

# Housing Benefit

## General Information Bulletin

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**HB G11/2016**

**17 November 2016**

<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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## Funeral Payments Team request for contact details

1. In the April issue of Bulletin [HB G4/2016](#) the article 'Funeral Payments team sharing of information' outlined the agreed new process for obtaining Housing Benefit (HB) information from local authorities (LAs).
2. This included the preferred method of the Department for Work and Pensions' (DWP) Funeral Payments (FP) Team to obtain the HB information from LAs over the phone or, where an LA is unable to share this information over the phone, the use of email by way of completion of a template.
3. Since that time, it has been brought to our attention that some LAs have recently updated their web pages and, in turn, removed contact telephone numbers and email addresses which were previously used by us to apply the new process.
4. In order to ensure we can continuously share HB information between us we are asking for each LA to provide a contact telephone number and secure email address. This will allow us to keep a central contact list regardless of any future updates to websites that might result in the removal of contact details.
5. Please note for an email address to be classed as secure it must be one of the following:
  - gcsx
  - gsx
  - gse
  - gsi
6. We'd be grateful if you could send this information via email with 'LA contact details' in the subject header to [katie.wells@dwp.gsi.gov.uk](mailto:katie.wells@dwp.gsi.gov.uk) by 30 November 2016.

## Benefit cap update: 'active but not capped cases'

7. Further to the issues that occurred as a result of the benefit cap files transfer during week commencing 31 October 2016, the Benefit Cap Changes Project have looked at the issue of 'active but not capped cases' and this article provides information to resolve the problem. We have also placed this information on Glasscubes.
8. An 'active but not capped case' is an HB case where the LA holds an active or open benefit cap record but no benefit cap is live on the case.
9. In line with previous Glasscubes messages, only cases that had a cap in place required the new levels to be automatically applied with effect from 7 November 2016.

10. It would therefore be helpful to remove the 'active but not capped' cases from the system. As an interim process to close/end/remove benefit cap details from these cases LAs are asked to take the following action immediately:

- Where an LA has applied the new cap levels to an 'active but not capped case'
  - end the cap on these cases immediately as these cases should never have had the new cap levels applied.
- Where an LA has not applied the new cap levels to 'active but not capped case'
  - close/end the record and remove benefit cap details from these cases.

11. LAs should also refer to their own IT supplier's instructions.

12. An 'active but not capped case' may become subject to a brand new cap calculation (an apply cap action) from DWP if it has been identified as a case requiring manual assessment in the 12 week implementation delivery window. These cases will be sent to you for revised action via the normal Automated Transfer to LA Systems (ATLAS) route during your implementation window.

13. If you have any questions regarding the content of this article please email Jo Capstick at [la-benefitcap.changesnational@gsi.gov.uk](mailto:la-benefitcap.changesnational@gsi.gov.uk)

## Cases with the Upper Tribunal

### HB/CTB cases awaiting decision by the Upper Tribunal

14. Decision Making and Appeals Leeds is aware of the following HB/Council Tax Benefit case that is awaiting decision by the Upper Tribunal:

- CH/2290/16: Whether a half-brother or sister falls within the general definition of "close relative".
- CH/1987/16: Spare Room Subsidy. Effect of furniture on size requirement for two children.
- CSH/360/16: Whether services provided by an unregistered provider in Scotland can be the foundation for exempt accommodation.

15. Thank you to those LAs that have let us know about cases they are appealing. Please notify us of cases at the point that the application for leave to appeal is made to the Upper Tribunal office, or the appeal is lodged following grant of leave by a First-tier Tribunal Judge. Please let us know if a case reference (CH/.. or CSH/..) has been allocated.

