

Housing Benefit

General Information Bulletin

Department for Work and Pensions, 6th Floor, Caxton House, Tothill Street,
London SW1 9NA
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HB G7/2016

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

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Benefit cap template..... (issued as a separate attachment) Appendix 1	

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Benefit cap use of current guidance and template

1. When the benefit cap was introduced in 2013 the Department for Work and Pensions (DWP) issued circular [HB A15/2013](#) which provides guidance on how local authorities (LAs) should administer the benefit cap.
2. We have recently received several enquiries from LAs asking if the guidance is still current; in particular the use of the 'template'. We will be reviewing and updating the guidance in readiness for the implementation of the benefit cap changes in autumn 2016. However, in the meantime, LAs should still follow the existing guidance and use the Appendix 1 template, issued as a separate attachment.
3. It is particularly important that in the following circumstances, LAs continue to complete the template as soon as possible to avoid claimants being capped incorrectly:
 - cap not applied to current or new case following receipt of 'Apply cap' notification
 - Housing Benefit (HB) award amount has changed and this takes the total amount of benefits below the cap threshold
 - claimant is no longer in receipt of HB in the borough
 - claimant wants to query the itemised calculation other than HB
 - claimant has a query on a 'Grace Period'
 - other complex queries from the claimant
 - exemption identified not picked up by DWP
 - discrepancy identified in claimants circumstances (partner/no partner, other benefits, for example, Armed Forces Compensation Scheme, Guaranteed Income Payments, Widows/War Widowers Pension, War Disablement Pension)
 - breaks in HB claims
 - changes of circumstances reported to the LA
 - HB extended payment awarded
 - claimant lives in/moves to Supported Exempt Accommodation
4. If you have any questions regarding the content of this article please email: vicki.phillips@dwp.gsi.gov.uk

HB Fraud and Error Good Practice Workshops

5. We have previously let you know about the workshops we are running with full details being published in [HB G4/2016](#). Our series of 21 workshops concludes in Manchester, on 27 July, 2016. There are still a couple of events available, so if you would like to attend please contact hamish.j.robertson@dwp.gsi.gov.uk
6. Inserted below are a list of links that will take you to the source materials used during the workshops:
 - [Housing Benefit Review Good Practice Guide \(HBR GPG\)](#)
 - [Fraud and Error Reduction Incentive Scheme GPG \(FERIS GPG\)](#)
 - [Overpayment GPG](#)
 - [Glasscubes - Presentation](#)
7. We would like to take this opportunity, to thank all those LAs who provided a venue and facilities for the events.

Cases with the Upper Tribunal

HB/Council Tax Benefit (CTB) cases awaiting decision by the Upper Tribunal

8. Decision Making and Appeals (DMA) Leeds is aware of the following cases that are awaiting decision by the Upper Tribunal:
 - CH/539/2016. HB disallowance, claimant joined by partner who didn't have a National Insurance Number (NINo). Secretary of State joined; who decides exemption from NINo requirement?
 - CH/2421/2015. Effect of capital and income rules in respect of property owned by claimant
9. Thank you to those authorities that have let us of cases you 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

- CH/2498/2015: Claimant appeal. Remitted. Natural justice, adjournment refused based, to some extent, on the claimant being able to apply for set aside of any adverse decision.

