

# Housing Benefit

## General Information Bulletin

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

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**HB G5/2015**

**15 May 2015**

<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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## Fraud and Error Reduction Incentive Scheme (FERIS) update

1. FERIS was launched in November 2014 to help local authorities (LAs) reduce the Monetary Value of Housing Benefit (HB) Fraud and Error. At that time we announced three separate funds available to LAs (start-up fund, bid fund and maintenance fund).
2. 378 LAs opted into FERIS, £5.4 million was paid to 328 LAs who applied for start-up funding.

### Bid fund

3. We received an overwhelming response from LAs to the bid fund. Applications totalling over £8 million were received against a bid fund of £3 million. To select the successful applications, bids were scored against the bid criteria, for example, innovation and return on investment (ROI).
4. In total 32 applications were approved totalling £3.04 million. Many of these were joint bids from multiple LAs, and three bids which were approved were put forward by lead LAs for the main HB software providers. This means that almost all LAs could benefit from the bid fund either through an individual or group bid or the opportunity to benefit from the enhancements provided by the main software providers.
5. Attached to this bulletin is a high level summary of the successful bid fund applications. We will also share good practice from innovative ideas with a good ROI resulting from bid fund payments in the future.

### Maintenance fund

6. The deadline for submitting your maintenance fund application for 2015/16 is **30 May 2015**, you can find the application form in circular HB [S3/2015](#).
7. We have already started assessing applications and making payments to a number of LAs. The earlier you submit your application the earlier you are likely to receive payment. Maintenance funds for 2015/16 will be paid on the basis of a single application and there will be no further opportunities to apply for funding after the 30 May deadline.
8. As advised in circular HB [S3/2015](#), the maintenance fund aims to provide funding to continue activities put in place under the 2014/15 start-up fund or introduce new activities to increase the value of HB reductions in order to meet your FERIS lower threshold. Funding will be paid in two halves for applications in excess of £10,000 with one payment following the initial award and the second payment in October 2015.
9. It is important that you apply for maintenance funding at your earliest opportunity in order to ensure continuity of funding if successful.

10. If you have any questions about the maintenance fund please send an email to our dedicated FERIS inbox at [feris.team@dwp.gsi.gov.uk](mailto:feris.team@dwp.gsi.gov.uk). For further information about the scheme please visit our [FERIS](#) webpage.

## Renewing tax credits online

11. Claims for tax credits must be renewed before the 31 July 2015 deadline or there is a risk that payments will stop.
12. Almost six million customers will renew their tax credits claim this year so Her Majesty's Revenue and Customs (HMRC) are encouraging claimants to renew their claim as soon as possible to beat the rush in the lead up to the 31 July 2015 deadline.
13. To help beat the rush, HMRC have introduced a service where claimants can complete their renewal and report their change of circumstances online, at any time of day. HMRC understand it's important that claimants know that their renewal has been received, so where a claim is renewed online, or a new claim is received by post, claimants will be sent a text message to confirm that their new/renewal claim has been received.
14. Claimants can go to [www.gov.uk/renewtaxcredits](http://www.gov.uk/renewtaxcredits) to renew their tax credits online.
15. Tax credits customers only have until 31 July to renew, so please help by advising them not to leave it too late, last year almost half a million people had their tax credits stopped because they didn't renew on time.
16. For claimants who don't have internet access or choose not to renew online, they still have other ways to renew their claim. They can renew by phone by calling the Tax Credits Helpline on 0845 300 3900 or by post by returning the renewals form to:

### **HM Revenue and Customs - Tax Credit Office**

Comben House  
Farriers Way  
Netherton  
L75 1AX  
United Kingdom

## Real Time Information Bulk Data Matching Project update

17. The LA element of the Real Time Information Bulk Data Matching (RTI BDM) project commenced nationally from 6 October 2014. To date approximately 223,000 referrals have been issued to LAs and the feedback received has been very positive.

