

Housing Benefit Circular

Department for Work and Pensions
Caxton House, Tothill Street, London SW1H 9NA

HB A17/2013

ADJUDICATION AND OPERATIONS CIRCULAR

WHO SHOULD READ	All Housing Benefit (HB) staff. All local authority staff administering Discretionary Housing Payments (DHPs).
ACTION	For information
SUBJECT	Discretionary Housing Payments (DHPs)

Guidance Manual

The information in this circular does not affect the content of the HB Guidance Manual; however it does make amendments to the DHP good practice guide dated April 2013.

Queries

If you

- want **extra copies of this circular/copies of previous circulars**, they can be found on the website at <http://www.dwp.gov.uk/local-authority-staff/housing-benefit/user-communications/hbctb-circulars/>
- have any queries about the
 - **technical content of this circular**, contact
Email: housing.benefitenquiries@dwp.gsi.gov.uk
 - distribution of this circular**, contact
Email: housing.correspondenceandpgs@dwp.gsi.gov.uk

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Discretionary Housing Payments

Benefit cap

1. HB circular A15/2013 (<https://www.gov.uk/government/publications/hb-circular-a152013-administration-of-the-benefit-cap>) provided guidance on the administration of the benefit cap that started to be implemented nationally from 15 July 2013. The government is providing additional funding through Discretionary Housing Payments (DHPs) of £65 million in 2013/14 and up to £35 million in 2014/15. This is to support those claimants affected by the benefit cap who, as a result of a number of complex challenges, cannot immediately move into work or more affordable accommodation. All the usual DHP rules apply; however, the increased funding is aimed at a number of groups who are likely to be particularly affected by the benefit cap.
2. Claimants who are in receipt of Disability Living Allowance (DLA) or the support component of Employment and Support Allowance (ESA) are exempt from the benefit cap. This exemption does not however extend to the period of time whilst a claim is pending nor if an adverse decision is appealed. Whilst awaiting a decision on a claim or an appeal the cap continues to apply and consequently Housing Benefit (HB) is reduced, however claimants may apply to the DHP scheme to help meet the shortfall in their rent.
3. It is for local authorities (LAs) to decide how they administer DHPs taking into account any relevant factors however in these circumstances we would advise LAs that the following may be relevant in these types of cases.
4. As DLA claims are usually administered within six weeks, we recommend that, when deciding whether it is reasonable to make a DHP award the LA considers the risk of eviction if arrears arise that may subsequently be covered by HB. For example, this may be very low for LA tenants and low for others who have a good payment record.
5. Where an appeal against a decision not to award an exempting benefit is pending, the LA should bear in mind that a decision on entitlement has been made and that the circumstances are not the same as a case where a decision on entitlement is due. We would not recommend making a DHP award unless there are mitigating circumstances.

DHP reporting measures

6. We advised you in HB circular A11/2013 on 28 March 2013 (<https://www.gov.uk/government/publications/hb-circular-a112013-discretionary-housing-payments>) of the arrangements that were being introduced to help us understand how DHPs were supporting people affected by the welfare reforms.

7. LAs were asked to record if a successful DHP claimant had been affected by one of the welfare reforms and to record the broad or main outcome expected from that award.
8. To provide this information LAs should complete and return the form attached at Appendix A by **17 October 2013**. Returns should be sent to:

-hpd.consultations@dwp.gsi.gov.uk