- CSH/110/2015: Three Upper Tribunal Judge Panel. Claimant appeal. Right to reside. The Housing Benefit (Habitual Residence) Amendment Regulations 2014, and the resultant amendments to Housing Benefit Regulation 10(3A) and (3B), are validly made.
- CH/656/16: Award of HB made prior to Local Housing Allowance rules being introduced no longer protected when claimant changed address.
- CH/86/2016: Claimant appeal. Dismissed. HB/CTB overpayments. LA had entered weekly earnings as annual earnings therefore assessments and decision notices showed weekly earnings £1.78. Distinguished from previous decisions relied on by claimant; he could reasonably have realised ... Regulation 100(2).
- CH/3387/15: Spare Room Subsidy. More findings needed on characteristics of room.
- CH/1929/2015: Claimant appeal. Upper Tribunal Judge remakes decision; claimant was a “qualified person” so had right to reside and was habitually resident, therefore he remained entitled to HB.
- CH/273/2015: Claimant appeal. Remitted. Landlord had been determined a close relative, however, evidence showing he had Council Tax liability for a different address at the relevant time had not been addressed.
- CH/981/15: Spare Room Subsidy. Remit. Nelson followed.
- CH/122/15: Claimant subject to restraint and confiscation orders had not been an “owner” for the purpose of regulation 9(1).
- CH/1169/15: Spare Room Subsidy. Son is a student. Insufficient findings of fact on whether he continued to occupy claimant’s home.

10. If you have any queries about cases before the Upper Tribunal Judges or courts, please contact us by email at fldmdma.customersupportservices@dwp.gsi.gov.uk or fax on 0113 2324841

Statutory Instruments

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

- 2016 No.622, The Jobseeker’s Allowance (Members of the Forces) (Northern Ireland) (Amendment) Regulations 2016, made on 6 June 2016
- 2016 No.624, The Housing Benefit and State Pension Credit (Temporary Absence) (Amendment) Regulations 2016, coming into force 28 July 2016

- 2016 No.673, The Offshore Installations (Safety Zones) (No. 3) Order 2016 coming into force 28 June 2016
- 2016 No.674, The Social Security (Expenses of Paying Sums in Relation to Vehicle Hire) Regulations 2016, coming into force 21 July 2016
- 2016 No.678, The Social Security (Jobseeker's Allowance, Employment and Support Allowance and Universal Credit) (Amendment) Regulations 2016, come into force 25 July 2016
- 2016 No.719, The Employers' Duties (Implementation) (Amendment) Regulations 2016, coming into force 1 October 2016
- 2016 No.721, The Dangerous Goods in Harbour Areas Regulations 2016, coming into force 1 October 2016

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

- 2016 No.236, The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations (Northern Ireland) 2016, made on 6 June 2016
- 2016 No.238, The Industrial Injuries Benefit (Employment Training Schemes and Courses) Regulations (Northern Ireland) 2016, coming into operation 31 October 2016
- 2016 No.239, The Industrial Injuries Benefit (Injuries arising before 5th July 1948) Regulations (Northern Ireland) 2016, coming into operation 31 October 2016
- 2016 No.240, The Employment and Support Allowance (Sanctions) (Amendment) Regulations (Northern Ireland) 2016, made on 6 June 2016
- 2016 No.241, The Jobseeker's Allowance (Sanctions) (Amendment) Regulations (Northern Ireland) 2016, made on 6 June 2016
- 2016 No.258, The Housing Benefit (Amendment) Regulations (Northern Ireland) 2016, coming into operation 2 January 2017

13. 2016 Copies of SIs can now be downloaded from DWP's own website <http://www.dwp.gov.uk/publications/specialist-guides/law-volumes/the-law-relating-to-social-security/> and the website of the Office of Publication Sector Information <http://www.opsi.gov.uk/stat.htm>

What's new on the web

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

Document Type	Subject	Link
HB S8/2016	New Burdens payment for the implementation of the 2016 benefit cap changes	https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/536303/s8-2016.pdf
HB G6/2016	<p>A reminder to appeals writing teams</p> <p>HB Fraud and Error Good Practice Workshops</p> <p>More changes to DWP postal addresses</p> <p>HB communication products</p> <p>Cases with the Upper Tribunal</p> <p>Statutory Instruments</p> <p>What's new on the web</p>	https://www.gov.uk/government/publications/hb-bulletin-g62016
HB Direct issue 169 July 2016	Newsletter	https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/534499/hb-direct-july-169.pdf