

Housing Benefit and Council Tax Benefit Circular

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

HB/CTB A9/2013

ADJUDICATION AND OPERATIONS CIRCULAR

WHO SHOULD READ	Section 151 Officers Teams dealing with: Housing Benefit and Council Tax Benefit: Housing Support (including homelessness): Local Council Tax Reduction schemes: Local welfare provision: Supporting People
ACTION	For information
SUBJECT	Using social security data for local services

Guidance Manual

The information in this circular does affect the content of the HB/CTB Guidance Manual. Please annotate this circular number against Chapter D3, paragraph 3.190.

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/>
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**The Social Security (Information-sharing in relation to welfare Services etc.)
Amendment and Prescribed Bodies regulations 2013**

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The Social Security (Information-sharing in relation to welfare Services etc.) Amendment and Prescribed Bodies regulations 2013

Introduction

1. This note is for operational staff to explain what should happen when Council Tax Benefit (CTB) is abolished from 1 April 2013 and is replaced by Local Council Tax Reduction (LCTR) schemes.
2. This circular provides details about amendments to *The Social Security (Information-sharing in relation to Welfare Services etc) Regulations 2012* (referred to as the '2012 regulations'). A copy of the 2012 regulations can be accessed at: <http://www.legislation.gov.uk/uksi/2012/1483/contents/made>
3. The 2012 regulations introduced new data sharing powers. Full details of the 2012 regulations were provided in circular HB/CTB A5/2012, and a copy can be accessed at: <http://www.dwp.gov.uk/docs/a5-2012.pdf>
4. The 2012 regulations were first amended by *The Social Security (Information-sharing in relation to Welfare Services etc.) (Amendment) Regulations 2013* (the 'February 2013 regulations') which came into force on 11 February 2013. A copy can be accessed at: <http://www.legislation.gov.uk/uksi/2013/41/made>
5. The February 2013 regulations prescribed LCTR schemes as a purpose for which social security data can be used and shared. This assists local authorities (LAs) to design and set up new local schemes; and to assess a person's entitlement to support under the new scheme. Details were provided in circular HB/CTB A3/2013, and a copy can be accessed at: <http://www.dwp.gov.uk/docs/a3-2013.pdf>
6. This circular provides advice about a third set of regulations, *The Social Security (Information-sharing in relation to Welfare Services etc.) Amendment and Prescribed Bodies Regulations 2013* (the 'April 2013 regulations'), which further amend the 2012 data sharing regulations. A copy of the April 2013 regulations can be accessed at: <http://www.legislation.gov.uk/uksi/2013/454/contents/made>
7. These regulations apply to LAs in England, Scotland and Wales.

Local Council Tax Reduction schemes

8. The February 2013 regulations prescribed new CTR schemes as a purpose for which data can be shared under these provisions. CTR scheme is defined as follows

'in England and Wales, has the meaning given in section 13(A)(9) of the Local Government Finance Act 1992 and in England includes a default scheme within the meaning of paragraph 4 of Schedule 1A to that Act.'

9. The April 2013 regulations amend this definition by adding at the end of (a) above

'and (in Wales) includes a default scheme within the meaning of paragraph (6)(1)(e) of Schedule 1B to that Act'.

10. The definition for Scotland remains unaltered

'in Scotland, means a means tested reduction to an individual's council tax liability in accordance with the Council Tax reduction (Scotland) Regulations 2012 or the Council Tax Reduction (State Pension Credit) (Scotland) Regulations 2012'.

Purpose

11. The February 2013 regulations inserted a new Part 4 into the 2012 regulations. New regulation 12 deals with the supply of relevant information by the Secretary of State. This permits the Department for Work and Pensions (DWP) to share social security benefit details with LAs for the purposes of:

- a. making a CTR scheme
- b. determining a person's entitlement or continued entitlement to a reduction under a CTR scheme.

12. Regulations 13 and 14 in the February 2013 Regulations together deal with the use of relevant information that is held by the LA. Where an LA has been supplied with social security information under the terms of regulation 12 above, they can then use it themselves or share it with another LA for the purposes as described at (a) and (b) in the paragraph above. Regulation 14 has now been amended by the April 2013 regulations, in three ways. First, a new purpose has been added:

- preventing, detecting, securing evidence of, or prosecuting the commission of, an offence relating to a CTR.

13. This will ensure that any social security information supplied to LAs for purposes relating to LCTR schemes can be used to prevent, investigate or prosecute fraud. Information supplied under this provision cannot be used for wider Council Tax fraud investigation; it is limited specifically to offences relating to LCTR schemes.

14. Secondly, 14(3) (d) permits relevant data to be used in presentations to Valuation Tribunals in England and Wales, and Valuation Appeal Committees in Scotland, where this is required for proceedings relating to LCTR schemes.
15. Thirdly 14(3)(e) permits data supplied under the terms of regulation 12 to be used for the following purposes
- determining a person's eligibility or continued eligibility for a disabled person's badge
 - determining a person's eligibility or continued eligibility for housing support
 - determining whether to make to any person any grant or payment listed in regulation 5(2) (currently this covers disability adaptation grants; disabled facilities grants; and Discretionary Housing Payments (DHPs)) and if so the amount of such grant or payment
 - determining whether a person applying for or receiving a welfare service listed in regulation 5(3) [currently this covers housing support; domiciliary care; and residential care] is liable to contribute towards the cost of that service and if so the amount of that contribution.
16. Section 131 of the Welfare Reform Act 2012 prescribed qualifying persons who can receive data for these purposes. It is up to each LA to decide whether to use or share data received for LCTR purposes, for any of these additional purposes. Where data is used or shared in accordance with these provisions it will be up to the relevant LA to ensure procedures are in place to ensure data is moved and stored safely and securely and only used for the purposes prescribed.

