

## MUNICIPAL YEAR 2018/2019 REPORT NO.

### ACTION TO BE TAKEN UNDER DELEGATED AUTHORITY

### PORTFOLIO DECISION OF:

Cabinet Member for Finance  
and Efficiency

### REPORT OF:

Director of Finance

**Agenda – Part: 1**

**KD Num: 4427**

**Subject:** Discretionary Housing Payment  
Policy

**Wards: All**

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## 1. EXECUTIVE SUMMARY

The current Discretionary Housing Payment Policy was drafted in April 2014. The policy has been reviewed in light of DWP Guidance, last published in May 2018, and as a response to rising pressure on the fund due to increasing homelessness acceptances and rising numbers of tenants in temporary housing in Enfield. The DHP Award Scheme is a limited resource. There is a significant difference between the overall DHP central government allocation and the effect of the welfare changes on tenants across Enfield. As such everyone affected by the welfare reforms cannot be granted DHP.

The changes to the current policy are being proposed in order to:

- give clearer guidelines on prioritising certain types of applications
- focus DHP awards for a limited period to mitigate the effects of welfare reforms while a tenant takes action to resolve their shortfall in rent in the longer term.

The revised DHP policy went out to consultation alongside a survey regarding the key changes from 31st July 2017 to 20th October 2017 (12 weeks).

## 2. RECOMMENDATIONS

The Cabinet Member for Finance and Efficiency is asked to agree the new Discretionary Housing Payment Policy for implementation.

### **3. BACKGROUND**

#### **3.1 Welfare reform**

National changes to benefits entitlement are having a significant impact in Enfield. These include changes to the way LHA is calculated; restricting the housing benefit entitlement for social housing tenants with accommodation larger than necessary through the spare room subsidy; and capping the total amount of benefit paid to working-age claimants.

The benefit cap of £26,000 per year introduced in April 2013 affected around 1,800 households in Enfield within the first 10 months of adoption. This large figure reflects Enfield's sizeable number of benefits claimants. The spare room subsidy affected around 1,400 Enfield households when it was introduced. These households have had to either begin paying the additional rent or move to smaller properties.

In autumn 2016 the benefit cap in London was lowered to £23,000 (£15,410 for single people). At February 2018, this was impacting 958 households in Enfield, the fifth highest number in the UK.

#### **3.2 Current Discretionary Housing Payment claims**

During 2017/18, 979 benefit claimants were awarded a DHP. As at 30<sup>th</sup> June 2018, we have awarded a total of 222 DHP awards since 1<sup>st</sup> April 2018. Of these, 125 claimants (56%) were also awarded a DHP during the previous financial year.

#### **3.3 Discretionary Housing Payments Policy**

The DHP Award Scheme is a limited resource. There is a significant difference between the overall DHP central government allocation and the effect of the welfare changes on tenants across Enfield. As such everyone affected by welfare reforms cannot be granted DHP.

DHPs are intended to be a short term, temporary bridging grant to prevent unmanageable rent arrears by providing financial support while efforts are undertaken by the tenant to address the shortfall. There are exceptions to this, where the transitional nature of DHPs may represent an inappropriate form of assistance for applicants with a long-term enduring need and DHP is needed on an ongoing basis. For example, cases where the property has been substantially altered as a result of an occupier's disability, an extra room is needed for a disabled occupier or foster child or where there are shared care arrangements or domestic violence safe rooms.

The new DHP Policy is intended to help the Council make better use of the limited DHP funding available to mitigate the effects of the welfare reforms by supporting as many tenants as possible for a time limited period, as opposed to making ongoing longer-term payments to fewer tenants.

The new policy gives clearer guidelines on prioritising certain types of applications by introducing a mechanism whereby DHP will be prioritised on applicants who agree to take action to resolve their housing problems in the longer term. The policy makes clear what has to be done to maximize one's chances of a successful award and/or in what factual circumstances an award would be more likely to be successful. The policy makes an award for a limited period of time after which the case will be reviewed before another DHP is awarded. The policy makes clear that any subsequent award is more likely to be granted if the applicant has taken action to resolve their housing problems.

This is a significant change in emphasis from Enfield's current DHP policy which states a second award is unlikely even if circumstances have not changed. This change of emphasis is required, on Legal advice, as if the overwhelming probability is that only one award will be given it is very arguable that the lack of a second award would be considered by the court to a supervening factor that would break the chain of causation of homelessness and Enfield will not be able to sustain an Intentionally Homeless decision following DHP ceasing. The reviewed policy therefore also helps us to support an intentionally homeless decision for tenants for whom we have made the decision to cease making DHP payments.

### **3.3 Consultation**

The revised DHP policy went out to consultation alongside a survey regarding the key changes from 31st July 2017 to 20th October 2017 (12 weeks). It was publicised on Facebook/Twitter and sent to 79 VCS organisations, 36 Registered Housing Providers and 1400 DHP Applicants. Emails were sent before the close of the consultation to remind individuals to respond.

