



Department
for Work &
Pensions

Universal Credit data sharing with social landlords. A consultation on draft Regulations

Public consultation

September 2014

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Introduction

This consultation asks for views on the draft regulations which amend the Social Security (Information-sharing in relation to Welfare Services etc.) Regulations 2012 to allow the Secretary of State to share relevant information with social landlords for prescribed purposes. The information shared by DWP will enable social landlords to assess and provide support to their tenants who have made Universal Credit (UC) claims or receive UC.

Social landlords will include Registered Social Landlords, Local Authorities with their own housing stock, and Arm's-length Management Organisations.

The intention is that, under the proposed amendments, social landlords would have responsibility for assessing whether their tenants require appropriate types of advice, support or assistance in relation to managing their financial affairs. In order for the landlord to make such an assessment, it is proposed that the Secretary of State will share details of tenants who have made a claim for or have an award of Universal Credit. It is considered that such data sharing by the Secretary of State is proportionate under the Data Protection Act 1998 and the Human Rights Act 1998.

Draft Regulations are attached as [Annex A](#)

The proposed changes will come into force in January 2015 and will be implemented from February 2015 onwards.

About this consultation

Who this consultation is aimed at

We particularly welcome comments on the draft regulations from social landlords, social landlord groups, including housing associations, Local Authorities (as social landlords), social sector housing arms length bodies, social sector housing tenant groups, social sector housing tenant participation groups and UC claimants receiving housing costs, but we would be interested in views from any source.

Purpose of the consultation

The consultation seeks views on:
The draft Social Security (Information-Sharing In Relation to Welfare Services Etc) Amendment Regulations 2015.

Scope of consultation

This consultation applies to England, Wales and Scotland.

Duration of the consultation

The consultation period begins on 19th September 2014 and runs until 19th October 2014.

How to respond to this consultation

Please send your consultation responses to:

Email: HPDINFORMATION.SHARING@DWP.GSI.GOV.UK

Please ensure your response reaches us by 19th October 2014. When responding, please state whether you are doing so as an individual or representing the views of an organisation. If you are responding on behalf of an organisation, please make it clear who the organisation represents, and where applicable, how the views of members were assembled. We will acknowledge your response.

We have also sent this consultation document to a number of people and organisations who might be interested in these issues. Please do share this document with, or tell us about, anyone you think will want to be involved in this consultation.

Queries about the content of this document

Please direct any queries about the subject matter of this consultation to:

Department for Work and Pensions
Housing Policy Division
Level 3, Caxton House,
Tothill St, London SW1H 9NA
Email: HPDINFORMATION.SHARING@DWP.GSI.GOV.UK

How we consult

Freedom of information

The information you send us may need to be passed to colleagues within the Department for Work and Pensions, published in a summary of responses received and referred to in the published consultation report.

All information contained in your response, including personal information, may be subject to publication or disclosure if requested under the Freedom of Information Act 2000. By providing personal information for the purposes of the public consultation exercise, it is understood that you consent to its disclosure and publication. If this is not the case, you should limit any personal information provided, or remove it completely. If you want the information in your response to the consultation to be kept confidential, you should explain why as part of your response, although we cannot guarantee to do this.

To find out more about the general principles of Freedom of Information and how it is applied within DWP, please contact:

Freedom of Information Team

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Caxton House
6-12 Tothill Street
London
SW1H 9NA
Freedom-of-information-request@dwg.gsi.gov.uk

The Central FoI team cannot advise on specific consultation exercises, only on Freedom of Information issues. More information about the Freedom of Information Act can be found at <https://www.gov.uk/make-a-freedom-of-information-request>

The consultation criteria

The consultation is being conducted in line with the Cabinet Office Consultation Principles published on 17th July 2012, and can be found here: <https://www.gov.uk/government/publications/consultation-principles-guidance>

The key principles are:

- departments will follow a range of timescales rather than defaulting to a 12-week period, particularly where extensive engagement has occurred before;
- departments will need to give more thought to how they engage with and consult with those who are affected;
- consultation should be “digital by default”, but other forms should be used where these are needed to reach the groups affected by a policy; and
- the principles of the Compact between government and the voluntary and community sector will continue to be respected.

