

Housing Benefit

General Information Bulletin

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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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Discretionary Housing Payments monitoring returns 2015/16

1. We provided you with advance notice of the end of year 2015/16 Discretionary Housing Payment (DHP) monitoring arrangements in the March issue of [HB Direct](#). As previously stated, these monitoring returns continue to improve the Department for Work and Pensions' understanding of how DHPs are being used to support people affected by the welfare reforms.
2. In line with the mid-year format, local authorities (LAs) are asked to record if a successful DHP applicant has been affected by one of the welfare reforms together with the main outcome expected from that award.
3. We ask that LAs reconcile the total expenditure reported on the monitoring returns form with their DHP final claim form figure and, where this differs, to provide an explanation in the new comments box on the monitoring returns form. This will avoid unnecessary queries during our data quality assurance process.
4. The last monitoring period spanned 1 April 2015 to 30 September 2015. You are now asked to supply information in respect of the complete financial year, 1 April 2015 to 31 March 2016. We are only seeking details of DHPs paid during this period; please do not include DHP committed which is due to be paid after 31 March 2016. Further details can be found in the [DHP Guidance Manual](#) and the 'Guide to completion' tab of the attached DHP monitoring form.
5. In line with the approach taken previously, the monitoring form asks for the value of DHP paid, broken down into welfare reform impact and the purpose of the award, for example; award made as a result of implementation of the benefit cap with the purpose of helping the claimant secure and move into alternative accommodation. If the information relating to the purpose of award is not available, LAs are asked to just record the total DHP paid in respect of the welfare reform listed.
6. Please complete and return the monitoring form, attached separately as **Appendix A**, by **Friday 13 May 2016**. The monitoring form should be submitted to: dhp.monitoringinbox@dwp.gsi.gov.uk

Further changes to DWP postal addresses

7. DWP is continuing to modernise how it receives and processes post resulting in new postal addresses. A number of businesses are currently changing their addresses:
 - Employment and Support Allowance
 - Fraud and Error Service
8. More about the changes to DWP post handling and a full list of office addresses so far can be found on [GOV.UK](#).

Housing Benefit Fraud and Error Good Practice workshops

9. In [HB G3/2016](#) we announced that Housing Delivery Division's Performance Development Team will be running Housing Benefit Fraud and Error Good Practice one day workshops for LAs from May to July 2016. They will be held across all regions in England, Scotland and Wales.
10. Details of the dates/venues for LAs are now available at **Appendix B**, attached as a separate document. If any of these dates/venues are unsuitable please contact hamish.j.robertson@dwp.gsi.gov.uk who will try to arrange a move.
11. We are offering a maximum of three spaces per LA. All Housing Benefit (HB) managers and staff should find the event useful, including intervention and HB debt recovery staff. See **Annex 1** for an example agenda. Please note the start and end times are fixed but agenda contents may change.
12. Attendees will be required to meet their own travel costs and provide their own lunch.
13. Please confirm your attendance and the names of attendees to hamish.j.robertson@dwp.gsi.gov.uk by **Friday 29 April 2016**.

Funeral Payments team sharing of information

14. In May 2015 the Department's Funeral Payments (FP) team and LA Practitioners' Operational Group (POG) agreed a new process to obtain HB information from LAs.
15. The preferred method for the FP team to obtain HB information from LAs is over the phone. Where an LA is unable to share this information over the phone due to requiring a written request please use the new template attached as **Appendix C**.
16. The FP Team will complete Part 1 of the template and send it to LAs by email. The partially completed template will include the claimant or customer's personal details (name, address, National Insurance number and date of birth) and the date the claimant or customer was in receipt of HB to. It will also include the sender's details.
17. Part 2 of the template is completed by LAs and requires a box to be ticked to confirm if HB has been claimed by the customer on the date provided at Part 1. The completed template should be returned to the FP team using the email address at the bottom of the template and include the LA sender's details.
18. LAs are required to return the completed template to the FP team via email within 10 working days. This response time has been agreed between the POG and the FP team as part of the new improved process.
19. If you have any queries please email katie.wells@dwp.gsi.gov.uk.

Update: The Housing Benefit and State Pension Credit (Temporary Absence) (Amendment) Regulations 2016

20. In [HB G3/2016](#) we advised you about a change to the 'coming into force' date of 30 May 2016, rather than April, for the proposed amendments to the temporary absence provisions in the Housing Benefit Regulations 2006 and the Housing Benefit (Persons who have attained the qualifying age for State Pension Credit) Regulations 2006.
21. This is to further update you that the regulations will not now be laid in time for the May 'coming into force' date; instead we plan to lay them in the summer 2016. Guidance will be issued ahead of this time.
22. If you have any queries please email housing.benefitenquiries@dwp.gsi.gov.uk

