

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 staff
Action	For information

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Form PPR1 attached as a separate Annex A	

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Qualified Housing Benefit Subsidy Claims

1. Following a series of subsidy workshops to discuss audit qualifications, we published a Best Practice Guide on GOV.UK in March 2015. Publication and brief background information were included in Bulletin HB G3/2015 (paragraph 33). Part of the Best Practice Guide is a Q and A which lists the issues raised at the subsidy workshops. We have now updated the Q and A section of the guide, this is available on GOV.UK.
2. If you have any queries on this matter, please contact us by email at: hbsubsidy.queries@dwp.gsi.gov.uk

Risk Based Verification

3. We have been asked to provide clarification on the entry relating to Risk Based Verification (RBV) that we published in Bulletin [HB G3/2015](#). Whilst it is essential that any local authority (LA) applying RBV complies in full with Circular HB/CTB S11/2011, including the need for a robust baseline against which to record the impact of RBV, it is not a requirement that the baseline itself be quoted in the LA's RBV Policy. By definition the baseline figure may alter as a result of the LA monitoring the impact of RBV.
4. All enquiries regarding RBV should be sent to hbsubsidy.queries@dwp.gsi.gov.uk

Pension Flexibilities

5. Circular [HB A7/2015](#) gives information about how "pension flexibilities" affect Housing Benefit (HB). In paragraph 13 of the circular we advised you to ensure that if you needed details of the rate of the annuity from pension providers, that you ask them to supply details for the 100% rate of the annuity. We now have a copy of the form used by the Pensions Service to obtain details of pensions and retirement annuity contract entitlement which you might want to consider as a template for your enquiries. A copy is attached at Annex A.
6. Any enquiries relating to this item should be sent to housing.benefitenquiries@dwp.gsi.gov.uk

Information about Personal Independence Payment

7. We need to bring to your attention a change that we have needed to make to the original article we included in [HB G5/2015](#) which announced further rollouts of Personal Independence Payment to existing Disability Living Allowance claimants. The table showing the rollout timetable has changed and two of the areas listed under Tranche 6 have now been moved to Tranche 7. These areas are CT (Canterbury) and ME (Maidstone).

The following two Fraud items are for the attention of those LAs who are already live with Single Fraud Investigations (SFI).

Single Fraud Investigation HB fraud referrals

8. Any potential fraud that an LA identifies through the administration of HB, including Housing Benefit Matching Service (HBMS), National Fraud Initiative (NFI) and Real Time Information (RTI) matches, should be referred to the Department for Work and Pensions Fraud and Error Service (DWP FES), who will assess the referral and decide if Criminal Investigation or Low Level Fraud action is appropriate.
9. Referrals from HBMS, NFI and RTI should be submitted to DWP on the Single Fraud Investigation (SFI) referral template. The template should be fully completed with the claimant's details, allegation type and HB claim details.
10. For RTI identified referrals please include screenshots from the LA HB administration system in the email with the SFI referral template. The screenshots should show the RTI data that supports the referral, including:
 - employer or pension provider name
 - start and end dates of earnings/pension income
 - amounts received.
11. Where an LA is unable to provide screenshots, the data must be included in the SFI referral template.
12. The template and any screenshots should be emailed to the appropriate DWP FES Regional Email Inbox.

HB Overpayments and SFI referrals

13. Where an LA has created an overpayment of HB and has notified this to the claimant it is essential that the letter of notification to the claimant states the following clause:

“Your repayment will be accepted without prejudice to any further action the Department for Work and Pensions may wish to take against you in this case”
14. These referrals should be submitted to DWP as normal on the SFI referral template which should include confirmation that overpayment action has been taken and state whether the claimant notification included the “without prejudice” clause.

15. This information is required by DWP FES as it will inform any subsequent criminal investigation.
16. If you have any queries about either of the fraud related items please contact your local FES single point of contact.
17. More information on the SFIS Project is on the Knowledge Hub, where we post regular updates. To access the Knowledge Hub you will need to register at the following site: <https://knowledgehub.local.gov.uk> then search under “Groups” for SFIS Communications Hub and request to join.

