

# Housing Benefit

## General Information Bulletin

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<https://www.gov.uk/government/organisations/department-for-work-pensions>

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**HB G1/2017**

**17 January 2017**

<b>Contact</b>	Queries about the <ul style="list-style-type: none"><li>• <b>technical content of this bulletin</b>, contact details are given at the end of each article</li><li>• distribution of this bulletin, contact <a href="mailto:housing.correspondenceandpqs@dwp.gsi.gov.uk">housing.correspondenceandpqs@dwp.gsi.gov.uk</a></li></ul>
<b>Who should read</b>	All Housing Benefit (HB) staff
<b>Action</b>	For information

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## Updated: Benefit cap process

### Further clarification on grace periods

1. In response to a number of questions raised by local authorities (LAs) to The Department for Work and Pensions' (DWP's) Benefit Cap Project Team (BCPT) we would like to provide further clarification to all LAs about people working abroad and zero hours contracts in relation to grace periods.
2. DWP will check employment details in current benefit systems for the claimant and/or partner to determine whether either have worked for 50 of the last 52 weeks immediately prior to their last day of work, or reduction in hours/earnings.
3. If they clearly meet the criteria for a grace period, BCPT will administer the grace period entitlement process and will provide details to the LA via the Automated Transfers to LA Systems (ATLAS).
4. Periods of work abroad and periods covered by zero hours contracts (provided there was no claim for working age benefits during that time) count towards employment for grace period purposes. There is no need to make further enquiries to substantiate either situation.

### Active but not capped cases

5. As a result of the recent scans to introduce the new benefit cap thresholds it has come to light that further process clarification is needed on cases when a change to Housing Benefit (HB) means the cap should no longer be applied.
6. If the only change to a capped case is a change in HB, BCPT does not send an ATLAS transaction to the LA. Any 'benefit cap activity/benefit cap interest' marker set on the case will remain open and active, but no cap will be in place. This can cause a mismatch in data between DWP and the LA.
7. When DWP receive an LA template for an HB only change this removes the cap. To ensure records are maintained correctly, DWP will return the LA template updating the free text box with the wording: 'Please remove benefit cap interest from this case'.
8. If you have any questions on either of the matters addressed within this article please email [la-benefitcap.changesnational@dwp.gsi.gov.uk](mailto:la-benefitcap.changesnational@dwp.gsi.gov.uk).

### HB decisions by the Upper Tribunal

11. Decision Making and Appeals Leeds is aware of the following HB cases that have been decided by the Upper Tribunal:
  - CH/2237/16: Removal of Spare Room Subsidy. Claimant appeal dismissed.
  - CH/189/16: Remit. The First-tier Tribunal (FtT) made insufficient findings about the level of the claimant's income.

- CH/1472/16: Spare room subsidy. Remit. Nelson followed.
- CH/3029/16: appears to be an overpayment recovery decision so is for team 2.
- CH/3029/16: Set Aside. FtT failed to provide adequate reasons.
- CH/1169/16: Removal of Spare Room Subsidy. Remit. Nelson followed.
- CH/2030/16: Removal of Spare Room Subsidy. Remit. Claimant should have been allowed to comment on new evidence.

12. Decisions of the Upper Tribunal are published on their website which can be found on [GOV.UK](https://www.gov.uk).

13. If you have any queries about cases before the Upper Tribunal Judges or courts, you can contact us by email at [fldmdma.customersupportservices@dwp.gsi.gov.uk](mailto:fldmdma.customersupportservices@dwp.gsi.gov.uk) or fax on 0113 232 4841

## What's new on the web

14. The following items can be found on the website link shown

Document Type	Subject	Link
HB G12/2016	Fraud and Error Reduction Incentive Scheme 2017/18  Update to the Discretionary Housing Payments Guidance Manual  Universal Credit: benefit cap information update  Local Housing Allowance rates: Targeted Affordability Funding 2017/18  Volunteers for the General Referral Matching Service on-boarding Project  HB decisions by the Upper Tribunal	<a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/580057/g12-2016.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/580057/g12-2016.pdf</a>

	Statutory Instruments What's new on the web	
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