In total there were 64 responses. 61% of the responders informed us that they were receiving both Council Tax support and Housing benefit. 45% were working in either part time or full-time employment. The consultation respondents included people from all age brackets, White British and BME people, people from different religious groups, people

of different sexualities and included people with no health problem or disability, and those who did have a health problem or disability.

The consultation survey included four questions. The first two questions asked the public to consider whether they agreed with who we propose should be prioritised for a DHP being:

- a) private rented sector households who have a shortfall between their housing benefit and rent and who are genuinely threatened with homelessness and who, should they be made homeless, would likely be owed the full homelessness duty and;
- b) applicants who take action to resolve their housing problems whether by finding work and/or moving home and/or reprioritising their expenditure and/or making applications for benefit to which they are entitled.

The majority of respondents agreed with both these proposals. However, in relation to point a), we were questioned on why we would prioritise private rented sector households over and above others. On a further review of the principles of the policy and of the DWP guidance, we have added clarity on eligibility so that the policy is now clear that it is not only private rented sector households who will be prioritised. We have also added further clarity to the policy on who is eligible to make an application.

The third question related to the length of time it is suggested as being reasonable to award DHP payments for. Just over half of respondents (54%) agreed that 3-6 months was a reasonable time period for awarding DHP. However, comments included proposals that 3 months would be insufficient time for claimants to resolve their housing difficulties. The policy has been amended to state that the usual time period will be 6 months. The policy states that DHP will be awarded for 12 months in exceptional cases, which was supported by 90% of the respondents. We have also further clarified how cases are reviewed.

Finally, 63% either 'strongly agreed or agreed' that the revised DHP policy is clear and easy to understand. Feedback included the suggestion for further clarity in the policy summary on the assessment process for DHP, which has now been included.

#### **4. ALTERNATIVE OPTIONS CONSIDERED**

An alternative option is to continue with the approach set out in our existing policy. However, this will restrict the council from meeting the challenges of existing and future welfare reform.

Increasing numbers of private sector tenants whose benefits have been capped will become threatened with homelessness. Without a more robust DHP Award Scheme which incentivises and supports applicants to find work or more affordable accommodation, it is likely that many of these households will become dependent on DHP. This is not sustainable given that DHP is a limited resource. Keeping the existing policy would also lead to increasing numbers of temporary accommodation tenants whose benefits have been capped becoming dependent on DHP. Where this becomes unaffordable given the limited DHP funds, and the council are increasingly required to terminate DHP on review, it would remain difficult to make Cessation of Duty decisions because tenants will argue that their accommodation is unaffordable and the council must cover the costs. This risks a significant projected budget pressure on temporary accommodation costs.

#### **5. REASONS FOR RECOMMENDATIONS**

The new policy has been amended to enable the council to make better use of the limited DHP award resource to support tenants while they take action to resolve their housing difficulties in the longer term. The new emphasis will also support the Council in making an "intentionally homeless" (private sector) or a "cessation of duty" decision (temporary accommodation) where a tenant fails to take reasonable action to pay rent they can reasonably afford or take action to resolve their housing benefit shortfall in the longer term.

The new policy aims to discourage tenants from becoming dependant on DHP payments and make DHP available to help other tenants in need. It aims to ensure the Council communicates clearly to capped private sector tenants that tenants are expected to take reasonable steps to resolve their shortfall in the longer term. Where tenants fail to take such action, the change of policy will make it easier for the Council to cease DHP payments (after a reasonable period) and find the tenant intentionally homeless in exceptional and appropriate cases.

The change in policy should encourage private rented sector tenants to resolve their own housing benefit shortfalls rather than choose to approach Enfield as homeless and rely on temporary accommodation. This is an important way in which to avoid escalating temporary accommodation costs.

Temporary housing tenants will also be encouraged to take action to resolve their housing benefit shortfalls, pay rent they can reasonably afford, find work or find alternative accommodation, rather than become dependent on DHP in the long term. Enfield will find it easier to make a cessation of duty decision in exceptional and appropriate cases, where the tenant is failing to engage with support and advice and take steps to reduce their shortfall. This will help the Council avoid escalating costs of uncollected rent.

Tenants with enduring need are the exception to the above. Where the transitional nature of DHP is not appropriate because of an enduring need, the award would continue for the longer term, subject to the availability of the DHP fund.

We have consulted with members of the public, relevant support groups in the voluntary sector and with registered housing providers to seek feedback on the policy and identify any actions we may need to take in addition to what is set out in the policy. Responders to the consultation were broadly supportive of the new policy. Briefing sessions and communication material will be arranged following approval of the policy. A policy summary has been produced to aid communication to the public.

## **6. COMMENTS FROM OTHER DEPARTMENTS**

### **6.1 Financial Implications**

The total DHP funding available to Enfield for 2018/19 is £2,131,652. This is received from Central Government in the form of a grant.

The policy allows Enfield scope to help the people in the Borough most in need and acts as a cost avoidance measure for the Council as it allows us to help people retain their existing private tenancies instead of being housed in Temporary Accommodation.

The amendments to the policy should enable Enfield to make the best use of the grant money available as it will now only be awarded to tenants who also make a commitment to help themselves by restructuring their finances. This should have the effect of reducing the likelihood of further Council intervention in the future.

