

# Housing Benefit

## General Information Bulletin

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

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**HB G6/2016**

**17 June 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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## A reminder to LA appeals writing teams

1. This is to remind local authority (LA) appeals writing teams, for Housing Benefit (HB) cases in England and Wales, that the response to an appeal should be submitted by the LA to HM Courts and Tribunal Service (HMCTS) Direct Lodgement Centre in Bradford and not to the relevant HMCTS regional processing office. The full address of the Direct Lodgement Centre is:

HMCTS National Business Centres  
Direct Lodgement Centre  
Rushton Avenue  
Thornbury  
Bradford  
BD3 7BH

2. Appeals writers are also reminded of the difference between a 'representative' and a 'party' to the proceedings. A representative is a person or organisation authorised to act in matters relating to the appeal on behalf of a party to that appeal; but they are not themselves a party to it. Where a party has an authorised representative, the fact should be indicated by ticking the relevant box on the AT37 form, or using the 'Other Info' box. It should be made clear that the person or organisation is acting as a representative. As such, they should not be designated as a party.
3. Appeals are initially listed at the venue closest to where the appellant lives. If there are any objections from the LA, or any other party to the appeal, applications for a change of venue may be submitted to the Upper Tribunal. A Tribunal Judge will then decide the most suitable course of action. For example, it might be appropriate to invite the respondent, or any other party, to participate via telephone at the Tribunal.
4. If you have any queries about this, please contact the SSCS Jurisdictional Support Team at [SSCSA-consumer-services@hmcts.gsi.gov.uk](mailto:SSCSA-consumer-services@hmcts.gsi.gov.uk)

## HB Fraud and Error Good Practice Workshops

5. We announced in Bulletin [HB G4/2016](#) the venues and dates for each LA's workshop.
6. We've received lots of interest and take up for these workshops but we still have some spaces reserved for those LAs who have yet to confirm attendance but would like to attend. So if you have not confirmed your attendance yet, please email your confirmation and delegates names to [hamish.j.robertson@dwp.gsi.gov.uk](mailto:hamish.j.robertson@dwp.gsi.gov.uk).
7. We'd also like to use this opportunity to thank all those LAs who have provided a venue and facilities for the events.

## More changes to DWP postal addresses

8. There are more office address changes this month as a result of the Department for Work and Pensions (DWP) modernising its postal processes. These affect the following businesses:
  - Employment and Support Allowance (ESA)
  - Fraud and Error Service
9. For more details about the changes and an updated office address list containing the new additions go to [GOV.UK](http://GOV.UK).

## HB communications products

10. In the June issue of [HB Direct](#) we let you know that over the coming weeks we expect to move to a new mass mailing provider but there may be a temporary period where we will not have access to any mass mailing solution at all. We now know that there will not be a new solution in place from 4 July 2016 for a temporary period so we will be publishing all of our routine Housing communications directly to [GOV.UK](http://GOV.UK). By routine we mean:
  - HB Direct newsletter
  - General and Urgent Information Bulletins
  - HB Adjudication and Subsidy circulars
11. In order to continue to receive our Housing communications after 4 July you will need to set up an email alert subscription on [GOV.UK](http://GOV.UK). Once you have clicked on the 'Create subscription' button you will be asked to provide your email address. You will also be able to set the frequency of emails (immediately, daily or weekly) and provide a password, but this is optional.
12. You will, unfortunately, receive details of all DWP announcements as it isn't possible to send just Housing communication alerts but these can be deleted if not relevant.
13. Over the coming weeks we will be carrying out housekeeping on all of our mailing lists so that when the new mass mailing solution is in place we can easily create new distribution lists for all of our communications. We have no way of knowing who may have subscribed to receive email alerts from GOV.UK so we need you to continue to let us know about any changes in contact details in order to keep our lists up to date for when the new solution is available to use.
14. Any other non-routine official communications will be sent to LA Chief Executives and/or Revenues and Benefits managers via Microsoft Outlook for onward cascade.
15. We will continue to keep you updated on any developments via this Bulletin and the HB Direct newsletter but in the meantime if you have any further enquiries please email the [LA Gateway](#) team.

