

Housing Benefit

General Information Bulletin

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

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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 (HB) staff
Action	For information

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Consultation on the Code of Practice on Obtaining Information

1. The Social Security Administration Act 1992 (the Act) provides for authorised officers in the Department for Work and Pensions (DWP) and local authorities (LAs) to exercise powers that requires specified people or organisations to provide information about their customers in order to help combat fraud against the benefit system.
2. The Social Security Fraud Act 2001 includes a statutory requirement for the Secretary of State to issue a Code of Practice relating to the exercise of the powers and for that Code to be revised as required. The current Code of Practice on Obtaining Information was published in 2002. Since then there has been a number of legislative and procedural changes and the Code is being revised to reflect those changes. Before a revised Code can be laid in Parliament and published the Department is required to issue a draft version for public consultation.
3. Although the consultation is aimed mainly at those who are required to provide information under the Act (for example, banks, insurers, credit reference agencies, gas and electricity suppliers, water companies, educational establishments and the student loans company) it may also be of interest to those LAs that still have responsibility for investigating social security fraud. LA views on the draft revised Code of Practice will be welcomed. The [consultation](#) runs until 31 March 2016.

Memorandum of Understanding between DWP and LAs

4. We are currently in the process of updating the Memorandum of Understanding (MoU) between DWP and LAs (Handling and protection of DWP customer data), which is set to expire on 31 March 2016.
5. The MoU is currently being reviewed by stakeholders and until it has been finalised the current version will remain in force until superseded.
6. If you have any queries about the content of this article please email hbsdsecurity.team@dwp.gsi.gov.uk

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

7. We wrote to the Local Authority Associations on the 22 December 2015 and again on 25 January 2016 (with slight amendments) to consult with them formally on proposed amendments to the **Housing Benefit (HB) Regulations 2006 and the HB (Persons who have attained the qualifying age for state pension credit) Regulations 2006**.
8. HB has a general temporary absence rule. These amendments are intended to make changes so that the period of allowable absence from Great Britain (GB) is reduced, generally, from 13 weeks to 4 weeks.

9. This note updates you on a change to the agreed 'coming into force' for the amending of regulations. Consultations by the Social Security Advisory Committee and discussions with Treasury have resulted in a revised date of **30 May**, rather than April.

10. Guidance will still be sent to LAs in advance of this 'coming into force' date.

Background

11. It is a basic condition of entitlement to HB and Pension Credit that claimants are in GB.

12. HB has a general temporary absence rule meaning that HB can continue for a maximum of 13 weeks, where the period of absence does not, or is not expected to exceed 13 weeks and the person intends returning to the dwelling and has not sub-let it.

13. If the period of absence is expected to last more than 13 weeks, HB stops immediately. Within this rule, HB does not distinguish between absences from home within GB or outside GB

14. Pension Credit has a rule which is specific to absences outside of GB. This allows entitlement to continue for absences outside of GB for up to 13 weeks where the absence is unlikely to exceed 52 weeks.

15. The policy, announced as part of the Chancellor's Autumn Statement, is to restrict temporary absences from GB in both benefits to four weeks.

16. If you have any queries please email housing.benefitenquiries@dwp.gsi.gov.uk

HB Fraud and Error Good Practice workshops

17. Housing Delivery Division's Performance Development Team will be running HB 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.

18. The workshops aim to highlight and encourage further use of good practices in the areas of:

- Fraud and Error Reduction Incentive Scheme (FERIS) - [FERIS Good Practice Guide](#)
- Housing Benefit Review (HBR) - [HBR Good Practice Guide](#)
- Overpayment processing and recovery - [Overpayment Good Practice Guide](#)
- other topical issues - such as, Automated Transfer to Local Authority Systems/Real Time Information/Housing Benefit Matching Service

19. HB managers, Intervention and Overpayment team leaders and practitioners will be invited to attend (however places per LA may be restricted depending on the venue capacity). Although there is no charge for these workshops, LAs will be expected to meet their own travel costs.

20. Venues and dates will be announced shortly, so please look out for your LA invitation in the coming weeks.

Further changes to DWP postal addresses

21. 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
- Social Fund
- Fraud and Error Service

22. More about the changes to DWP post handling and a full list of office addresses so far can be found [here](#).

HB decisions by the Upper Tribunal

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

- CH/4925/14, CH/302/15: Removal of Spare Room Subsidy. Claimant appeal dismissed. Nelson followed.
- CH/5537/14: Tribunal confused issues of commercial basis of tenancy with membership of a couple.
- CH/811/14: Removal of Spare Room Subsidy. Remit. Nelson followed.
- CH/2369/14, CH/4422/14 and CH/4607/14. LA decision restored. Nelson followed.
- CH/454/15: Removal of Spare Room Subsidy. Remit. Nelson followed.
- CH/1924/15: Issue of where son normally resided not adequately addressed.
- CH/3735/14: Removal of Spare Room Subsidy. LA decision restored. Nelson followed.
- CH/871/15 and CH/1218/15: Removal of Spare Room Subsidy. Remit. Nelson followed.

- CH/3965/14: Secretary of State for Work and Pensions appeal. Removal of Spare Room Subsidy. First-tier Tribunal decision set aside as outside their jurisdiction and a nullity. Appeal was received outside absolute 13 month limit (First-tier Tribunal Rule 23 and Schedule 1).
- CH/4930/14: More findings of fact needed on whether claimant “normally” occupying dwelling “as a home”.
- CH/2410/15: Agreement between claimant and son was on a commercial footing.
- CH/2500/15: Capital. Property in Poland. Significance of relevant documents not addressed.
- CH/2527/15: Removal of Spare Room Subsidy. Remit. Nelson followed.