DHP will continue to be monitored and reported through the monthly FRCS monitor.

### **6.2 Legal Implications**

The Discretionary Financial Assistance Regulations 2001 provide Local Authorities with a broad discretion as to the administration and entitlement of person to DHPs. Broadly speaking the Local Authority has the power to decide who is entitled to a DHP and this permits the

Authority to strategically focus on certain groups of people or situations to help alleviate financial pressures and prevent homelessness. Providing the policy complies with the Regulations and equality legislation, and the Authority has put the proposed policy out for consultation, the Authority can decide who is entitled to a DHP.

### **6.3 Property Implications**

Not applicable.

## **7. KEY RISKS**

The policy requires more intensive input from staff than the existing policy, through the introduction of reviews with tenants after three or six months of receipt of DHP. There is a risk that existing staff resources will be unable to manage this new process. This risk will be mitigated by the optimisation of the discretionary grant payments IT products, which will free up existing staff time to implement the new requirements of the policy. There is the risk of legal challenge if the DHP policy is used to sustain intentionally homeless decisions, as DHP has not previously been used in this way. However, legal advice has been sought and has been reflected in the policy.

## **8. IMPACT ON COUNCIL PRIORITIES – CREATING A LIFETIME OF OPPORTUNITIES IN ENFIELD**

### **8.1 Good homes in well-connected neighbourhoods**

The changes proposed will help the Council to prevent homelessness by making the best use of the limited funding available for all tenants who may be in need of DHP. The policy does this by setting out clear guidelines for all applicants on how they can increase the likelihood of being successful in receiving an award.

### **8.2 Sustain strong and healthy communities**

The new policy provides clearer guideline for tenants on steps they need to take for themselves to resolve their housing difficulties, which should support resilience for the longer term.

### **8.3 Build our local economy to create a thriving place**

The policy will help the Council prioritise funding and manage applications by controlling spend in the longer term. The new policy should also help support tenants into employment through the advice and guidance tenants will receive regarding taking steps to resolve their housing difficulties for themselves in the longer term. The new policy will also help us to manage funding pressures on temporary housing by supporting intentionally homeless and cessation of duty decisions where appropriate.

## **9. EQUALITIES IMPACT IMPLICATIONS**

The DHP Award Scheme assists us with meeting our obligations under the Equalities Act. We have created a Policy that seeks to ensure that we protect and support those most in need with assistance in cases of extreme financial hardship in relation to housing costs.

The new policy states that each case will be treated on its own merits and all applicants will be treated fairly and equally. The consultation respondents included people from all age brackets, White British and BME people, people from different religious groups, people of different sexualities and included people with no health problem or disability, and those who did have a health problem or disability.

An equalities impact assessment has been completed for the new policy. This concluded that the policy is not expected to discriminate against any groups and is expected to have a positive impact on all claimants. It also concluded that some groups in particular will benefit from the policy, including people with disabilities and their carers, people with children, which includes single parents who are more likely to be women, young people experiencing difficulties, and people who may be the victim of violence.

The Policy states that we will collect equalities data on applicants for the DHP Award and that we will undertake analysis of this data in order to ensure that any necessary amendments can be made to the Policy, or to how we communicate and implement the Policy, to ensure we continue to meet our obligations under the Equalities Act. The equality impact assessment includes a recommendation for all protected characteristics to be recorded for all applicants (including those who are not successful in being awarded DHP).

## **10. PERFORMANCE MANAGEMENT IMPLICATIONS**

The existing performance framework for the management of DHP will need to be reviewed in order to make any necessary adjustments in light of the new policy.

## **11. HEALTH AND SAFETY IMPLICATIONS**

Not applicable at this stage.

## **12. HR IMPLICATIONS**

Not applicable at this stage.

## **13. PUBLIC HEALTH IMPLICATIONS**



Changes in benefit provision have had a substantial effect on the ability of the Council to provide housing to vulnerable residents. The successful implementation of the policy should help to mitigate some of these effects as it will allow fair and transparent prioritisation of applications and DHP awards.

### **Background Papers**

Discretionary Housing Payments Policy  
Equality Impact Assessment



## DISCRETIONARY HOUSING PAYMENTS (DHP) POLICY

<b>Scope</b>	<p>This policy sets out our approach to awarding Discretionary Housing Payments (DHP). It applies to how we award payments to all applicants of DHP in the London Borough of Enfield.</p> <p>This policy makes reference to other discretionary payments such as the Emergency Support Scheme; Council Tax Support Scheme; and Free School Uniforms Grant. However, the detail of our approach to awarding these payments is set out in their respective guidance documents</p>
<b>Approved by</b>	<i>Final version to be taken to Cabinet Member for Finance and Efficiency</i>
<b>Approval date</b>	<i>TBC</i>
<b>Document Author</b>	Strategy, Partnership, Engagement and Consultation Hub
<b>Document owner – Corporate</b>	James Rolfe, Executive Director of Resources
<b>Document owner – Portfolio Holder</b>	Cllr Mary Maguire, Cabinet Member for Finance and Procurement
<b>Review</b>	We will keep this policy under constant review. We will update it based on any changes in legal or local context.

