

# Housing Benefit

## General Information Bulletin

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[www.gov.uk/government/organisations/department-for-work-pensions](http://www.gov.uk/government/organisations/department-for-work-pensions)

ISSN 2054-2836 (Online)

**HB G8/2017**

**18 August 2017**

<b>Contact</b>	<p>Queries about the</p> <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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## Access to data via the Customer Information System

1. Local authorities (LAs) access the Department for Work and Pensions' (DWP) and HM Revenue & Customs' (HMRCs) customer information via the Employee Authentication Service (EAS) to the Customer Information System (CIS). This information is shared on the understanding that access to CIS is only permitted for the administration of:
  - Housing Benefit (HB)
  - Local Council Tax Reduction
  - Local Welfare Provision
  - Adult Social Care Financial Assessments
  - Discretionary Housing Payments
2. In this context 'administration' represents any action including face-to-face contact with customers, appeals, recovery of overpayments, investigation of suspected benefit fraud and in connection with the disclosure of information as permitted by the Welfare Reform Act 2012.
3. This notice is being issued as a reminder that CIS cannot be used for any unauthorised purpose. Users must not:
  - attempt to trace or access their own record or the records of friends, relatives, partners, colleagues or acquaintances or any other record for which there is no legitimate business reason for doing so
  - make enquiries on behalf of colleagues in respect of friends, relatives, partners or acquaintances or anyone who is not permitted to receive information
  - share EAS tokens, Personal Identification Numbers or other identity credentials with colleagues.
4. The Memorandum of Understanding (MoU) requires LAs to comply with the Management Checking regime. The Management Checks, often referred to as 'test checks' are compulsory. The LA CIS Guide and DWP CIS training packages provide details of the action which must be taken by CIS users, Secure Print Operators and Checking Officers (COs).
5. LAs must ensure everyone who has access to customer information regards security as part of their everyday duties and give DWP assurances that effective measures are in place to manage access to CIS securely. The mandatory 'test check' regime plays a central role in reinforcing this message.
6. DWP's Housing Delivery Division's LA Security and Support Team (LASST) carry out a range of checks on CIS access made by staff in LAs. This includes scrutiny of test checks generated by LA staff and Audit Checks of those checks cleared by COs.
7. LASST and HMRC additionally interrogate CIS to validate accesses made by LA staff are for genuine business needs. These checks are carried out to

provide DWP and HMRC with assurance that any access to CIS is appropriate and information obtained is correctly used.

8. Anyone found to be abusing CIS may face sanctions ranging from disciplinary action to prosecution. DWP will support LAs to ensure appropriate action is taken and may consider prosecuting in serious cases.
9. DWP and HMRC maintain absolute discretion to withdraw access to the data supplied on any data stream. This situation may apply if it is considered an LA as a whole is not complying with the conditions set out in this MoU.
10. The Business Critical Small Systems Team will fully support LAs conducting investigations and can provide detailed audit trails showing the access history of anyone under suspicion.
11. Enquiries relating to this item or any aspect regarding the security of CIS access should be sent to [hbsdsecurity.team@dwp.gsi.gov.uk](mailto:hbsdsecurity.team@dwp.gsi.gov.uk)

### **Pensions Directorate – Centralised process expansion**

12. In Bulletin [HB G9/2016](#) DWPs' Pensions Directorate informed you about a programme of change which was looking to introduce a Standard Operating Model for the management of changes notified to its centres.
13. One element of this is 'Dead Letter Office' (DLO) work which is post returned marked 'addressee gone away', impacted on LAs. The change saw all such work centralised within Cwmbran Pension Centre and the development of a national Contact Template to support their engagement with LAs. This process has been working well since its inception and is a great example of effective partnering.
14. It has now been identified that a small number of these DLO cases are being processed by DWPs' Fraud and Error Service (FES) on behalf of Pensions Directorate. It has therefore been proposed that the use of the national Contact Template be extended to include FES from September 2017.
15. As a consequence, DWP needs to alert our colleagues across the LA HB network that you will soon begin receiving requests from FES; hence this article. The majority of enquiries will continue to be generated by the Cwmbran team as the number of Pensions cases processed by FES is minimal.
16. If you have any queries about the content of this article you can send them to [feps.feedback@dwp.gsi.gov.uk](mailto:feps.feedback@dwp.gsi.gov.uk)

### **Update: Real Time Information service**

17. Rollout began on 24 April 2017 and the Real Time Information (RTI) service has now been fully rolled out to 149 LAs. HB assessors in these LAs can use the income details the service provides from HMRC to assess new claims, change of circumstances and reviews.
18. Post implementation calls have been made to all sites that have gone live confirming they are able to use the RTI service successfully.

