

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 (HB) staff
Action	For information

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Fraud and error in the benefit system: 2014/15 estimates published

1. On 5 November 2015 we published the final estimates for fraud and error in the benefit system for the financial year 2014/15. The final estimates indicate that overpayments reduced from 2.1% in the year 2013/14 to 1.8% of benefit expenditure for the year 2014/15; this is the lowest ever reported rate. Since 2005/06 overpayments had been in the range 2.0% to 2.2%. The estimated monetary value had also reduced from £3.4 billion to £3.0 billion; a reduction of £350 million compared with 2013/14. Over the same period overall benefit expenditure had increased from £164 billion to £168 billion.
2. In particular, the headline results for Housing Benefit (HB) show:
 - overpayments have fallen to 5.3% (£1,280 million) from 6.0% (£1,450million)
 - fraud has increased from 1.8% (430 million) in 2013/14 to 2.4% (£590 million) in 2014/15. This is the highest reported rate
 - claimant error is down from 3.7% (£900 million) in 2013/14 to 2.3% (£550 million) in 2014/15
 - official error has increased slightly from 0.5% (£120 million) in 2013/14 to 0.6% (£140 million) in 2014/15
 - underpayments have fallen slightly from 1.5% (£370 million) in 2013/14 to 1.4% (£340 million).
3. We would like to thank all local authorities (LAs) for your on-going work on the Fraud and Error Reduction Incentive Scheme and the Real Time Information initiative which, no doubt, have contributed to the significant reduction in claimant error.
4. The full report is available on [GOV.UK](http://gov.uk).

Reviewing the process for HB low level fraud cases

5. The Department for Work and Pensions (DWP) has listened to the concerns and questions raised by LAs around the handling of HB only fraud cases following referral to the DWP Fraud and Error Service. We recognise that the process needs to be investigated and will work closely with key stakeholders to take this forward as a priority. Once reviewed we will provide a comprehensive update to all LA fraud staff.
6. If you have any further questions in the interim please send them to sfis.projectimplementation@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. As of 10 November Disability Living Allowance DLA65+ is changing its address to:

Disability Living Allowance DLA65+
Mail Handling Site A
Wolverhampton
WV98 2AH

8. All external partners, including LAs, must use the new Business Reply Envelopes which can be obtained in the usual way.
9. More about the changes to DWP post handling and a full list of office addresses so far can be found [here](#).

Documents and supporting evidence for electronic claims

10. The Subsidy Team have recently received a number of queries regarding accepting scanned documentary evidence for HB claims and change of circumstances. LAs have asked for clarification on this issue to ensure compliance with the audit/certification process when implementing HB electronic claim systems.
11. Page 8 of the [Housing Benefit Claims Processing Guidance](#) contains a section on telephone and electronic claims which refers to circular HB/CTB 18/2006. Paragraphs 25 to 27 clarify that evidence in support of electronic claims, including that needed to satisfy Section 19 identity requirements, cannot be submitted electronically and existing rules around the provision of original documentation continue to apply. Given the current level of HB fraud and error, we are not intending to modify these arrangements as this would introduce further risk into the system. This approach is also applicable to Risk Based Verification (RBV) in all cases where the LA's RBV policy requires verification of documentation. Auditors will qualify claims that do not comply with this guidance.
12. If you have any questions regarding this article, please email the Subsidy Team at hbsubsidy.queries@dwp.gsi.gov.uk

Cases with the Upper Tribunal

HB/CTB decisions by the Upper Tribunal

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

- CH/3592/2014: Capital. Remit. Tribunal failed to provide adequate reasoning for its conclusion that a trust had not been created
- CH/571/2015: Under-occupancy deduction. Remit. Nelson followed
- CH/4265/2014 and CH/2606/14: Service charge for supply of water in communal areas is eligible for HB
- CH/226/2014-15: Spare Room Subsidy. Remit. Nelson followed
- CH/3440/2014: Spare Room Subsidy. Claimant appeal dismissed. Nelson followed
- CH/5393/2014: Claimant appeal. Allowed in part. HB overpayment, effective date error, recoverable amount reduced.
- CH/2409/2015: Claimant appeal. Remitted. HB entitlement / overpayment. Tribunal error in not assessing what affect solicitor's advice on trust income had on claimant in terms of what she may reasonably have understood; whether solicitor was wrong or mistaken and whether the claimant believed it
- CH/2548/2014: Landlord's appeal. Upper Tribunal Judges substitutes his own decision. HB overpayment (£65.27) not recoverable from landlord. Regulation 101(2)(b) does not apply. Landlord has not misrepresented / failed to disclose
- CH/4626/2014: Claimant appeal. Allowed. There has been entitlement to and no overpayment of Income Support/HB/CTB. The evidence fell well short of proving, on the balance of probability, that claimant and alleged partner were in a publically acknowledged committed emotional loving relationship (following Woolf L J in *Crake*, Judge Levenson in *JP* and Judge Jacobs in *PP*)
- CH/5044/2014: Claimant appeal. Remitted for oral hearing. HB/CTB overpayment. Not in the interests of justice in this instance to proceed in absence of claimant (Rule 31)
- CH/177/2015: Claimant appeal. Remitted. Natural justice, claimant not actually notified of hearing. Tribunal in error of law for proceeding in her absence
- CH/177/2015: Claimant appeal. Remitted. Natural justice, claimant not actually notified of hearing. Tribunal in error of law for proceeding in her absence
- CH/177/2015: Claimant appeal. Remitted. Natural justice, claimant not actually notified of hearing. Tribunal in error of law for proceeding in her absence.

HB/CTB cases awaiting decision by the Upper Tribunal

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

- CH/157/2015: CTB - treatment of holding in a business
- CSH/254/2015: HB overpayment. First Tier Tribunal possible erroneous findings of fact concerning award based on claimant's father's residence status
- CH/1317/2015: HB overpayment, administrative delay rather than official error.

15. 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.

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

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

Queries

17. 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 or fax on 0113 2324841.

Statutory Instruments

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

- 2015 No.1780, The Universal Credit (Transitional Provisions) (Amendment) Regulations 2015, coming into force 16 November 2015.
- 2015 No.1784, The Income-related Benefits (Subsidy to Authorities) Amendment Order 2015, coming into force 9 November 2015.
- 2015 No.1828, The Social Security (Crediting and Treatment of Contributions, and National Insurance Numbers) (Amendment) Regulations 2015, coming into force 30 November 2015.
- 2015 No.1857, The Housing Benefit (Abolition of the Family Premium and date of claim) (Amendment) Regulations 2015, coming into force from 1 April 2016.

19. 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

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

Document Type	Subject	Link
G10/2015	Changes to the Housing Benefit Matching Service Freezing of Local Housing Allowance Rates HB Fraud and Error 'campaign in a box' - reminder Discretionary Housing Payment expenditure data return form HB/CTB decisions by the Upper Tribunal Statutory Instruments What's new on the web	https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/469855/g10-2015.pdf