

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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Tax credits: proof of entitlement

1. Tax credits provide targeted financial support to households on low incomes. Each year HM Revenue & Customs send tax credits customers either an Annual Review notice or an Award notice. These notices are sent between April and June and they show the claimant's entitlement to tax credits.
2. This year the Annual Review notice will be sent to over 3.1 million customers and it is these customers who are most often questioned about their proof of entitlement. This in turn generates a lot of calls to the Tax Credits Helpline, at one of the busiest times of year. Local authorities (LAs) are reminded that either the Annual Review or Award notice can be used as proof of entitlement to tax credits.
3. An example of a tax credits Annual Review notice is attached at Appendix 1 so you can familiarise yourself with the look and content.

Local Support Services

4. A series of webinars were held recently calling for expressions of interest (EOI) from LA and Department for Work and Pensions (DWP) partnerships to run a series of Local Support Service trials to help people budget and get online. For those who were unable to participate in the webinars there is also a playback facility.
5. The webinar playback facility can be accessed by clicking on the appropriate link below. The webinars were supported by LA Association (LAA) representatives, so the first and third links were supported by the Local Government Association (LGA), the second by the Convention of Scottish LAs (CoSLA) and the fourth by the Welsh LGA. Each of the webinars includes the same presentation but the questions will vary and you will hear responses from the appropriate LAA in each. To access please click the link, you will then be asked to input your email address and following this will see a screen where you can link to view the webinar. You will see the presentation slides and hear the presentation and questions and answers as if you had actually been part of the original webinar.
 - Webinar 1 supported by LGA
<https://www1.gotomeeting.com/register/502433976>
 - Webinar 2 supported by COSLA
<https://www1.gotomeeting.com/register/822742953>
 - Webinar 3 supported by LGA
<https://www1.gotomeeting.com/register/321384088>
 - Webinar 4 supported by WLGA
<https://www1.gotomeeting.com/register/279625336>

We plan to publish a transcript of the questions and answers in early June and will keep you informed.

6. The trials, which will run over 12 months, are set out in a new prospectus published last week
<https://www.gov.uk/government/publications/universal-credit-local-support-services-framework-eoi-trialling>
7. It calls for partnerships to get involved in testing different types of support to learn more about how best to help Universal Credit claimants manage their finances, get online and move closer to work. This includes partnership working and triage, assessing and identifying a claimant's needs and signposting them to the right help, as well as financial and digital support.
8. An EOI event will be held on 28 May for partnerships that are keen to be involved in the trials and are interested in submitting a formal bid, the focus of the day is to provide greater detail to enable partnerships to finalise and refine their EOIs. Partnerships are being asked to ensure they have suitable senior support within both the LA and Jobcentre Plus to submit an EOI, and attend with a first draft of their bid.
9. The event will not cover any of the other learning strands outlined in the trialling prospectus or more general information about the Local Support Services Framework (LSSF). Partnerships that are interested in becoming involved in LSSF activity, but not in submitting an EOI for formal trialling, are being asked to contact DWP by e-mailing the LSSF inbox (LSS.FrameworkTeam@dwp.gsi.gov.uk). Third sector organisations are being asked to contact DWP with their suggestions by e-mailing uc.lssh-vcsqueries@dwp.gsi.gov.uk
10. Local Service Support Development Managers (LSS DM) have been appointed, one in each region, to support DWP Jobcentre Plus District Managers and their LA Partners and teams in continuing to build strong, productive partnerships, and in identifying and developing the range of local support services required to deliver Universal Credit.
11. They will work with LAAs and Partnership Managers to share and build on the existing partnership engagement and excellent relations that already exist and help to share good practice across regions.
12. The LSS DM will support set up, implementation, evaluation and successful trial completion for local service support and gather and build intelligence from large and small scale trials.

Update on cases with the Upper Tribunal

Cases awaiting decision by the Upper Tribunal

13. Decision Making and Appeals (DMA) Leeds is aware of the following HB/Council Tax Benefit (CTB) cases that are awaiting decision by the Upper Tribunal:

- CH/2566/2013 – Claimant appeal – facilities for cooking
- CH/4167/2013 – Claimant appeal – shared accommodation rate with Human Rights aspect
- CH/59/2014 – LA appeal – spare room subsidy – responsibility for child
- CH/153/2014 – Claimant appeal – spare room subsidy
- Not yet registered at Upper Tribunal: two spare room subsidy appeals
- Not yet registered at Upper Tribunal: appeal concerning the issue of overpayment decision notice recoverable from tenant to both tenant and landlord.