## **1. INTRODUCTION**

- 1.1. The DHP scheme allows Councils the discretion to top up awards of benefit in certain cases. It is largely subsidised by the Government, up to a capped level each year. Above this, Enfield does not receive subsidy and the authority has to fund the excess expenditure itself. The total amount of DHP Enfield can pay is also capped. Enfield is committed to managing its DHP awards in accordance with the principles set out in the Government's Best Practice Guide<sup>1</sup>.
- 1.2. Our policy is to make DHP awards to pay shortfalls in Housing Benefit/ housing element of Universal Credit and Local Housing Allowance in certain cases that meet the criteria set out in this policy. The purpose of this policy is to specify how Enfield Council's Assessment Services will operate the scheme and to indicate the factors which will be considered when deciding if a DHP award can be made.
- 1.3. The DHP Fund is a short-term emergency fund, awarded whilst the customer seeks alternative solutions. The main features of the Fund are that:
  - DHP awards are discretionary
  - Customers do not have a statutory right to an award
  - The DHP covers shortfalls in housing costs only (where Housing Benefit/ housing element of Universal Credit is in payment)
  - It is a cash limited fund and we will keep the spend under regular review
  - Housing Benefit/ housing element of Universal Credit must be in payment in the week in which a DHP award is made.

## **2. AIMS AND OBJECTIVES**

- 2.1. In awarding DHP, the Local Authority expect all households to take positive steps to resolve their financial situation. We aim to:
  - safeguard and promote the welfare of children
  - prevent homelessness
  - alleviate poverty
  - support individuals or families who cannot move immediately for reasons of health, education or child protection
  - promote good educational outcomes for children and young people
  - help people through personal and difficult events

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<sup>1</sup> <https://www.gov.uk/government/publications/discretionary-housing-payments-guidance-manual>

- support young people in the transition to adult life
  - support families coping with illness or infirmity within their household, including by helping disabled people to remain in adapted properties
  - support carers, including foster carers
  - support domestic violence victims who are trying to move to a place of safety
  - support those leaving or working in the British Armed Forces
  - encourage and sustain people in employment
  - provide support to those affected by the Government's welfare reforms.
- 2.2. Each case will be treated on its own merits and all applicants will be treated fairly and equally in the accessibility to the Fund and also the decisions made with applications.
- 2.3. 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.
- 2.4. The Assessment Service will give more weight to awarding funds to applicants whose circumstances show that they are taking certain defined steps to resolve their financial and housing difficulties.

### **3. ELIGIBILITY FOR DHP**

- 3.1. In order to be eligible, applicants must be the Housing Benefit/ Universal Credit claimant and have made an application for and secured an award of Housing Benefit or Universal Credit that includes a housing element. Whilst the following groups are treated as being eligible for a DHP, an award of a DHP is determined in accordance with the assessment process set out in this policy.
- 3.2. DHP is awarded for housing costs. Housing costs include rental liability, rent in advance, deposits and other lump sum costs associated with addressing a housing need.
- 3.3. We may decide that a backdated DHP award is appropriate where there is a shortfall between the Housing Benefit/ housing element of Universal Credit and the contractual rent for the backdated period which could then settle rent arrears. This would be the only circumstance where the DHP could be used to facilitate payment of rent arrears. A DHP in this circumstance may only be considered for a period where the linked Housing Benefit/ housing element of Universal Credit is (or was) payable.
- 3.4. Enfield's DHP fund is for households living in the London borough of Enfield. However, there are exceptions to this as follows:

- 3.5. Enfield council tenants or homeless households for whom we find accommodation in another borough are eligible for a DHP from Enfield council.
- 3.6. Council tenants and homeless households placed in temporary accommodation in Enfield by another local authority are ineligible for a DHP from Enfield Council. Households in these circumstances should approach the council that housed them in Enfield, if they would like to apply for a DHP. If a tenant is housed in a private rented sector property in Enfield by another local authority, they are eligible for a DHP from Enfield council.
- 3.7. If we place a homeless household in a private rented sector property in another borough, they are ineligible for a DHP from Enfield and must approach the local authority in which they are placed if they would like a DHP. However, if the household is at risk of homelessness and Enfield council has a duty to rehouse them, we may then consider a DHP at that stage in order to prevent homelessness.
- 3.8. Customers will be expected to take reasonable steps to increase their income and reduce their unnecessary expenditure.
- 3.9. Where a customer is not claiming a Council Tax discount or exemption to which they may be entitled or a welfare benefit or additional financial assistance, they will be advised, and where necessary assisted, in making a claim to maximise their income, before their claim for DHP will be decided.

#### **4. INELIGIBILITY FOR DHP**

- 4.1. DHP cannot be awarded for the following circumstances:
- Where full rental liability is being met by Housing Benefit/ Universal Credit.
  - Where we consider that there are unnecessary expenses or debts which the customer has not taken reasonable steps to reduce.
  - To reduce any Housing Benefit/ Universal Credit recoverable overpayment.
  - To cover ineligible service charges.
  - To cover increases in rent due to outstanding rent arrears.
  - Where there is a shortfall caused by a Department for Work and Pensions sanction or suspension being applied because the customer has turned down work, an interview or training opportunities.