Feedback on the consultation process

We value your feedback on how well we consult. If you have any comments on the process of this consultation (as opposed to the issues raised) please contact our Consultation Coordinator:

Elias Koufou
DWP Consultation Coordinator
2nd Floor
Caxton House, Tothill Street
London
SW1H 9NA
Phone 020 7449 7439
caxtonhouse.legislation@dwg.gsi.gov.uk

In particular, please tell us if you feel that the consultation does not satisfy the consultation criteria. Please also make any suggestions as to how the process of consultation could be improved further.

If you have any requirements that we need to meet to enable you to comment, please let us know.

Chapter 1: Background on data sharing with social landlords

Context

- Universal Credit (UC) provides a new single system of means-tested support for working-age people who are in or out of work. Support for housing costs are integrated in the new benefit. UC marks a change from the existing system where Housing Benefit is administered by Local Authorities.
- UC will be paid calendar monthly as a single payment made direct to the claimant. This is a significant change from the existing system where benefits are paid weekly or fortnightly, with housing benefit often paid direct to social landlords.
- Social landlords normally provide a range of support to their tenants who are vulnerable, including help with managing finances and budgeting. However, in order for social landlords to be able to provide that support they need to know which of their tenants have made a Universal Credit claim or is in receipt of UC.
- The need for DWP to share data with landlords regarding their tenant being on UC came out prominently in DWP's internal Universal Credit Rent Data Sharing Taskforce Report findings in May 2014. The internal Taskforce was set up by DWP in July 2013, to examine the need for data sharing with landlords and the options for achieving it.
- As part of its investigations, the Taskforce worked closely with a range of representatives from social and private housing groups. The Taskforce found that social landlords provided a range of support to their tenants, but they needed to know if their tenants were on UC in order for them to prepare and provide that support. The Taskforce also acknowledged the serious difficulties in sharing data with private landlords.
- Key findings of the Internal Taskforce investigations were:
 - Some level of data sharing between DWP and landlords would be helpful for verification purposes, accurate assessment and payment of UC.
 - Social landlords provide support to their tenants which private landlords generally do not. The clear purpose for providing the data to social landlords would be to enable them to provide their tenants with a range of support, if needed.

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- The core piece of information the majority of landlords felt they needed to know from DWP was whether their tenant was claiming or receiving UC or not; anything else they should be able to find out from the tenant.
- Not all landlords are in a position to provide support and some may not want to offer any support. Any proposal for sharing data on all claimants needs to be considered carefully as it may be disproportionate under the Data Protection Act 1998. Some claimants may also not want this and would see it as compromising their privacy.
- Existing legislation does not provide DWP with a power to routinely disclose information about all claimants receiving UC with a housing element to social landlords. Current legislation only allows relevant information to be shared by the Secretary of State, or a person providing services to the Secretary of State for prescribed welfare purposes, mainly relating to the benefit cap, and removal of the spare room subsidy.
- The policy intention now is to make amendments to the Social Security (Information-sharing in relation to Welfare Services etc.) Regulations 2012¹ using powers in the Welfare Reform Act 2012² to widen the existing welfare purposes for sharing information with social landlords. The additional welfare purposes would be to allow the Secretary of State to share limited information with social landlords to enable them to assess and provide appropriate types of advice, support or assistance in relation to managing their financial affairs. The information shared by DWP with social landlords will be aimed at identifying any tenant (a person with liability for paying the rent) who has made a claim for Universal Credit (UC) with housing costs or is a UC recipient (with housing costs).
- Social landlords will include Registered Social Landlords, Local Authorities with their own housing stock, and Arm's-length Management Organisations.

Monitoring and evaluation

- Monitoring of the changes will be part of the general monitoring of Universal Credit claims. Social landlords will be given DWP contact details to ensure they can report problems should they occur. This will be in addition to the more corporate liaison arrangements between the Department and the local authority associations, which also provide local authorities with the means of raising issues with the Department.