Tax credits renewal campaign

18. This is just a reminder that the annual tax credits renewal campaign is underway. HM Revenue and Custom’s helplines are exceptionally busy as people phone to renew their tax credits in the run up to the deadline. This year everyone can renew their tax credits and make changes online, it’s quicker than waiting on the phone and can be done at any time of day or night and from any device. Advisors dealing with tax credits customers are asked to remind them to renew online as soon as possible before 31 July or their payments may stop.
19. To renew online, tax credits customers should visit <https://www.gov.uk/renewtaxcredits>

HB/CTB decisions by the Upper Tribunal

20. 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. 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/1445 & 2816/2013: Two separate claimant appeals. Dismissed. HB/CTB overpayments. Provisional decisions addressed technical benefit issues prompting revision of overpayment decisions: these final decisions address revised overpayment decisions on recoverability only. CTB recoverable from both, HB recoverable from only one
 - CH/788/2014: Claimant appeal. Upper Tribunal remakes decision; HB overpayment non-recoverable official error. Claimant had not been asked about joint tenant, LA (also landlord) did not check its own records

- CH/3570/2014: Claimant appeal. Upper Tribunal remakes decision. Tribunal 1 had awarded Employment and Support Allowance (Support Group) (ESA (SG)) for past period; tribunal 2 determined recoverable official error overpayment. Overpayments pre-tribunal 1 and post tribunal 1 both determined official error non-recoverable
- CH/3907/2014: Claimant appeal. Remitted. Natural justice. HB appeal addressing non-commercial tenancy relied on evidence in separate ESA appeal bundle. Claimant and representative had not been provided with a copy of the ESA bundle so tribunal should have considered and adjourned HB appeal
- CH/5286/2014: Claimant appeal. Upper Tribunal remakes decision. HB recoverable as official error overpayment, recoverable period reduced as claimant not aware he was being overpaid for whole period
- CSH/683/14: Spare Room Subsidy. Tribunal erred in concluding that room too small. Nelson followed
- CH/150/15, CH/151/15 and CH/152/15 are linked appeals with the same heading: Exempt Accommodation. LA appeal upheld. Tribunal did not make sufficient findings about nature and extent of support provided
- CSH/301/14: Spare Room Subsidy. Tribunal erred in accepting designation as a storeroom. Nelson followed
- CSH/543/14: Spare Room Subsidy. Appeal dismissed as no live issue in this case. Discretionary Housing Payments had met shortfall
- CH/3713-14/2014: Claimant appeal. Dismissed. HB/CTB revision & disallowance for capital, and overpayments
- CH/3728/2014: Claimant appeal. Remitted. First-tier Tribunal errors about Person from Abroad doubts about “genuine and effective” work
- CSH/10/2015: Claimant appeal. Dismissed. HB overpayment. Official error, non-dependant receiving HB, reasonably expected to realise being overpaid.

21. Decisions of the Upper Tribunal are published on their website which can be found at

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

22. If you have any queries about cases before the Upper Tribunal Judges or courts, please contact us by email at

fldmdma.customersupportservices@dwpgsi.gov.uk

or fax on 0113 2324841

What's new on the web

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

Document Type	Subject	Link
HB G5/2015	<p>Fraud and Error Reduction Incentive Scheme (FERIS) update</p> <p>Renewing tax credits online</p> <p>Real Time Information Bulk Data Matching Project update</p> <p>Discretionary Housing Payments - reminder of deadline</p> <p>Personal Independence Payment rollout extended</p> <p>Cases with the Upper Tribunal</p> <p>What's new on the web</p> <p>Attached as a separate document – High level summary of successful FERIS bid fund applications</p>	<p>https://www.gov.uk/government/publications/hb-bulletin-g52015</p>
HB S5/2015	<p>New Burdens payments for Migrants Access to Benefits</p>	<p>https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/430117/s5-2015.pdf</p>
HB S6/2015	<p>Rent Rebate Subsidy Limitation information – 2015/2016</p>	<p>https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/430119/s6-2015.pdf</p>
HB Direct Issue 159 June 2015	<p>Newsletter</p>	<p>https://www.gov.uk/government/publications/hb-direct-june-2015-issue-159</p>