18. As a result of the success of the project, we have reached an agreement with the LAA Steering Group for an extension into 2015/16. LA Chief Executives and Revenue and Benefit Managers have been informed separately of the extension into 2015/16.
19. BDM will continue until such time as a strategic solution for the use of RTI data across legacy benefits, including HB, is implemented.
20. The first referrals for 2015/16 will be between the 15 and 21 May 2015. Subsequent referrals will be issued between the 17 and 24 of each month up to and including January 2016. The volumes of referrals for 2015/16 are still to be confirmed but could reach a maximum of 40,000 per month which is broadly in line with 2014/15.
21. New Burdens funding will be paid in support of the initiative at the rate of £10.23 (an increase from £10.13 in 2014/15) towards the administration of each referral and an additional £5.00 towards the cost of any associated debt recovery.
22. The existing Memorandum of Understanding 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 data is included within this.

### **Queries**

23. All enquiries regarding the BDM should be sent to [la-sst.hdd@dwp.gsi.gov.uk](mailto:la-sst.hdd@dwp.gsi.gov.uk)

### **Discretionary Housing Payment – reminder of deadline**

24. Further to Circular HB [A6/2015](#) and the reminder that was issued to Revenues and Benefits Managers at the start of the week, the deadline for submission of the Discretionary Housing Payment (DHP) expenditure monitoring returns for 2014/15 is 15 May 2015. If you have not already done so, would you please send your authority's return urgently so that analysis of DHP demand and trends can be based on as much data as possible.
25. The DHP returns should be sent to [dhp.monitoringinbox@dwp.gsi.gov.uk](mailto:dhp.monitoringinbox@dwp.gsi.gov.uk)

### **Personal Independence Payment rollout extended**

26. You may well be aware from previous articles that the rollout of Personal Independence Payment (PIP) to existing Disability Living Allowance (DLA) claimants, which began in October 2013, is being extended gradually to those postcode areas where the assessment provider has sufficient local capacity to deal with these claims.

27. This rollout is nearing completion with three final phases covering the remaining postcode areas planned between May and July 2015. The table below shows the rollout timetable and the areas covered for each phase. Existing DLA claimants living in these areas will be invited to claim PIP where:

- their fixed term award is coming to an end, or
- they are approaching age 16, or
- we receive information about a change in their care or mobility needs, or
- they choose to claim PIP instead of their DLA.

28. The first of these phases starts later this month on 25 May 2015.

<b>25 May 2015 (Tranche 5)</b>	<b>22 June 2015 (Tranche 6)</b>	<b>27 July 2015 (Tranche 7)</b>
Milton Keynes (MK)	London East (E)	Hebrides (HS)
Romford (RM)	London East Central (EC)	Kirkwall (KW)
Paisley (PA)	London South East (SE)	Lerwick (ZE)
Dartford (DA)	London (SW)	London North West (NW)
Cambridge (CB)	London West Central (WC)	St Albans (AL)
Southend (SS)	Brighton (BN)	Kingston (KT)
Bristol (BS)	Bromley (BR)	Uxbridge (UB)
Gloucester (GL)	Canterbury (CT)	Sutton (SM)
Swindon (SN)	Croydon (CR)	Tonbridge (TN)
Salisbury (SP)	Stevenage (SG)	Twickenham (TW)
Colchester (CO)	Guildford (GU)	Harrow (HA)
Chelmsford (CM)	Hemel Hempstead (HP)	Watford (WD)
	Luton (LU)	London North (N)
	Maidstone (ME)	London West (W)
	Oxford (OX)	Enfield (EN)
	Redhill (RH)	Slough (SL)

	Bath (BA)	
	Dorchester (DT)	
	Ilford (IG)	
	Reading (RG)	
	Bournemouth (BH)	

29. Most DLA claimants with indefinite or life-time awards will not be affected until October 2015 or later.

30. For further information on this article please contact Margaret Birchall  
[Margaret.birchall@dwp.gsi.gov.uk](mailto:Margaret.birchall@dwp.gsi.gov.uk)

## Cases with the Upper Tribunal

### HB/CTB decisions by the Upper Tribunal

31. Decision Making and Appeals (DMA) Leeds is aware of the following HB cases that have been decided by the Upper Tribunal.