¹ <http://www.legislation.gov.uk/ukxi/2012/1483/contents/made>

² <http://www.legislation.gov.uk/ukpga/2012/5/contents/enacted>

Chapter 2: Commentary on the draft regulations

Introduction

- The purpose of these regulations is to allow the Secretary of State for Work and Pensions to inform social landlords when their tenant has made a claim for Universal Credit (UC) with housing costs or is a UC recipient (with housing costs), in order for them to provide relevant support to their tenants. Social landlords will include registered social landlords, Local Authorities with their own housing stock, and Arms-length Management Organisations.
- The Welfare Reform Act (WRA) 2012 includes a power under section 131 which allows the Secretary of State to share limited UC information with specified qualifying persons for prescribed purposes relating to “welfare services”.
- The draft regulations enable DWP to share information with social landlords for the prescribed welfare purposes of assessing whether any UC claimants with liability for rent payment living in social housing, or members of their household, need appropriate types of advice, support or assistance in relation to managing their financial affairs.
- In respect of UC claimants, data provided by DWP would be limited. It will be aimed at identifying tenants with social landlords, with new and existing UC claims which include the housing element.
- Under the Data Protection Act 1998 and the Human Rights Act 1998, any data sharing must be proportionate. The regulations proposed will need to comply with these Acts. The draft proposals are aimed at ensuring proportionate data sharing.
- The regulations will apply to Great Britain and will be subject to the negative resolution procedure, which means they will be laid in Parliament for a minimum of 21 days before they come into force.

Commentary on the regulations

Regulation 1: Citation and commencement

- These Regulations are to be called the Social Security (Information-sharing in relation to Welfare Services etc.) (Amendment) Regulations 2015 and will come into force on 26th January 2015.

Regulation 2: Amendments to the Social Security (Information-sharing in relation to Welfare Services etc) 2012 Regulations

Paragraph 2

- Paragraph 2 amends regulation 2 of the Social Security (Information-sharing in relation to Welfare Services etc.) 2012 Regulations (SI 2012/1483) in order to expand the definition of “social landlords” to include social housing landlords who receive payments from Universal Credit claimants. We shall refer to the 2012 regulations as the “principal Regulations”.
- It also amends the definition of “regulations relating to under-occupation” to allow social landlords to offer similar assistance to UC claimants that is already available to HB claimants who have been affected by regulations relating to under-occupation.

Paragraph 3

- Paragraph 3 amends regulation 5 of the principal Regulations to add to the list of prescribed purposes where the Secretary of State may share information with social landlords.
- The amendments will allow data to be shared for the purposes of:
 - Identifying households where the tenant may need advice, support or assistance,
 - Providing financial advice, support or assistance to members of such a household,
 - Monitoring and evaluating the provision of any such advice, support or assistance.

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Paragraph 4

- Paragraph 4 amends regulation 6 of the principal Regulations to provide a power to hold information which social landlords can then use and supply for the purpose of determining whether a person who has made a claim for, or who has an award of, Universal Credit is likely to have difficulty in managing their financial affairs, and to determine the probability of their having difficulty in paying their rent.

Paragraph 5

- Regulation 5 amends regulation 7 of the principal Regulations to provide for when social landlords may use or supply relevant information in relation to welfare services. The amendment extends these provisions to social landlords to allow them to use or supply information about Universal Credit claimants to determine if the claimants or members of their household need assistance to manage their financial affairs.

Paragraph 6

- Paragraph 6 amends regulation 10 of the principal Regulations to provide that social landlords are “qualifying persons” for those provisions of the principal Regulations concerned with universal claimants outlined above.

Chapter 3: Key implications

What will it mean for tenants?

DWP will provide information to social landlords about their tenants who have applied for UC or are in receipt of UC. The details provided by DWP will be minimal, and are likely to include the claimant's name, address and date claim for UC was made. The information shared would only be for those who have made a claim or have been awarded UC with a housing element. The information supplied by DWP would be for the purpose of enabling social landlords to help prepare and provide appropriate support to their tenants.