Decisions made by the Upper Tribunal

14. DMA Leeds is aware of the following HB/CTB cases that have been decided by the Upper Tribunal:

- CH/4317/13: LA appeal upheld. Tribunal should have awarded the legally enforceable rent
- CH/1189/13: Tribunal failed to consider regulation 7(4) in case where claimant had moved out due to flooding
- CH/842/2012: Claimant appeal - dismissed. HB/CTB overpayment. Regulation 100 - causation: despite delays and concessions by the Department for Work and Pensions (DWP), the claimant was obliged to report changes of circumstances to LA
- CH/1811/2013: Claimant appeal - allowed - substitution. HB overpayment. LA failed to act on information received, any overpayment before the claimant was in breach of duty to query the assessment is down to official error
- CH/2598/2013: Claimant appeal - remitted. Backdating following previous award disallowance. Claimant had provided LA with letters from her university which were then used by decision maker to show claimant was receiving mail routinely, therefore LA's letters should have been received as well. What wasn't known - and tribunal should have

asked - was that claimant had obtained these copy letters by email from university as their post was not being received (like the HB post)

- CH/2812/2013: Claimant appeal - dismissed. HB/CTB overpayment due to non-dependent deductions. Failed to disclose disabled twin sons transferring from Income Support to Incapacity Benefit
- CH/3876/2013: Claimant appeal - allowed - substitution. HB overpayment decision but no evidence of benefit revision/supersession decision or notification of same to claimant. Claimant alerted to fact that LA could start again
- CH/1988/12 and CH/3332/12 are linked cases with the following headline: Rent charged was not unreasonably high by comparison with suitable alternative accommodation within the meaning of regulation 13
- CH/2257/13: Capital. Tribunal failed to make sufficient findings regarding whether a trust had been created in favour of the claimant's son
- CH/4313/2013: Claimant appeal. Allowed - substitution. HB revision and overpayment for living together as husband and wife - DWP decision maker had revised their decision
- CH/3465/2013: Claimant appeal. Allowed - substitution. HB overpayment for non-dependent deduction - non-recoverable
- CH/4047/2013: Claimant appeal. "Reasonably be expected to realise" (Official Error overpayment cases) extends to partners / people doing the claimant's paperwork
- CH/2186/2013: Claimant appeal. Right to reside. Receipt of carer's allowance does not make you a worker
- CH/3037 & 4198/2012: Landlord's appeal. Dismissed - decisions confirmed. HB overpayment recoverable from both landlord and tenant. Initial First-tier Tribunal adjourned well into hearing to add previous tenant as party. Rehearing commenced where they had left off to the disadvantage of the previous tenant.

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.

Queries

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>

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

fldmdma.customersupportservices@dwp.gsi.gov.uk or

Fax – on: 0113 2324841

Statutory Instruments

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

- 2014 No.1097, The Income Support (Work-Related Activity) and Miscellaneous Amendments Regulations 2014, coming into force from 28 April 2014
- 2014 No.1139, The Transfer of Undertakings (Protection of Employment) (Transfer of Staff to the Department for Work and Pensions) Regulations 2014, coming into force 27 June 2014
- 2014 No.1230, The Universal Credit (Transitional Provisions) Regulations 2014, coming into force 16 June 2014
- 2014 No.1263, The Child Support, Pensions and Social Security Act 2000 (Commencement No. 15) Order 2014, coming into force from 15 May 2014

19.Copies of SIs can now be downloaded from 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
HB S4/2014	Qualification of Housing Benefit Subsidy Claims in local authorities	https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/309613/s4-2014.pdf
HB Direct issue 148 May 2014	Newsletter	https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/308548/hb-direct-issue-148.pdf
HB G4/2014	Mail opening is modernised	https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/304882/hb-

	<p>Service Level Agreement between DWP Pensions Operations and LAs</p> <p>Pension Credit claims by telephone</p> <p>Universal Credit goes live in Shotton in Wales</p> <p>Amendments to the definition of service users in HB Regulations</p> <p>Direct Earnings Attachments: payments to LA bank accounts</p> <p>Grant certification</p> <p>Discretionary Housing Payment monitoring returns</p> <p>Benefit cap uprating</p> <p>Secondment opportunity: DWP Housing Policy Division</p> <p>Statutory Instruments</p> <p>What's new on the web</p>	<p>bulletin-g4-2014.pdf</p>
Data sharing guidance manual	Updated guidance	https://www.gov.uk/government/publications/data-sharing-guidance-for-local-authorities
LA Consultation	Programme Operational Group Minutes of meetings from July 2013 to March 2014	https://www.gov.uk/government/collections/local-authority-consultation-groups
LA Consultation	DWP/LAA Steering Group Minutes of meetings from October 2013 to March 2014	https://www.gov.uk/government/collections/local-authority-consultation-groups

HB circulars recently issued

HB S4/2014