## HB/CTB decisions by the Upper Tribunal

16. Decision Making and Appeals Leeds is aware of the following HB cases that have been decided by the Upper Tribunal:

- CH/1892/16: Remitted. Overpayment. Tribunal did not consider whether there was an 'official error' by the DWP.
- CH/1869/16: Remitted. Overpayment. Tribunal failed to adequately explain why it preferred evidence by the appellant in light of conflicting evidence.
- CH/1647/16: Claimant was not a person with a permanent right to reside and was not entitled to Council Tax Benefit. First-tier Tribunal decision confirmed.
- CH/2091/16: Non-dependant. Issue of normal residence not considered by tribunal.
- CH/1619/16: Capital. Unclear how outstanding mortgage affected valuation.
- CH/1815/16: Capital. Property owned jointly with claimant's sisters. Valuation properly took account of difficulties of bringing about a sale where a joint owner is unwilling.
- CH/2091/16: Non-dependant. Issue of normal residence not considered by tribunal.
- CH/1619/16: Capital. Unclear how outstanding mortgage affected valuation.
- CH/1815/16: Capital. Property owned jointly with claimant's sisters. Valuation properly took account of difficulties of bringing about a sale where a joint owner is unwilling.

17. Decisions of the Upper Tribunal are published on their website which can be found on [GOV.UK](http://GOV.UK).

18. 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 2324841.

## Statutory Instruments

19. The following Statutory Instruments (SIs) have been laid:

- 2016 No.982, The Child Support (Deduction from Earnings Orders Amendment and Modification and Miscellaneous Amendments) Regulations 2016, coming into force 7 November 2016

20. The following Statutory Rules (SRs) of Northern Ireland have been laid:

- 2016 No.374 (C. 28), The Welfare Reform and Work (Northern Ireland) Order 2016 (Commencement No. 1) Order 2016, comes into operation 7 November 2016
- 2016 No.375, The Benefit Cap (Housing Benefit and Universal Credit) (Amendment) Regulations (Northern Ireland) 2016, coming into operation 7 November 2016
- 2016 No.376, The Social Security (Expenses of Paying Sums in Relation to Vehicle Hire) Regulations (Northern Ireland) 2016, come into operation 7 November 2016
- 2016 No. 999 (N.I. 1), The Welfare Reform and Work (Northern Ireland) Order 2016, made on 12 October 2016
- 2016 No.1050, The Social Security (Northern Ireland Reciprocal Arrangements) (Amendment) Regulations 2016, coming into operation from 27 November 2016

21. Copies of SIs can now be downloaded from DWPs' own website

[dwp.gov.uk/publications/specialist-guides/law-volumes/the-law-relating-to-social-security/](http://dwp.gov.uk/publications/specialist-guides/law-volumes/the-law-relating-to-social-security/) and the website of the Office of Publication Sector Information [opsi.gov.uk/stat.htm](http://opsi.gov.uk/stat.htm)

## What's new on the web

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

Document Type	Subject	Link
<b>HB G10/2016</b>	<p>Non-HB debt files to be shared via the Data Hub</p> <p>Revised DWP/LA email notification template for benefit cap cases</p> <p>HB decisions by the Upper Tribunal</p> <p>Statutory Instruments</p> <p>What's new on the web</p>	<a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/560614/g10-2016.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/560614/g10-2016.pdf</a>
<b>HB Direct issue 172</b>	Editorial	<a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/560614/g10-2016.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/560614/g10-2016.pdf</a>

<p><b>November 2016</b></p>	<p>Local authority test of the Wider use of Real Time Information service</p> <p>Recently published statistics and management information</p> <p>Changes to our HB pages on GOV.UK</p> <p>Increased Fraud and Error Reduction Incentive Scheme incentive payments for 2016/17</p> <p>HB debt held by LAs in Great Britain</p> <p>Reminder - Secondment Opportunities</p>	<p><a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/565313/hb-direct-nov-172.pdf">hment_data/file/565313/hb-direct-nov-172.pdf</a></p>
<p><b>Circular HB A10/2016 (REV2)</b></p>	<p>Administration of the benefit cap 2016</p>	<p><a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/567103/a10-2016.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/567103/a10-2016.pdf</a></p>