In the case of couples claiming UC, the data shared by DWP would be for the claimant with liability for paying the rent.

What does it mean for social landlords?

Social landlords generally provide a range of support to their vulnerable tenants. The information provided by DWP would enable social landlords to provide financial and budgeting support, support their tenants at risk of being made homeless and help vulnerable tenants with their UC claims (including with Alternative Payment Arrangements). The draft regulations enable social landlords to make an assessment about the proportionate use of data supplied by DWP in order to support their tenants.

Exclusion from the regulations

The draft regulations do not allow DWP to share information with private landlords as the provision of welfare services is not as commonplace in this sector.

Chapter 4: Next Steps

- We welcome your detailed comments on the draft regulations by 19th October 2014. If you send your comments after this date, we cannot guarantee that they will be included for consideration.

Chapter 5: List of consultation questions

Social Sector Landlords

- Q1** We envisage social landlords would provide a range of support to their vulnerable tenants, what types of support would you as a social landlord provide your tenants?
- Q2.** Our intention is to enable DWP to provide minimum information about the claimant aimed at identifying tenants claiming UC or being UC recipients. Would that information be sufficient for you to provide support to your tenant?
- Q3** What do you think would be the implications of not having the information which DWP is proposing to supply under these regulations?
- Q4.** What concerns do you think your tenant may have about their information being shared with you as a social landlord?

Private sector landlords

- Q5.** What kind of support would you be able to provide your tenants if similar information was provided to you by DWP?
- Q6.** What concerns do you think your tenant may have about their information being shared with you as a private landlord?

General (Social and Private)

- Q7.** These regulations allow social landlords to make decisions about the use of data in order to support their tenants; would you think that is sufficient to ensure the proportionate use of data?

Tenants, tenant bodies and UC claimants

- Q8.** Do you have concerns about the use of your personal data by your landlord? What could DWP do to alleviate your concerns?
- Q9.** Would you like to see more use made of the information you have provided, in order to ensure you receive appropriate support from your landlord?

Annex A: The draft Social Security (Information-Sharing in Relation to Welfare Services Etc.) Amendment Regulations 2015

STATUTORY INSTRUMENTS

2015 No.

SOCIAL SECURITY

The Social Security (Information-sharing in relation to Welfare Services etc.) Amendment Regulations 2015

<i>Made</i>	- - - -	***
<i>Laid before Parliament</i>		***
<i>Coming into force</i>	- -	***

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 131(1) and (11) and 133(1) of the Welfare Reform Act 2012⁽³⁾.

Citation and commencement

1. These Regulations may be cited as the Social Security (Information-sharing in relation to Welfare Services etc.) (Amendment) Regulations 2015 and come into force on [26th January 2015].

Amendment to the Social Security (Information-sharing in relation to Welfare Services etc.) Regulations 2012

2.—(1) The Social Security (Information-sharing in relation to Welfare Services etc.) Regulations 2012⁽⁴⁾ are amended as follows.

(2) In regulation 2 (interpretation)—

(a) in the definition of “regulations relating to under-occupation”, after “Contributions and Benefits Act” insert “or section 11(4) of the Welfare Reform Act 2012⁽⁵⁾”;

(b) for the definition of “social landlord”, substitute—

““social landlord” means—

(a) in a case to which the Housing Benefit Regulations apply, a landlord falling within regulation 13C(5)(a)(i), (ii) or (iii) of those Regulations;

⁽³⁾ 2012 c.5. Section 133(1) is an interpretation provision and is cited for the meaning of the word “prescribed”.

⁽⁴⁾ S.I. 2012/1483.

⁽⁵⁾ 2012 c.5.