## Cases with the Upper Tribunal

### 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/3769/2014: Spare Room Subsidy. Remit. Nelson followed.
- CH/1191/2015: LA appeal. Suspension/termination/overpayment. Correct application of HB/Council Tax Benefit (CTB) (Decisions and Appeals) Regulations 11 to 14 appropriate. Follows rulings / findings in decisions CH/1602 and 1764/2008.
- CH/1315/2015: Claimant appeal. Spare Room Subsidy. Appeal received outside absolute time limit. Upper Tribunal Judge determined exceptional circumstances (under ECHR Article 6) do not apply to this late appeal.
- CH/3512/2015: HB overpayment. Remitted. Misinterpretation by First-tier Tribunal of Regulation 101 and possible landlord's liability.
- CH/2267/2015: Claimant appeal. Upper Tribunal Judge substitutes their own decision; no recoverable HB/CTB overpayments. Official error due to varying earnings being taken into account incorrectly. Some doubt as to claimant's knowledge of conditions of entitlement and understanding of decision letters, consideration of which was made more complicated by "excerpts" of decisions and decision letters being included in bundle, omitting relevant information contained in other pages of "extremely lengthy badly designed complicated and confusing letters".
- CH/2867/2015: Claimant appeal. In effect dismissed; Upper Tribunal Judge substitutes grounds but appeal outcome the same. HB/CTB overpayments due to claimant being a person from abroad and involved in a marriage of convenience.
- CH/3248/2015: LA appeal. Dismissed. Official error following variations to Child Benefit/Child Tax Credit. Not reasonable for claimant to be expected to realise she was being overpaid.
- CH/55/2015: LA appeal; dismissed. UTJ confirms First Tier decision. HB overpayment. ESA (Support Group) arrears paid on appeal for period of ESA (Work Related Activity Group) entitlement. Arrears incorrectly taken into account in assessing HB prompting incorrect recoverable overpayment decision.
- CH/1480/2015 and CH/2491/2015: Spare Room Subsidy. Remit. Nelson followed.
- CH/258/15: Capital. Tribunal failed to identify periods when claimant's capital below the limit.

- CH/1143/2014: Claimant appeal. Allowed. Right to Reside; Saint Prix applied. Detailed look at genuine and effective and date work ceased and at date of claim she would find work.
- CH/1521/2015: Claimant appeal. Remitted. HB overpayment. Husband was claimant, wife was sole LA tenant. He left household but HB continued to be credited to her tenancy account. Local Housing Office appears to have refused to accept his calls as he wasn't the tenant. Claimant did not receive any correspondence about HB. Claimant not reasonably expected to realise ... Regulation 100(2) applied.

17. Decisions of the Upper Tribunal are published on their website which can be found [here](#).

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.588, The Control of Electromagnetic Fields at Work Regulations 2016, coming into force 1 July 2016
- 2016 No.590, The Financial Services and Markets Act 2000 (Pensions Guidance) Regulations 2016, coming into force 15 June 2016
- 2016 No.596, The Welfare Reform Act 2012 (Commencement No. 13, 14, 16, 19, 22, 23 and 24 and Transitional and Transitory Provisions (Modification)) Order 2016, made on 23 May 2016
- 2016 No.623, The Offshore Installations (Safety Zones) (No. 2) Order 2016, coming into force 27 June 2016

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

- 2016 No.234 (C.18), The Welfare Reform (Northern Ireland) Order 2015 (Commencement No. 4) Order 2016, coming into operation from 1 June 2016
- 2016 No.235, The Social Security (Disability Living Allowance and Personal Independence Payment) (Amendment) Regulations (Northern Ireland) 2016, coming into operation on 6 July 2016

21. 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

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

Document Type	Subject	Link
<p><b>HB G5/2016</b></p>	<p>Single Housing Benefit Extract review</p> <p>Payment Deduction Programme interface</p> <p>Real Time Information Bulk Data Match good practice</p> <p>Further changes to DWP postal addresses</p> <p>Reminder - Discretionary Housing Payments monitoring returns 2015/16</p> <p>Reminder - HB Fraud and Error good practice workshops</p> <p>HDD secondment opportunities</p> <p>Cases with the Upper Tribunal</p> <p>Statutory Instruments</p> <p>What's new on the web</p> <p>Advert - Housing Delivery Division secondment opportunities</p>	<p><a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/524479/g5-2016.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/524479/g5-2016.pdf</a></p>
<p><b>HB Direct issue 168</b></p>	<p>Editorial</p> <p>Optional RTI</p> <p>Funeral Payments team sharing of information</p>	<p><a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/526971/hb-direct-june-168.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/526971/hb-direct-june-168.pdf</a></p>

<b>Document Type</b>	<b>Subject</b>	<b>Link</b>
	<p>HB subsidy – Initial estimate forms, mid-year estimate forms and final claim forms data</p> <p>Subsidy and Discretionary Housing Payment final claims</p> <p>Data Transport Appliance decommissioning</p> <p>Updated Discretionary Housing Payments Guidance Manual</p> <p>HDD Secondment Opportunities</p> <p>Housing Benefit communications products</p>	
<b>HB A5/2016</b>	Optional Real Time Information Bulk Data Matching Initiative	<a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/528910/a5-2016.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/528910/a5-2016.pdf</a>
<b>HB S6/2016</b>	New Burdens payment 2016/17 for the Pension Credit Assessed Income Period Reform	<a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/525621/s6-2016.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/525621/s6-2016.pdf</a>
<b>HB S7/2016</b>	Rent Rebate Subsidy Limitation information – 2016/17	<a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/529700/s7-2016.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/529700/s7-2016.pdf</a>