- CH/734/14: Spare Room Subsidy (SRS). Tribunal did not err in designating room as a living room.
- CH/3731/14: Capital. Tribunal entitled to conclude that claimant not taking reasonable steps to dispose of property.
- CH/1535 and 1768/2013: Claimant appeals. Allowed in part – slight changes to recoverable amounts. HB/CTB overpayments. Failure to disclose Jobseeker's Allowance to earnings + Working Tax Credit.
- CH/1755/2014: LA appeal. Remitted. HB overpayment recoverable from claimant / landlord? Discussion on R(H) 6/06 paragraph 60.
- CH/3144/2014: Claimant appeal. Remitted. HB overpayment – multiple official error faults and claimant mistakes.
- CH/3449/2014: Claimant appeal. Remitted. HB/CTB overpayments – not 'Living Together as Man and Wife' but ex-partner is a non-dependent on occasions helping with care of disabled child. Doubts about dates and amounts, complicated by clerical failings in HM Courts and Tribunal Service.
- CH/3574/2014: Claimant appeal. Remitted. HB/CTB overpayments. Flawed decision making – CTB overpayment disappeared in revision decision and HB overpayment increased without explanation. Multiple

faults requiring new determinations on official error and recoverable / non-recoverable periods / amounts.

- CH/3577/2014: Landlord appeal. Remitted. HB overpayment – findings of fact required as to when tenant left and when landlord knew. Confusing as appellant landlord is referred to as “claimant” throughout.
- CH/3772/2014: Claimant appeal. Upper Tribunal Judge substituted own decision. HB overpayment – inadequate reasoning separating official errors and / or claimant errors.
- CH/4150/2014: Claimant appeal. Remitted. CTB entitlement. Postponement refused but findings of fact required as to claimant’s “main residence” not possible as tribunal proceeded in his absence.
- CH/4596/2014: no breach of natural justice or Human Rights – overpayment of HB failure to disclose business.
- CSH/10/2015: Claimant appeal. Dismissed. HB overpayment. LA clerk’s advice was clearly based on what claimant had just told her, which was incorrect. Not official error.
- CSH/543/2015: SRS – no breach of Human Rights following application of SRS following period of employment.
- CSH/673/14: SRS, Nelson followed on size criteria and alternative use. Reduction applied.
- CSH/683/14: SRS, Nelson followed on size of bedroom. Reduction applied.
- CSH/696/14: SRS, appeal remitted to apply Nelson.
- CSH/789/14: SRS, disabled claimant. Nelson followed on size criteria and alternative use. Reduction applied.
- CH/2975/14: Capital. Disregard of capital value of company in regulation 49(5) and (6). The word “may” in 49(5) should be read as “shall”.
- CH/2977/14: Tribunal entitled to conclude on the facts that the agreement was not a commercial tenancy.
- CH/3021/14: Membership of household. Tribunal failed to apply regulation 20(2)(a) in case where mother was receiving child benefit.
- CH/3464/14: Deprivation of capital. Tribunal failed to determine whether spending was for the purpose of securing entitlement to benefit.

- CH/3720/14: Full amount of claimant's private pension income is legally and beneficially his, notwithstanding agreement to pay half to his ex-wife.
- CSH/301/14: SRS, alternative use as storeroom. Nelson followed and reduction applied.
- CSH/317/14 and others: SRS, Regulation B13 does not contain a drafting error.
- CSH/629/14: SRS, Tribunal were justified in concluding that overnight care not required.

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

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

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

33. DMA Leeds is aware of the following HB/CTB cases that are awaiting decision by the Upper Tribunal:

- CH/96/2015 – HB Regulation 9 – whether liability is to the ex-partner or to the company of which he is a director.
- CH/207/2015 – HB Regulation 9 – whether the claimant is a joint owner or the beneficiary of a trust.
- CH/226/2015 – SRS – exemption due to its size?

34. Thank you to those authorities 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.

### **Queries**

35. 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](mailto:fldmdma.customersupportservices@dwp.gsi.gov.uk)

or fax on 0113 2324841



## What's new on the web

36. The following item can be found on the website link shown

<b>Document Type</b>	<b>Subject</b>	<b>Link</b>
<b>HB G4/2015</b>	Reminder – notifying changes of local authority bank details  Benefit Cap – Benefits Up-rating Period  Armed Forces Reservists – increase to the training concession  Changes to Class 2 National Insurance contributions  Fit for Work  Statutory Instruments  What's new on the web	<a href="https://www.gov.uk/government/publications/hb-bulletin-g42015">https://www.gov.uk/government/publications/hb-bulletin-g42015</a>