.

6. Background Information

- 6.1 DHPs are short-term awards administered by Local Authorities to help people with housing costs. They can play an important role in sustaining tenancies, preventing homelessness and, where needed, enabling tenants to move to more affordable accommodation. Increasingly DHPs are being given to assist those affected by welfare reform.
- 6.2 A Council's decision to award a DHP is discretionary but it must be made in accordance with the regulations which cover DHPs (the Discretionary Financial Assistance Regulations 2001) and with the ordinary principles of good decision-making i.e. administrative law. In particular, Local Authorities have a duty to act fairly, reasonably and consistently. The DHP policy should support the decision-making process, enabling fair and consistent decisions to be made across the year.
- 6.3 In 2018/19 a total of 1,662 awards were made to 724 different claimants, totalling £1.6m, the full allocation for that year.
- 6.4 In 2019/20 to date, a total of 698 awards have been made to 529 different claimants, totalling £909,340.
- 6.5 The following table gives a breakdown of the reasons for these awards. Whilst we cannot give any precise details on how these awards have helped individual families, anecdotal evidence shows that these groups were suffering financial hardship that could have led to them being made homeless without the support from the DHP.

	Benefit Cap	Bedroom Tax	Size Criteria	Other (including health reasons)	Total
2018/19 No. of awards	1205	117	148	192	1662
2018/19 No. of claimants	386	81	112	145	724
2019/20 No. of awards	698	133	80	91	1002
2019/20 No. of claimants	280	108	69	72	529

7. Contribution to Strategic Outcomes

- 7.1 The stated aims of the policy support a number of our corporate priorities, including:

- Sustaining tenancies and preventing homelessness
- Ensuring residents can find and keep good quality employment
- Supporting the vulnerable and elderly to live independent lives
- Creating a fair and equal borough by tackling the underlying factors of poverty and disadvantage
- Early help and intervention

8. Statutory Officers Comments

Assistant Director of Corporate Governance

- 8.1 The Assistant Director of Corporate Governance has been consulted in the preparation of this report.
- 8.2 The Department of Work & Pensions Discretionary Housing Payments (DHP) Guidance Manual which includes the Local Authority Good Practice Guide was re issued in August 2019. This manual provides guidance and advice on good practice when a DHP is being considered.
- 8.3 The legislative framework to Discretionary Housing Payments (DHPs) is set out in sections 69 & 70 of the Child Support Pensions & Social Security Act 2000 and the Discretionary Financial Assistance Regulations 2001, and the Universal Credit Regulations 2013 (SI 2013/630).
- 8.4 The regulations give local authorities a very broad discretion in framing a policy for administering DHPs. The authority has a discretion whether or not to make a DHP in a particular case, the amount of a payment, and the period for or in respect of which they are made. Decisions about DHPs must however be made in accordance with ordinary principles of good decision making and administrative law. There is a requirement to exercise discretion in individual cases, act fairly, reasonably and to apply a consistent approach in dealing with applicants for DHPs. Each case has to be assessed on its own merits and the policy must allow for unusual cases to receive proper consideration.
- 8.5 The discretion afforded to the Council allows for the policy to be amended when the council's priorities change.
- 8.6 In addition to central government contribution, Local Authorities can top up their DHP funding. In accordance with Article 7 of the DHP (Grants) Order 2001, the Council's total expenditure on DHP cannot exceed the overall cash limit of two and a half times the government contribution. To award DHP after this level has been reached would be unlawful.
- 8.7 The DHP (Grants) Order 2001 requires Local Authorities to submit forms to the DWP that provide detail of DHP expenditure.
- 8.8 Any unspent DHP funding must be returned to the DWP at the end of the financial year.
- 8.9 This policy acknowledges the legal framework and the guidance, and takes account of public law duties when setting out how decisions about DHPs will be made.

Equalities

- 8.10 The Council has a public sector equality duty under the Equalities Act (2010) to have due regard to:
- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act
 - Advance equality of opportunity between people who share those protected characteristics and people who do not
 - Foster good relations between people who share those characteristics and people who do not.
- 8.11 The three parts of the duty apply to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and

sexual orientation. Marriage and civil partnership status apply to the first part of the duty.

8.12 The purpose of Discretionary Housing Payments is to support residents who are facing housing problems and are vulnerable to becoming homeless. The 2020/21 DHP Policy is largely a continuation of previous policy, though with an increase in overall funding coming from central government there will be more funding available to award to applicants.

8.13 Individuals who share certain protected characteristics are more likely to make a DHP claim and are therefore more likely to be affected by a reduction in available funding. However, eligibility criteria are applied in every case to ensure that the most vulnerable residents receive DHP funds, regardless of the group they belong to. See the attached EqIA for more information.

8.14 The DHP application process is online for Haringey residents, with offline application forms available on request from Haringey's Customer Service Centres. This does not pose any equalities challenges, provided that the offline option is well signposted and remains easily accessible to those who do not have access to, or do not know how to use, the internet. If this were not the case, there would be a risk that this could exclude some residents from applying for funds, particularly older residents and those with a disability who experience higher rates of digital exclusion.

Chief Finance Officer

8.15 The Chief Finance Officer notes the funding of £2,047,737 allocated to Haringey for 2020/21 which is £483,790 more than the amount allocated in 2019/20.

9. Use of Appendices

- Appendix A – Haringey's Discretionary Housing Payments Policy 2020/21
- Appendix B – EQIA

10. Local Government (Access to Information) Act 1985

10.1 None