

## Housing Benefit and Council Tax Benefit Circular

Department for Work and Pensions

1<sup>st</sup> Floor, Caxton House, Tothill Street, London SW1H 9NA

# HB/CTB A14/2011

### ADJUDICATION AND OPERATIONS CIRCULAR

<b>WHO SHOULD READ</b>	All Housing Benefit (HB) and Council Tax Benefit (CTB) staff
<b>ACTION</b>	For information
<b>SUBJECT</b>	Changes made to the use of the shared accommodation rate

### Guidance Manual

Please annotate this circular number against paragraphs A4.1810 and A4.1840 of the HB/CTB Guidance Manual and paragraphs 2.050 and 8.030 of the LHA Guidance Manual

### 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 Dave Jones  
Tel: 020 7449 5332  
Email: [Dave.Jones@dwp.gsi.gov.uk](mailto:Dave.Jones@dwp.gsi.gov.uk)
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## Shared accommodation rate changes – January 2012

### Introduction

1. This Circular supplements Circulars A6 and A12/2011. These circulars gave guidance on the change to the age threshold for the shared accommodation rate within Housing Benefit. Further information is provided here to address the arrangements for the exemption for ex-offenders and a few additional points following questions raised by local authorities. Housing Benefit sections are asked to make other areas of the local authority aware of this guidance particularly those dealing with homelessness and housing.

### Exemption for ex-offenders

2. This exemption applies to ex-offenders who pose a risk of serious harm to the public and who are managed by multi-agency agreements under statutory arrangements to manage the risks posed by certain offenders (MAPPA). This covers management levels 2 and 3.
3. Scottish MAPPA legislation for violent offenders and certain others who pose a risk of harm to the public is not fully in force, so in Scotland an assessment is required in order to establish those individuals who are considered to be equivalent to level 2 and 3 cases. That assessment will be made by a social worker, supported by their team leader and signed off by the Service Manager.
4. Overall numbers who will meet the criteria for this exemption are likely to be small, nationally there are less than 3,000 under MAPPA levels 2 and 3 management or the equivalent and under age 35. This figure however does not differentiate between tenure types so will include those living in the social sector, owner-occupiers and those returning to live with family.

### Process

5. Local authorities will be notified that an individual meets the exemption by the lead agency (normally the police or probation service) or from the Service Manager in Scotland. They will forward a set proforma and examples are attached at annex A and B to this circular. There will be no need to further assess whether a claimant meets the criteria, it is sufficient to accept the details on the form.
6. The form will only contain sufficient details to be able to identify the claimant, a statement that the claimant is managed at an appropriate level in order to meet the criteria for an exemption to the shared accommodation rate and an end date when they will no longer be managed under MAPPA (or its equivalent in Scotland) and therefore no longer meet the exemption. This date is likely to cover a number of years and the claimant may well reach their 35<sup>th</sup> birthday before MAPPA management ends. This form is very sensitive information and should be treated as such.
7. The claimant themselves is unlikely to know which MAPPA management level they come under and the information contained in the form should only be used for the purposes of deciding whether the exemption from using the shared

accommodation rate applies when deciding the eligible rent. Local authorities may wish to seek advice around data protection provisions.

8. It is important that the form is sent through to a single point of contact within the local authority and having consulted with the Practitioners Operational Group (POG) we have agreed that the forms should be sent through to the Chief Internal Auditor preferably by secure email if this is available. We are also suggesting that lead agencies contact the Chief Internal Auditor or their PA before sending the form to check that it will be accepted and dealt with appropriately.
9. Local authorities are encouraged to make arrangements so that in the absence of the Chief Internal Auditor a second named contact can be automatically notified of a lead agency referral on behalf of a MAPPA client. Expediting the accurate assessment of Housing Benefit claims for the purposes of this exemption is of paramount importance, particularly where suitable accommodation has been identified and/or the client is homeless and/or there is an identified risk of homelessness to the client.