- When Housing Benefit/ housing element of Universal Credit is suspended.
- To cover Shortfalls in Council Tax Support or any other shortfall which is not housing related.

## **5. MAKING A CLAIM**

- 5.1. The application form must be fully completed and supporting information or evidence provided, as reasonably requested by the Local Authority. In cases of exceptional financial hardship applications must include sufficient evidence of financial hardship and personal circumstances that justify a DHP award.
- 5.2. In most cases the person who claims the award will be the person entitled to Housing Benefit or Universal Credit. However, a claim can be accepted from someone acting on another's behalf, such as an appointee, if it is considered reasonable.
- 5.3. All applications should be made by the claimant or his/her advocate or appointee online on the Council website at <https://new.enfield.gov.uk/services/benefits/discretionary-payments/>.
- 5.4. Claims made for DHP will also constitute a claim for council tax support hardship.

## **6. THE ASSESSMENT PROCESS**

- 6.1. When considering a DHP application, we will refer to the objectives of this policy, set out in 2.1 above.
- 6.2. Applicants will be assessed on the basis of demonstrable exceptional financial hardship. Applicants will need to demonstrate the need for short term assistance to allow time to resolve their financial hardship (for instance finding work, moving home, completing examinations or treatment programmes) or one-off funds to move to affordable accommodation.
- 6.3. We are more likely to award a DHP to applicants who will take action to resolve their housing situation, whether by finding work and/or moving home and/or re-prioritizing their expenditure and/or making applications for benefit to which they are entitled.
- 6.4. DHP will be awarded for a time limited period, usually for a period of six months, to give applicants time to sort out their financial and housing circumstances. The intention remains that those affected by welfare reform will take effective efforts to resolve their situation in the longer term.

- 6.5. There are exceptions to this, where the applicants' particular circumstance mean that the transitional nature of DHPs may represent an inappropriate form of assistance for applicants with an enduring need. For example, cases where the property has been substantially altered as a result of an occupier's disability, an extra room is needed for disabled occupier or foster child or where there are shared care arrangements and domestic violence safe rooms. In these cases, DHP will be awarded for a longer period of up to 12 months.
- 6.6. The Council's Assessment Service will assess and decide whether or not to make a DHP award, how much any award might be and for what period of time. When making this decision we will consider the following:
- 6.7. The shortfall in housing costs**
- The shortfall between the Housing Benefit/Universal Credit housing cost element and the rental liability
  - The reason for the shortfall
  - Whether the property was affordable at the time of the tenancy starting.
- 6.8. The circumstances of the households (with reference to the objectives of the policy set out in 2.1)**
- The personal circumstances, age and medical circumstances (including ill health and disabilities) of the customer, their partner and any dependants and any other occupants of the customer's home
  - The difficulty experienced by the customer which prevents them from being able to meet the shortfall, or to secure alternative, more affordable accommodation
  - The exceptional nature of the customer's and/or their family's circumstances that impact on finances.
- 6.9. The steps taken by the customer to reduce their shortfall**
- Steps taken by the customer to establish whether they are entitled to other welfare benefits.
  - The income and expenditure of the customer, their partner and any dependants or other occupants of the customer's home How deemed reasonable expenditure exceeds income
  - Any savings, capital or other financial assets that might be held by the customer or their partner or any other person living in the dwelling



- Any deposits due to the tenant
- Other debts outstanding for the customer and their partner
- Whether the customer has already accessed or is engaging for assistance with budgeting and financial/debt management advice.
- The length of time they have lived in the property
- Whether any move is reasonable and the tenant is moving to an affordable property.

#### **6.10. Other assistance already received from the Council**

- Whether a DHP has previously been awarded to meet a shortfall in rent
- Any other assistance provided by the Council towards deposit costs
- Any other assistance provided by the Council including other discretionary funds, including the Council Tax Support Hardship Scheme.. If the customer has not yet been assessed for an award under the Council Tax Support Hardship Scheme, we will make an assessment for this award at the same time as completing our assessment for DHP.

### **7. PAYMENT OF AN AWARD**

- 7.1. We will notify the outcome of each application for DHP in writing, including details of the amount and duration of the award. A DHP award may be less than the shortfall in housing costs (ie the difference between the Housing Benefit/Universal Credit award and the amount of rental liability). We will agree the time period over which the DHP will be awarded, which is generally six months, unless in exceptional circumstances.
- 7.2. Where HB is being paid by the Local Authority the DHP award will be added to the Housing Benefit payment. Where Universal Credit Housing costs are paid by the DWP, DHP will be paid separately by the Local Authority
- 7.3. The award may be made direct to a third party such as a landlord.
- 7.4. Our ability to make an award in any given case is necessarily dependent on the continued availability of funding for that purpose in the financial year concerned.
- 7.5. An award from the DHP Fund does not automatically mean that a further award will be made at a later date, even if the customer's circumstances have not changed. At the point of a DHP award, we will make it very clear to applicants that, were they to make a subsequent claim in future, DHP is more likely to be awarded to applicants whose

circumstances show that they can take certain defined steps to resolve their housing difficulties and during the period of their previous award, evidence that they have been doing so (see the section on Review below). The applicant will be made aware of the effect that failure to act is likely to have on any future DHP payment and thus their ability to meet their rental obligations.