Pension Credit and State Pension Changes Telephony Service

23. To further improve the service we offer our customers, preparatory work is being undertaken to develop the delivery of Pension Credit and State Pension Changes Telephony Service via a national virtual telephony network.
24. Under this approach, calls will no longer be routed on the basis of geographical splits. They will be routed to a national line, where calls will be answered by the next available adviser, regardless of where that adviser is sited.
25. This will not, in any way, change the service provided and any escalated issues to Pension Centre Liaison Officers (PCLOs) will continue to be directed to the PCLO for your geographical area.
26. The go-live date for the change was 13 April 2016.
27. If you have any queries about the content of this article please email sp-pcchangessom.virtualquestions@dwp.gsi.gov.uk

Changes to Pension Credit Assessed Income Periods

28. From 6 April 2016 no new Assessed Income Periods (AIPs) will be set. If a customer already has an AIP that is due to end between 6 April 2016 and 31 March 2019 it will end either on the original date shown on the customers Pension Credit award letter, or earlier if their household circumstances change. Their AIP may end early if, for example, they move into a care home or if they become a part of a couple.
29. If a customer already has an AIP that is due to end on or after 1 April 2019, it will end early and will not be renewed. Customers will be sent a letter telling them the new end date six months before the current end date.
30. For people who are aged 75 or over and have an AIP with no end date, this will remain in place until the household circumstances change, for example if they move into a care home or if they become a part of a couple. If customers

already have an AIP, they do not have to tell us about the following changes unless they think they may get extra Pension Credit:

- savings and investments
- personal or work-related pensions
- income from annuities.

31. When the AIP ends the customer must tell DWP about any change in their circumstances. If they do not they could be fined or face prosecution.

Future case review process

32. From 6 April 2016 new Pension Credit customers will have to report all relevant changes of circumstances as they happen and will have their awards revised accordingly from the point of change. All Pension Credit cases will be reviewed on a periodic basis, other than for people with existing AIPs.

33. Indefinite AIPs already in place on 6 April 2016 will remain in place until they end under existing rules. These customers are still obliged to report certain changes under the existing Pension Credit legislation, such as moving permanently into a care home, at which point their case would be reviewed and their AIP would be terminated. They would then move onto the new regime of reporting changes of circumstances as they happen. There is no provision for any linking rules as once the indefinite AIP has ended a new one cannot be set.

Early phasing out of fixed-term AIPs

34. Regulations will provide for the ending of all fixed-term AIPs within 3 years from 6 April 2016. What this means in practice is that a proportion of fixed-term AIPs; those due to end between 1 April 2019 and 5 April 2021 will be ended early. AIPs due to end between 6 April 2016 and 31 March 2019 will be allowed to run their course.

35. More information on AIPs and the new end dates can be found on GOV.UK.

Real Time Information Bulk Data Matching Project update

36. The notifications of Real Time Information (RTI) Bulk Data Matching (BDM) for 2016/2017 will commence from May 2016 and will continue until Wider Use of RTI (WURTi) is implemented. We anticipate rolling out WURTi for HB from autumn 2016; although the detailed implementation plan has yet to be finalised.

37. LAs received a £1.5 Million initial payment of the funding before the delivery timetable (based on the 'netted/capped' allocation costs model) with the remaining sum to be paid before the end of the 2016/17 financial year. The final payment will be based on the number of RTI referrals actually received.

38. We have approved an uprating of 1% on last year's amount for dealing with RTI referrals and this will increase to £10.38; the payment for debt recovery

action remaining unchanged at £5.00. The total payable per case will be £15.38.

39. In 2015/16 it was agreed that for RTI referrals there would be a grace period of 4 weeks before there was any impact on the LA error subsidy calculation. We can confirm that this easement will continue for 2016/17.
40. The initial volumes of referrals for 2016/17 will be issued at a maximum of 40,000 per month. In addition to the usual RTI BDM referrals, we still intend to issue optional RTI referrals to LAs. However, final details of the solution are still being worked through, so we will update you on a definite delivery date as soon as we have more certainty. Optional RTI referrals will not attract New Burdens payments or incur subsidy penalties, but, if actioned, will contribute to your Fraud and Error Reduction Incentive Scheme (FERIS) performance and help towards qualifying for FERIS incentive scheme payments.
41. The existing Memorandum of Understanding (MoU) prescribes that DWP will provide LAs with data for the limited purposes of administering HB and any specific service or provision of a prescribed welfare service or Local Council Tax Reduction scheme. RTI detail is included within this.
42. If you have any questions regarding the content of this article please contact la-sst.hdd@dwp.gsi.gov.uk

Cases with the Upper Tribunal

HB/CTB decisions by the Upper Tribunal

43. Decision Making and Appeals Leeds is aware of the following HB cases that have been decided by the Upper Tribunal:
 - CH/4024/2014 and CH/572/2015: Removal of Spare Room Subsidy (RSRS). Claimant appeal dismissed. Nelson followed.
 - CH/4608/2014: Landlord appeal. Remitted. HB Overpayments – a complex and unusual case in which a previous First-tier Tribunal had confirmed non-entitlement to HB on grounds of non-commerciality. The landlord had not been a party to that appeal. The resultant overpayment decision was appealed by the landlord as recovery had been determined against them. The Upper Tribunal decision addresses ‘relevant decision’, ‘person affected’ and ‘overpayments’ and concludes the landlord must have the right of appeal against a decision determining the overpayment recoverable from them.
 - CH/3513/2015: RSRS. Shared care. LA decision confirmed.
 - CH/4653/2014: Appeal allowed. HB Overpayments non-recoverable – Regulation 100(2) claimant (now decided) could not reasonably have been expected to know she was being overpaid due to official error. Claimant

had disclosed at outset of HB award and subsequently to LA visiting officer that her sister had bought the freehold and claimant was paying rent under a 'lifetime' tenancy agreement.