### **Specialist homeless hostel exemption**

10. The National Offenders Management Service (NOMS) have advised us that Approved Premises have been approached to see if they meet the definition of a hostel for the purposes of this exemption. Approved Premises (formerly known as probation or bail hostels) are residential facilities in England and Wales where dangerous offenders are housed on release from prison on licence (and under some community sentences). All are run by the Probation Service or under contract to the National Offender Management Service.
11. APs are primarily a probation supervision resource and do not satisfy the definition of specialist hostel for the homeless exemption. Offenders are housed in them because they need enhanced levels of supervision and so cannot be released directly to live in their own accommodation in the community. However, APs are *not* primarily a form of accommodation and, as such, the Department does not consider that time spent in one of these counts toward the three month residence requirement for the exemption. Details of your local AP run by the Probation Service can be found through the Probation Trust.
12. Some former AP residents will qualify for exemptions because of their MAPPA status but not all residents do, and the MAPPA qualification is independent of whether the claimant has been an AP resident.

### **Questions**

Q - We have hostels that have both self contained and shared accommodation does this meet the criteria?

A – The regulations require local authorities to assess whether a particular hostel building meets the criteria; no assessment is required of the individual accommodation in which a person was placed. A block of small self-contained flats in which each occupant has their own sleeping, cooking, bathroom and toilet

facilities will be outside the scope of the exemption even if homeless people are placed there with floating support for rehabilitation and resettlement.

Q – What is meant by resettlement and rehabilitation in this context?

A - The exemption for those who were homeless applies to those who lived in hostels specialising in resettling or rehabilitating their residents back into the community. The key here is that temporary accommodation whether hostel, bed & breakfast or any other kind of property that does not have resettlement as its main purpose will not be within the scope of this exemption.

As set out in Circular A12/2011 (para 37), the claimant must have been offered and accepted support services to aid in rehabilitation or resettlement, such as support with physical or mental health needs, or recovery from the effects of domestic violence, resettlement support or treatment for substance misuse issues.

Local authorities are reminded that it is not necessary to make your own assessment of whether each individual applicant is statutorily homeless and in need of resettling or rehabilitating in the community, but to be satisfied that this is the main purpose of the specialist hostel.

Notification form (England and Wales)

Annex A



NOTIFICATION TO HOUSING BENEFIT SPOC

MAPP P

To be completed by the \* lead agency and sent via secure email to the relevant local authority Chief Internal Auditor for purposes of the Housing Benefit claim of the person named below.

- **The person below is being managed at MAPP level 2 or level 3 and is 25 years of over but younger than 35 years and is therefore exempt from the shared accommodation rate.**

1. THE BENEFIT CLAIMANT			
Last name:			
First name:			
Middle name:			
Date of birth:			
Current address:			
Postcode:			
This person will be MAPP eligible until:			
2. NOTIFYING AGENCY			
Notifying agency:	Probation / Police		
Name:			
Grade:			
Office:			
Telephone number(s):	(w)		(m)
Email address:			
3. HOUSING BENEFIT			
Date Housing Benefit team sent acknowledgement of MAPP P to lead agency (by secure email):			

Signed ..... Date.....  
 Role and Agency.....

\* "Lead agency" is the agency with the statutory authority and responsibility to manage a MAPP offender. This management will involve appropriate information-sharing in order to properly identify risk. The lead agency will have primary responsibility for referring the offender to level 2 or level 3 MAPP management or for continuing management at level 1.

Notification form (Scotland)

Annex B



NOTIFICATION TO HOUSING BENEFIT SPOC

MAPP P

To be completed by the primary responsible authority and sent via secure email to the MAPPA Coordinator for onward submission to the SOLO and then to the relevant local authority Chief Internal Auditor for purposes of the Housing Benefit claim of the person named below

*The person below is subject to the Housing Benefit (Amendment) Regulations 2011 and is aged 25 or over but younger than 35 years and is therefore exempt from the shared accommodation rate.*

1. THE BENEFIT CLAIMANT			
Last name:			
First name:			
Middle name:			
Date of birth:			
Current address:			
Postcode:			
This person meets the criteria as set out in the Housing Benefit (Amendment) Regulations 2011 para 2(3) until:			
2. NOTIFYING AGENCY			
Notifying agency:	CJSW / Police/Health		
Name:			
Grade:			
Office:			
Telephone number(s):	(w)		(m)
Email address:			
3. HOUSING BENEFIT			
Date Housing Benefit team sent acknowledgement of MAPP P to primary responsible authority (by secure email):			

Signed ..... Date.....

Role and Agency.....