## **8. SUBSEQUENT APPLICATIONS: REVIEWS**

- 8.1. If a subsequent application is made on expiry of an award, we will review the case to determine whether a subsequent payment will be made and the level of any subsequent payment.
- 8.2. DHP is more likely to be awarded to applicants whose circumstances show that they can take certain defined steps to resolve their housing difficulties and during the period of their previous award, evidence that they have been doing so. If the tenant has failed to take reasonable actions to resolve their housing difficulties, a subsequent DHP payment is less likely to be made. This will be made clear to all applicants at the point at which the DHP is awarded.
- 8.3. Applicants will be deemed to be taking action to resolve their housing problems in the longer term if they are taking steps to find work; are looking for cheaper accommodation; are taking steps to maximize their welfare entitlements; and are paying what rent they can afford while taking reasonable actions to resolve their housing difficulties.
- 8.4. In exceptional cases, where the transitional nature of DHPs may represent an inappropriate form of assistance due to an enduring need, the decision to renew the award will be based on evidence of the enduring need. This will include cases where the property has been substantially altered as a result of an occupier's disability, an extra room is needed for disabled occupier or foster child or where there are shared care arrangements and domestic violence safe rooms.
- 8.5. If it is agreed to renew the award, we may revise the amount of DHP awarded following our review, where the applicant's circumstances have changed which either increases or reduces their Housing Benefit/Universal Credit entitlement, or where there are changes to other income sources such as employment.
- 8.6. Our ability to make a further award in any given case is necessarily dependent on the continued availability of funding for that purpose in the financial year concerned.

## **9. DUTIES OF THE CUSTOMER**

- 9.1. A person claiming a DHP award is required to:

- Provide us with the information we require in a timely manner in order to make a decision
- Tell us of any changes in circumstances that may be relevant to their ongoing claim
- Deliver any actions agreed as part of the DHP award to alleviate their financial situation such as to find work or find more affordable accommodation
- Provide us with any other information we may require in connection with their claim.
- Repay any overpaid DHP. This will be done by way of an invoice.

## **10. THE RIGHT TO A RECONSIDERATION OF A DECISION**

- 10.1. There are no statutory appeal rights concerning the refusal of DHP awards, but we will reconsider any cases where new information subsequently comes to light or where we have made an error. The route of Judicial Review is available.
- 10.2. If the customer is not satisfied with the decision in respect of an application for a DHP award, a decision to make a reduced amount of DHP award, a decision not to backdate a DHP award or a decision that there has been an overpayment of a DHP award, they must write to us setting out their grounds for a request for a reconsideration within 28 days of being informed of the decision that has been made.
- 10.3. We will reconsider the decision and the review will be carried out by someone other than the person making the original decision. We will respond in writing within 28 days of receiving the appeal, setting out the decision and associated reasons for the decision. Any request for a reconsideration must be made within 28 days of the date of the notification letter notifying the original decision.
- 10.4. Any complaint about how we have applied our operating procedures in handling an application will be managed through the our Complaints Procedure (available on the Council website).

## **11. TACKLING FRAUD**

- 11.1 We are committed to protect public funds and seek to ensure funds are awarded to the people who are rightfully eligible to them.
- 11.2 A customer who tries to fraudulently claim a DHP award by falsely declaring their circumstances or providing a false statement or evidence in support of their application may have committed an offence under The Fraud Act 2006.

- 11.3 Where we suspect that such a fraud may have been committed, this matter will be investigated as appropriate and may lead to criminal proceedings being instigated.

## **12. PUBLICITY**

- 12.1. We will publicise the DHP Fund. We will raise awareness through promotion on the Council website and by raising awareness with staff across the Council, relevant voluntary organisations, advice agencies, landlords and other partner organisations. A copy of this policy will be available on our website.

## **13. EQUALITIES**

- 13.1. The DHP Award Scheme assists us with meeting our obligations under the Equalities Act. The Act requires the Council to have due regard to eliminating discrimination and harassment and supporting people with protected characteristics including age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation, marriage and civil partnership.
- 13.2. We recognise the importance of protecting the most vulnerable people in our community and also the impact that welfare reform changes could have on these groups. We have created a Policy that seeks to ensure that we protect and support those most in need with assistance in cases of extreme financial hardship in relation to housing costs.
- 13.3. We will collect equalities data on applicants for the DHP Award. We will undertake analysis of this data in order to ensure that any necessary amendments can be made to the Policy, or to how we communicate and implement the Policy, to ensure we continue to meet our obligations under the Equalities Act.