19. The project implementation managers are currently contacting a further 61 LAs who went live on 14 August 2017 to ensure that all necessary activities are in hand and offering support if required.
20. The project implementation managers are also contacting Single Points of Contacts in the next 78 LAs, in order to begin preparation for their rollout on 18 September 2017.
21. Some preparation activity is required by each LA in the lead up to their rollout; this includes obtaining access to the RTI service via EAS. Sponsors and Agents should have received instructions and a timetable via the National Registration Authority (NRA) Hub. These instructions have also been stored on Glasscubes.
22. To date there have been 9697 nominations for additional users and 7423 of these have already been authorised by the NRA Hub.
23. The RTI service will continue to rollout up to November 2017.
24. If you have any questions regarding the content of this article please email [rtiprojects.portfolioqueries@dwp.gsi.gov.uk](mailto:rtiprojects.portfolioqueries@dwp.gsi.gov.uk)

## **Movement of Housing Benefit Matching Service Capital Rules from LAs to FES**

25. At present DWP's Housing Benefit Matching Service (HBMS) provides LAs with a list of cases, where matched system data (LA HB/Inland Revenue), identifies an inconsistency in the declaration of financial capital in support of the processing of HB. LAs receive two rules, via HBMS, identifying incorrect declaration of capital:
  - HBIR102: Failure of a customer or partner of any age to declare capital of £6,000 or more
  - HBIR215: Identify a discrepancy of more than £1,000 in capital declared
26. The transfer of LA fraud investigation resource as part of the Single Fraud Investigation service (SFIS) project has in part, caused us to review how effective the current Capital Rules supported the identification of HB fraud and error. We concluded that the current Capital Rule definitions were too wide and didn't support LAs or DWP/FES in prioritising cases with a higher value of return. This has now led to a revision to the Capital Rule definitions and a creation of seven new rules to compliment the two already in place.
27. Following testing with a number of LAs we have also decided that DWP will direct cases away from LAs for initial investigation by automated transfer into FES. This will enable DWP/FES to investigate each case; utilising powers to seek disclosure of customers' capital from banks, building societies, etc. DWP will then communicate the outcome of the investigation to LAs for their decision action as is standard practise with all HB cases they investigate.
28. The HBMS Capital Rules (including the new rules), will be removed from the regular monthly HBMS download and issued direct to DWP/FES in August

2017. Therefore, LAs can expect engagement with DWP on the outcome of cases from October onwards.

29. This change favourably impacts LAs and should allow some resource flexibility to focus on other fraud and error priorities.

30. If you have any questions regarding the content of this article you should email [marie.cave@dwp.gsi.gov.uk](mailto:marie.cave@dwp.gsi.gov.uk).

## **HB decisions by the Upper Tribunal**

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

- CH/1946/16: Remitted. Overpayment. Appellant did not see the Council's submission of 25 August 2015 until 10 minutes before the hearing. Inadequate reasons from the First-tier Tribunal (FtT) for rejecting the claimant's argument that she was not required to disclose relatively minor changes in her income.
- CH/3412/2016: Remitted. Overpayment. FtT failed to consider regulation 100(2) (ii); could reasonably have been expected to realise an overpayment. Also failed to consider whether the recoverable overpayment period should have commenced up to a month after the notice/rent statement was received by the claimant.
- CH/3869/16: Remitted. FtT erred on Rule 2 and 27 of the FtT. Inadequacy of reasoning on why it was not adjourning in order to arrange an oral hearing.
- CH/25/17: Insufficient findings regarding temporary absence and whether tenancy was on a commercial basis.
- CH/2316/16: LA not entitled to recover an overpayment from the claimant under regulation 100(4) of the HB Regulations 2006.
- CH/2121/16: Remitted. Insufficient findings of fact regarding property and shareholdings.
- CH/1436/16: Capital. Tribunal failed to address issue of whether claimant was taking reasonable steps to dispose of property.
- CH/1763/16: Remitted. The appeal should have been heard at the same time as related social security appeals.
- CH/3363/16 and CH/259/17 are linked cases with the same heading: Exempt accommodation. Tribunal failed to deal with issue of claimant's vulnerability.

- CSH/120/17: Dismissed. Upper Tribunal (UT) refused the appeal against the decision of the FtT against the claimant. LA was not seeking to recover from the claimant thus the appeal against that decision was academic.
- CSH/121/17: FtT decision set aside. Decision remade by UT Judge. Overpayment recoverable from landlord. If the landlord had checked the lease and the obligations of the claimant the overpayment of HB would have been abundantly clear.

32. Decisions of the UT are published on their website which can be found on [www.gov.uk](http://www.gov.uk)

33. If you have any queries about cases before the UT 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 232 4841.

## Statutory Instruments

34. The following Statutory Instrument (SI) has been laid:

- 2017 No.781, The Tax Credits (Exercise of Functions in relation to Northern Ireland and Notices for Recovery of Tax Credit Overpayments) Order 2017, coming into force 25 September 2017

35. Copies of SIs can now be downloaded from <http://www.legislation.gov.uk/>

## What's new on our HB pages on www.gov.uk

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

Document Type	Subject	Link
<b>HB G7/2017</b>	Clarification on how Universal Credit claimants are affected by the two child limit  Changes to Universal Credit live service forms  HB decisions by the Upper Tribunal  Statutory Instruments  What's new on our HB pages on <a href="http://www.gov.uk">www.gov.uk</a>	<a href="https://www.gov.uk/government/publications/housing-benefit-general-information-bulletins-2017">https://www.gov.uk/government/publications/housing-benefit-general-information-bulletins-2017</a>

<b>Circular HB A7/2017 revised</b>	Right Benefit Initiative	<a href="https://www.gov.uk/government/publications/housing-benefit-adjudication-circulars-2017">https://www.gov.uk/government/publications/housing-benefit-adjudication-circulars-2017</a>
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