Housing support

17. The 2012 Regulations enable LAs to use and share locally held social security information to consider whether a person who lives in supported accommodation should have their HB assessed under special rules; or is a person who has difficulty managing their affairs and might need their rent paid direct to the landlord.
18. Regulations 16 and 17 of new Part 5 set out in the April 2013 Regulations amend those provisions allowing LAs to supply this information to DWP to help in the administration of Universal Credit (UC). We have not as yet set up any new procedures to facilitate this supply of data. LAs do not need to do anything at this stage. If DWP decides to use this power to request data for this purpose, procedures will be put in place and guidance issued accordingly.

Benefit cap and under-occupancy rules

19. The 2012 regulations enable LAs to use or share (including with a social landlord) locally held benefit information for the purposes of identifying and supporting HB claimants who may be affected by the benefit cap or under-occupancy rules.
20. In order to provide LAs with relevant benefit cap data, DWP has been making use of separate legislation (section 122C of the Social Security Administration Act 1992), which allows the supply benefit information to LAs administering HB. Once LAs have received this data they can then use it or share it for certain purposes as prescribed in the 2012 information –sharing regulations.
21. When UC is launched and HB is gradually replaced, there would have been a gap in the data sharing provisions meaning that DWP could not supply benefit information to LAs about people getting UC who are also affected by the benefit cap or under-occupancy rules.
22. The April 2013 Regulations extend the 2012 regulations by permitting DWP to supply relevant benefit details to LAs for these two purposes. This will ensure that when UC is introduced, LAs can receive details about the support a person is getting with housing costs, whether the person is affected by either the benefit cap or the under-occupancy restrictions, and in cases where the claimant is receiving a benefit where entitlement is based on conditionality (e.g. Jobseeker's Allowance), whether the claimant has engaged in any DWP employment or training support. The LA can consider, along with the social landlord where relevant, whether additional help is required such as a DHP, employment or training support, or a move to alternative accommodation.

Preventing or reducing homelessness

23. The 2012 regulations also permit LAs to use locally held benefit information to fulfil functions under Part 7 of the Housing Act 1996 or, in Scotland, Part 2 of the Housing (Scotland) Act 1987. These functions relate to the prevention or reduction of homelessness. They overlap a little with the provisions described at paragraphs 2.9 to 2.12 above, but do go wider.
24. As an example of how this measure could be used, LAs could identify and, where appropriate, support those people affected by other benefit rules such as changes to Local Housing Allowance.
25. The April 2013 regulations amend the 2012 provisions to allow DWP to supply benefit information to LAs for this purpose. This will ensure that when UC is introduced, LAs can receive relevant information about the support a person is getting with housing costs, along with any other benefit related information, and consider whether additional help is required such as a DHP, employment or training support, or a move to alternative accommodation.

Local welfare provision

26. Following the abolition of parts of the Discretionary Social Fund (community care grants and crisis loans) from 1 April 2013, funding has been provided for new local welfare provision schemes commencing on this date. LAs and the Scottish and Welsh Governments will be able to offer a variety of local welfare provision offering tailored flexible support to those in greatest need, based on detailed knowledge of the issues they face in the community. It will be a matter for each LA to decide who qualifies for help, and how best to provide it.

27. The April 2013 regulations prescribe local welfare provision as a new welfare service. Local welfare provision is defined as:

‘occasional financial or other assistance given by an LA, the Scottish Ministers, or the Welsh Ministers, or a person authorised to exercise any function of theirs or providing a service to them, to or in respect of individuals, for the purpose of:

- a. meeting, or helping to meet, an immediate short term need
 - i. arising out of an exceptional event or exceptional circumstances; and
 - ii. that requires to be met in order to avoid a risk to the well-being of an individual; or

- b. enabling individuals to establish or maintain a settled home, where those individuals have been or, without the assistance, might otherwise be
 - i. in prison, hospital, a residential care establishment or other institution; or
 - ii. homeless or otherwise living an unsettled way of life’.

28. The April 2013 Regulations enable DWP to supply relevant information to certain qualifying persons, defined as LAs, Scottish and Welsh Ministers, and others such as relevant service providers, for purposes connected with local welfare provision.

29. Relevant social security benefit information must be supplied direct by DWP to a qualifying person. Social security information supplied under any of the other provisions in the information-sharing regulations described in this circular cannot be used or shared for purposes connected with local welfare provision. Information supplied for local welfare provision purposes cannot be used or shared for any of the other purposes prescribed in the information-sharing regulations described in this circular.

30. Separate advice will be issued to LAs administering local welfare provision schemes, regarding the arrangements for supplying DWP information.