## **14. LEGISLATION**

- 14.1 The regulations covering DHPs are The Discretionary Financial Assistance Regulations 2001. The legislation which specifies the overall limit on expenditure is Article 7 of The Discretionary Housing Payment (Grants) Order 2001.

# Enfield Council Predictive Equality Impact Assessment/Analysis

NB if there is likely to be an impact on different groups of staff as a result of this proposal, please also complete a restructuring predictive EQIA form

<b>Department:</b>	Chief Executive	<b>Service:</b>	Strategy, Partnership, Equality and Engagement		
<b>Title of decision:</b>	Discretionary Housing Payment Policy	<b>Date completed:</b>	August 2018		
<b>Author:</b>	Harriet Potemkin	<b>Contact details:</b>	Harriet.potemkin@enfield.gov.uk		
<b>1 Type of change being proposed:</b> (please tick)					
Service delivery change/ new service/cut in service	Policy change or new policy	<input checked="" type="checkbox"/>	Grants and commissioning		Budget change
<b>2 Describe the change, why it is needed, what is the objective of the change and what is the possible impact of the change:</b>					
<p>The current Discretionary Housing Payment Policy was drafted in April 2014. The policy is being reviewed in light of new DWP Guidance (last updated in March 2018) and as a response to rising pressure on the fund due to increasing homelessness acceptances and rising numbers of tenants in temporary housing in Enfield.</p> <p>The changes to the current policy are being proposed in order to:</p> <ul style="list-style-type: none"> <li>• give clearer guidelines on prioritising certain types of applications</li> <li>• focus DHP awards for a limited period to mitigate the effects of welfare reforms while a tenant takes action to resolve their shortfall in rent in the longer term.</li> </ul> <p>Impact on current and future claimants is therefore expected to be positive.</p>					
<b>3 Do you carry out equalities monitoring of your service? If No please state why?</b>					
It is possible to monitor the race, gender, age and disability of DHP claimants. It is not currently possible to monitor claimants in relation to					

religion or belief, sexual orientation, or gender reassignment.

To consider the equalities impact of the new policy, we have reviewed the available equalities data on existing claimants for the year 2018/19, as at 31st June 2018. This totalled 222 claims during the first quarter of the year.

### Age

Age	Number of claimants – year to date at 30 <sup>th</sup> June 2018
16 - 25	17
26 – 35	77
36 – 45	64
46 – 55	31
56 - 65	26
66 – 75	6
76 - 85	2
Total	222

Adult applicants from all age groups are represented amongst those currently claiming DHP. The policy changes are expected to impact all age groups. However, changes are expected to have a particular impact on those aged 16 to 65, and a lesser impact on those aged 66 or over, based on the current age range of existing claimants. As the policy is expected to have a positive impact, it is not expected to discriminate against these groups, and is expected to particularly promote equality of opportunity for those ages 16 to 65 who are in a position to require DHP.

### Race

Race	Number of claimants – year to date at 30 <sup>th</sup> June 2018
White: Any other White background	7
Asian or Asian British: Any other Asian Background	1
Asian or Asian British: Indian	1
Black or Black British: African	10
Black or Black British: Any other Black Background	2
Black or Black British: Caribbean	11
Chinese	1
Mixed: Any other mixed background	1
Mixed: White and Asian	1
Mixed: White and Black African	2

Mixed: White and Black Caribbean	4
White British	23
White Irish	3
Not known	155
Total	222

The race of almost 70% of current claimants is unknown. It is therefore not possible to consider whether any groups are likely to be more impacted by the new policy than others, based on the available data.

### Disability

In receipt of disability benefit?	Number of claimants – year to date at 30 <sup>th</sup> June 2018
Yes	11
No	211
Total	222

The current profile of applicants includes both those receiving a disability benefit and those not in receipt of this benefit. It should be noted that the figure of 11 disabled applicants may not include all those who would be considered to have a disability under the Equality Act, some of whom may also be included amongst the 211 not receiving this benefit. The policy is expected to have a positive impact on all claimants, including those with disabilities.

### Gender

Gender	Number of claimants – year to date at 30 <sup>th</sup> June 2018
Male	33
Female	189
Total	222

Based on the current profile of claimants, the new policy is expected to have a particular impact on women, as over 80% of current claimants are female. As the policy is expected to have a positive impact, it is not expected to discriminate against women and is expected to particularly promote equality of opportunity for women who are in a position to require DHP.

### Recommendations for future monitoring

It is recommended that in future, applicants are asked to declare all protected characteristics as part of their DHP application.

This is in order that the new policy can be evaluated to ensure that it meets our obligations under the Equalities Act.

## 4. Equalities Impact

**Indicate Yes, No or Not Known for each group**

[illegible]



If Yes answered to questions 3-6 above – please describe the impact of the change (including any positive impact on equalities) and what the service will be doing to reduce the negative impact it will have.

\*If you have ticked yes to discrimination, please state how this is justifiable under legislation.