- CH/157/2015: Council Tax Benefit. Position analogous to sole owner of company. Tribunal failed to consider application of notional capital rule in regulation 39.
- CH/1317/2015: LA appeal. Allowed. Upper Tribunal Judge substitutes decision that HB overpaid as originally determined is recoverable from claimant. Delay in acting on information received from claimant was official error but claimant could reasonably have been expected to realise she was being overpaid.
- CH/3194/2014: Saint Prix case (Secretary of State for Work and Pensions v SFF and other [2015] UK Upper Tribunal 0502 (Administrative Appeals Chamber)). In late stages of pregnancy - work followed by Job Seekers Allowance (JSA). Can have a period of 52 weeks with right to reside if as here she then re-enters the labour market by work or claiming JSA.

44. Decisions of the Upper Tribunal are published on their website which can be found on GOV.UK

Cases with the Upper Tribunal

45. Decision Making and Appeals Leeds has not been made aware of any new HB/CTB cases that are awaiting decision by the Upper Tribunal since our last General Information Bulletin entry in January 2016.
46. 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.

Queries

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

Statutory Instruments

48. The following Statutory Instruments (SIs) have been laid:
- 2016 No.175, The Employment and Support Allowance (Duration of Contributory Allowance) (Consequential Amendments) Regulations (Northern Ireland) 2016, coming into force 28 November 2016

- 2016 No.176, The Employment and Support Allowance (Amendment of Linking Rules) Regulations (Northern Ireland) 2016, coming into force 28 November 2016
- 2016 No.188 (Northern Ireland Statutory Rules (NISR)), The Social Security (Reciprocal Agreements) Order (Northern Ireland) 2016, coming into force 6 April 2016
- 2016 No.189 (NISR), The Social Security (Reciprocal Agreement) (Isle of Man) Order (Northern Ireland) 2016, coming into force 6 April 2016
- 2016 No.408, The Pensions Act 2014 (Transitional and Transitory Provisions) Order 2016, coming into force 6 April 2016
- 2016 No.427, The Occupational Pension Schemes (Scheme Administration) (Amendment) Regulations 2016, coming into force 6 April 2016
- 2016 No.435, The Automatic Enrolment (Earnings Trigger and Qualifying Earnings Band) Order 2016, coming into force 6 April 2016
- 2016 No.439, The Child Support (Deduction Orders and Fees) (Amendment and Modification) Regulations 2016, coming into force 22 May 2016

49. Copies of SIs can now be downloaded from the 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

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

Document Type	Subject	Link
HB G3/2016	Consultation on the Code of Practice on Obtaining Information Memorandum of Understanding between DWP and LAs The Housing Benefit and State Pension Credit (Temporary Absence) (Amendment) Regulations 2016	https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/508997/g3-2016.pdf

	<p>HB Fraud and Error Good Practice workshops</p> <p>Further changes to DWP postal addresses</p> <p>HB decisions by the Upper Tribunal</p> <p>Statutory Instruments</p> <p>What's new on the web</p>	
HB Direct issue 166	<p>Editorial</p> <p>SFIS Project - End of implementation</p> <p>Housing Benefit subsidy workshops – 2015/16</p> <p>Memorandum of Understanding – Security compliance</p> <p>The DWP Network on the Knowledge Hub</p>	<p>https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/513182/hb-direct-april-2016.pdf</p>
HB S3/2016	<p>Final New Burdens payment 2015/16 for the Real Time Information Bulk Data Matching Initiative, reduction in Housing Benefit backdating and removal of Family Premium</p>	<p>https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/510650/s3-2016.pdf</p>

**Performance Development Team
Housing Benefit Fraud and Error Good Practice workshop**



Date of meeting	See Appendix B
Venue	See Appendix B
Time	10:00am – 15.30pm

Timing	Item
10.00 -10.15	Domestics, introduction and check-in
10.15 -11.15	FERIS impact and good practice presentation
11.15 -11.30	Break
11.30 -12.00	FERIS good practice syndicate exercise
12.00 -12.45	Lunch
12.45 -12.50	Check-in
12.50 - 13.30	HBR - overview, good practice, error agreement and HBR Summary presentation
13.30 -14.30	Overpayments - overview, impact and good practice
14.30 -14.40	Break
14.40 -15.10	Overpayments good practice syndicate exercise
15.10 -15.30	Questions, conclusion, check-out and evaluation