24. Decisions of the Upper Tribunal are published on their website which can be found here:

<http://www.administrativeappeals.tribunals.gov.uk/Decisions/decisions.htm>

Cases with the Upper Tribunal

25. 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.

26. 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.

27. 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

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

- 2016 No.166, The Welfare Reform (Northern Ireland) Order 2015 (Commencement No. 2) Order 2016, coming into force from 17 March 2016
- 2016 No.189, The Personal Independence Payment (Transitional Provisions) (Amendment) Regulations 2016, coming into force 20 April 2016

- 2016 No.199, The State Pension and Occupational Pension Schemes (Miscellaneous Amendments) Regulations 2016, coming into force from 14 March 2016
- 2016 No.200, The Pensions Act 2014 (Abolition of Contracting-out for Salary Related Pension Schemes) (Consequential Amendments and Savings) Order 2016, coming into force 6 April 2016
- 2016 No.203, The Pensions Act 2014 (Commencement No.8) Order 2016, came into force 23 February 2016
- 2016 No.205, The Social Security Revaluation of Earnings Factors Order 2016, coming into force 6 April 2016
- 2016 NO.215, The Universal Credit (Surpluses and Self-employed Losses) (Change of coming into force) Regulations 2016, coming into force 23 March 2016
- 2016 No.224, The Pensions Act 2014 (Consequential and Supplementary Amendments) Order 2016, coming into force 6 April 2016
- 2016 No.227, The State Pension (Amendment) Regulations 2016, coming into force 6 April 2016
- 2016 No.228, The Social Security (Fees Payable by Qualifying Lenders) (Amendment) Regulations 2016, coming into force 1 April 2016
- 2016 No.229, The Occupational Pension Schemes (Requirement to obtain Audited Accounts and a Statement from the Auditor) (Amendment) Regulations 2016, coming into force 1 April 2016
- 2016 No.230, The Social Security Benefits Up-rating Order 2016, coming into force from 6 April 2016
- 2016 No.231, The Occupational and Personal Pension Schemes (Modification of Schemes - Miscellaneous Amendments) Regulations 2016, coming into force 6 April 2016
- 2016 No.232, The Universal Credit (Transitional Provisions) (Amendment) Regulations 2016, coming into force 1 April 2016
- 2016 No.233, The Social Security (Scottish Rate of Income Tax etc.) (Amendment) Regulations 2016, coming into force 6 April 2016
- 2016 No.240, The State Pension (Amendment) (No. 2) Regulations 2016, coming into force 6 April 2016
- 2016 No.242, The Social Security Benefits (Adjustment of Amounts and Thresholds) Regulations 2016, coming into force from 1 April 2016

- 2016 No.246, The Social Security Benefits Up-rating Regulations 2016, coming into force 11 April 2016
- 2016 No.252, The Pensions Act 2014 (Contributions Equivalent Premium) (Consequential Provision) and (Savings) (Amendment) Order 2016, coming into force 6 April 2016
- 2016 No.253, The Health and Safety and Nuclear (Fees) Regulations 2016, coming into force 6 April 2016
- 2016 No.287, The Social Security (Northern Ireland Reciprocal Arrangements) Regulations 2016, coming into force 6 April 2016
- 2016 No.289, The Pension Sharing (Miscellaneous Amendments) Regulations 2016, coming into force 6 April 2016
- 2016, No.294, The Pension Protection Fund and Occupational and Personal Pension Schemes (Miscellaneous Amendments) Regulations 2016, coming into force 6 April 2016
- 2016, No 304, The Occupational Pension Schemes (Charges and Governance) (Amendment) Regulations 2016, coming into force 6 April 2016
- 2016 No.311, The Occupational and Personal Pension Schemes (Automatic Enrolment) (Miscellaneous Amendments) Regulations 2016, coming into force 6 April

29. 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

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

Document Type	Subject	Link
HB G2/2016 & HB G2/2016 REVISED	Benefit cap changes – Single Point of Contact nominations to receive scans Reminder: Small profits threshold for self-	https://www.gov.uk/government/publications/hb-bulletin-g22016

	<p>employed people</p> <p>'DLA is ending' information campaign</p> <p>Further changes to DWP postal addresses</p> <p>Printing and completing DWP forms from GOV.UK</p> <p>New Housing Benefit Review Good Practice Guide</p> <p>Secondment opportunities</p> <p>HB/CTB decisions by the Upper Tribunal</p> <p>Statutory Instruments</p> <p>What's new on the web</p> <p>Housing Policy Division – Secondee opportunity advert (Annex 1)</p>	
<p>HB Direct issue 165</p>	<p>Editorial</p> <p>Reminder Benefit cap changes – Single Point of Contact nominations to receive scans</p> <p>Universal Credit transition to full service</p> <p>Data Hub on-boarding process</p> <p>Payment Deduction Project</p> <p>Subsidy/Discretionary Housing Payments final claim deadlines – Reminder</p> <p>2016/17 DHP monitoring form return</p>	<p>https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/504340/hb-direct-march-2016.pdf</p>

HB A3/2016	The Housing Benefit (Abolition of the Family premium and limiting backdating) (Amendment) Regulations 2015 and the Universal Credit and Miscellaneous Amendment Regulations 2015	https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/503330/a3-2016.pdf
HB A4/2016	Housing Benefit operational information, performance support and engagement 2016/17	https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/504584/a4-2016.pdf