The DHP policy has clear aims to:

- safeguard and promote the welfare of children
- prevent homelessness
- alleviate poverty
- support individuals or families who cannot move immediately for reasons of health, education or child protection
- promote good educational outcomes for children and young people
- help people through personal and difficult events
- support young people in the transition to adult life
- support families coping with illness or infirmity within their household, including by helping disabled people to remain in adapted properties
- support carers, including foster carers
- support domestic violence victims who are trying to move to a place of safety
- support those leaving or working in the British Armed Forces
- encourage and sustain people in employment
- provide support to those affected by the Government's welfare reforms where they are taking positive steps to resolve their financial situation.

The new policy therefore specifically prioritises people with disabilities and their carers, people with children which includes single parents who are more likely to be women, young people experiencing difficulties, and people who may be the victim of violence. These groups will therefore be positively affected to access the DHP award.

The new policy is intended to help the Council make better use of the limited DHP funding available to mitigate the effects of welfare reforms by supporting as many tenants as possible for a time limited period, as opposed to making ongoing long-term payments to fewer tenants. The policy also gives clearer guidelines than the previous policy for all applicants on how they can increase the likelihood of being successful in receiving an award.

In exceptional cases where the transitional nature of DHPs may represent an inappropriate form of assistance due to an enduring need, the review period will be annual and the decision to renew the award will be based on evidence of the enduring need. This will include cases where the property has been substantially altered as a result of an occupier's disability, an extra room is needed for disabled occupier or foster child or where there are shared care arrangements and domestic violence safe rooms i.e. cases where the transitional

nature of DHPs may represent an inappropriate form of assistance for applicants with an enduring need. Reasonable adjustments will therefore be made for people with disabilities.

With the exception of claimants with a demonstrable enduring need, applicants will need to be taking steps to resolve their housing difficulties in the longer term in order to be successful in being awarded DHP. In order to ensure that no groups with protected characteristics are adversely affected by this, we have consulted with relevant support groups in the voluntary sector to identify any actions we need to take in addition to what is set out in the policy, to ensure that all groups are aware of steps they need to take in order to be prioritised for awards and are supported as necessary in this regard. We have also consulted with the public, and respondents included people from all age brackets, White British and BME people, people from different religious groups, people of different sexualities and included people with no health problem or disability, and those who did have a health problem or disability. The respondents were supportive of the new policy and did not identify any concerns in relation to equalities.

## 5. Tackling Socio-economic inequality

Indicate Yes, No or Not Known for each group

	Communities living in deprived wards/areas	People not in employment, education or training	People with low academic qualifications	People living in social housing	Lone parents	People on low incomes	People in poor health	Any other socio-economic factor Please state:
Will the proposal specifically impact on communities disadvantaged through the following socio-economic factors?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Does the service or policy contribute to eliminating discrimination, promote equality of opportunity, and foster good relations between different groups in the community?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Could this proposal affect access to your service by different groups in the community?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

If Yes answered above – please describe the impact (including any positive impact on social economic inequality) and any mitigation if applicable.

As described above, the purpose of the changes to the DHP Policy are to help the Council make better use of the limited DHP funding available to mitigate the effects of welfare reforms by supporting as many tenants as possible for a time limited period. The policy is therefore intended to tackle socio-economic inequality by prioritising payment to people in demonstrable housing difficulties due to shortfalls in rent,

and sets out the steps applicants need to make in order to make it more likely that they will be prioritised for an award.

## **6. Review**

How and when will you monitor and review the effects of this proposal?

We will collect equalities data on applicants for the DHP Award. On an annual basis, we will undertake analysis of this data in order to ensure that any necessary amendments can be made to the Policy, or to how we communicate and implement the Policy, to ensure we continue to meet our obligations under the Equalities Act.

## Enfield Council Predictive Equality Impact Assessment/Analysis

NB if there is likely to be an impact on different groups of staff as a result of this proposal, please also complete a restructuring predictive EQIA form

### Action plan template for proposed changes to service, policy or budget

Title of decision: Discretionary Housing Payment Policy .....

Team:.....Assessment Hub..... Department: Finance, Resources and Customer Services.....

Service manager:..... Sally Sanders .....

Identified Issue	Action Required	Lead Officer	Timescale/ By When	Costs	Review Date/ Comments
<p>Equalities data is not currently collected for all applicants to the DHP award Scheme.</p> <p>This data needs to be collated for all future applicants and analysis undertaken annually to identify whether any adjustments need to be made to the policy, or to how the policy is communicated or implemented.</p>	<p>Record for all applicants (ie those who do get the award and those that don't) whether they have a disability; their age, race, sexual orientation, religion or belief, gender, gender reassignment, marriage/civil partnership, pregnancy and maternity.</p> <p>On an annual basis, undertake equalities monitoring of</p>		Annually	Costs to be met within existing staffing budgets	One year following the implementation of the new policy.

	applicants. Make amendments to service delivery or to the policy as required.				
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Please insert additional rows if needed

Date to be Reviewed: ...September 2019.....

**APPROVAL BY THE RELEVANT ASSISTANT DIRECTOR - NAME..... SIGNATURE .....**

**This form should be emailed to joanne.stacey@enfield.gov.uk and be appended to any decision report that follows.**