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- (b) in a case to which the Housing Benefit (State Pension Credit) Regulations apply, a landlord falling within regulation 13C(5)(a)(i), (ii) or (iii) of those Regulations;
 - (c) in a case to which the Universal Credit Regulations 2013 apply, a provider of social housing within the definition given in paragraph 2 of Schedule 4 (housing costs element for renters) to those Regulations.”.
- (3) In regulation 5 (supply of relevant information by the Secretary of State)—
- (a) after paragraph (1)(f)⁽⁶⁾ insert—
 - “and
 - (g) where the qualifying person is a social landlord and the information relates to a claim for or award of universal credit which includes or is likely to include an amount for housing costs in respect of accommodation provided by that social landlord—
 - (i) identifying extended households where any person responsible for paying the rent is, or appears likely to be, in need of advice, support or assistance in relation to managing their financial affairs;
 - (ii) providing appropriate types of advice, support and assistance to members of such households; and
 - (iii) monitoring and evaluating the provision of such advice, support and assistance.”.
- (4) In regulation 6(1) (holding purposes)—
- (a) in sub-paragraph (g), after “dwelling” insert “or accommodation”;
 - (b) in sub-paragraph (i)⁽⁷⁾, for “in receipt” substitute “who have made a claim for or who have an award”;
 - (c) in sub-paragraph (l)⁽⁸⁾, for “in receipt” substitute “who has made a claim for or has an award”;
 - (d) in sub-paragraph (m), after “benefit” insert “or Universal Credit”.
- (5) After regulation 7(3)(c)⁽⁹⁾ (using purposes connected with welfare services and housing benefit) insert—
- “(d) the purposes referred to in regulation 6(1)(l).”.
- (6) In regulation 10(1)⁽¹⁰⁾ (qualifying persons) for “regulations 6(1)(f) to (i)”, substitute “regulations 5(1)(f)(ii), 6(1)(f) to (i) and (l) and (m), 7(3)(d)”.

Signed by authority of the Secretary of State for Work and Pensions

Freud
Parliamentary Under Secretary of State
Department for Work and Pensions

5th January 2015

⁽⁶⁾ Sub-paragraphs (e) and (f) inserted by S.I. 2013/454.

⁽⁷⁾ Relevant amending legislation is S.I. 2013/454.

⁽⁸⁾ Relevant amending legislation is S.I. 2013/454.

⁽⁹⁾ Relevant amending legislation is S.I. 2013/454.

⁽¹⁰⁾ Regulation 10 was substituted by S.I. 2013/454.

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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Social Security (Information-sharing in relation to Welfare Services etc.) Regulations 2012 (“the principal Regulations”) to allow the Secretary of State to share relevant information with social landlords for prescribed purposes.

The definition of “social landlord” in regulation 2 of the principal Regulations is amended to include landlords in receipt of rent from claimants who have made a claim for or have an award of Universal Credit.

Regulation 5 of the principal Regulations is amended to allow the Secretary of State to supply information to social landlords for the purpose of identifying whether a claimant, who has responsibility for paying the rent, or a relevant person living with them, needs any assistance with managing their finances.

Regulation 6 of the principal Regulations prescribes the purposes for which relevant information must be held by a qualifying person in order for them to use or supply it for purposes prescribed in regulations 7 to 9 of the principal Regulations. The amendments to regulation 6 of the principal Regulations provides for the extension of holding purposes to cover information about Universal Credit claimants who may have difficulty managing their financial affairs or who may have difficulty paying their rent.

Regulation 7 of the principal Regulations prescribes the purposes for which qualifying persons may use or supply relevant information in relation to welfare services. The amendment to regulation 7 allows the use or supply of information by social landlords for purposes connected with determining whether a person who has made a claim for or who has an award of universal credit is likely to have difficulty managing their finances.

“Qualifying person” is defined in section 131(11) of the Welfare Reform Act 2012, and includes a local authority or an authority which administers housing benefit (or their service providers or persons exercising functions on their behalf) and other persons who may be prescribed. Regulation 10 of the principal Regulations prescribes that a social landlord is a qualifying person for additional limited purposes. The amendment to regulation 10 of the principal Regulations extends the purposes for which a social landlord can be a qualifying person to include circumstances where the purpose is to determine whether a person who has claimed, or who has an award of, a relevant social security benefit is likely to have difficulty in managing their financial affairs.

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.