

Housing Benefit

General Information Bulletin

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

ISSN 2054-2836 (Online)

HB G7/2014

17 07 2014

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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Discretionary Housing Payment Good Practice Guide

1. Based on findings contributed by over 80 local authorities (LAs) as part of their bidding applications for the '2013/14 Discretionary Housing Payment (DHP) Reserve Fund', we have pulled together a [Good Practice Guide](#) which showcases innovative LA and stakeholder solutions to managing the local impacts of the Removal of the Spare Room Subsidy (RSRS) policy.
2. The guide focuses on the three main areas identified from the bids:
 - activities to support claimants affected by RSRS, including use of DHPs;
 - measures to reduce the numbers affected; and
 - activities to increase the stock of smaller homes, including making effective use of existing housing stock.
3. There were some diverse and location specific issues identified within the submissions, but also many common themes in terms of claimant support and reduction of the numbers of affected households. Examples of claimant support include:
 - Leeds City Council visiting all affected tenants to discuss options and supporting them to make decisions about how they respond to the RSRS. This included help to review and prioritise claimants' expenditure and the provision of debt advice, including referrals to specialist debt support agencies where appropriate
 - Employment teams within the Cheshire West and Chester Council's Benefits team work with claimants to motivate and support them into or towards employment, often drawing on local work-related projects and using a local scheme to assist with expenses related to starting work such as clothes and the cost of travel to work
 - Canterbury City Council encouraging social sector landlords to build one and two bedroom homes. The LA is supporting social landlords in this by making land available at below-market prices
4. The Guide is not intended to act as a blueprint or template for LAs as we recognise that not all of the innovations identified are appropriate for all areas. However we do hope that it, combined with your extensive local knowledge, will help you to create appropriate solutions for households affected by this measure.
5. We are always interested in learning from, and showcasing, examples of local innovation in implementing welfare reform. Any contributions, or enquiries, should be e-mailed to: housing.benefitenquiries@dwp.gsi.gov.uk

Personal Independence Payment assessment - independent review

6. A call for evidence for an independent review of Department for Work and Pensions (DWP) Personal Independence Payment (PIP) assessment, by Paul Gray CB, started on 23 June and runs until 5 September.
7. Paul Gray, who is currently Chair of the Social Security Advisory Committee, hopes to hear from organisations and individuals who have information about how the PIP assessment is operating. He is also keen to take a broad look at all stages of the PIP claim process; from making a claim through to getting a decision, and any disputes.
8. Visit PIP on GOV.UK for more information.
9. If you have any questions about the call for evidence exercise, please email pip.independentreview@dwp.gsi.gov.uk; or write to PIP Independent Review Team, Room 3S25, Zone South H, Quarry House, Leeds, LS2 7UA; or phone 0207 449 7536.

Service Level Agreement between Debt Management and LAs

10. Attached as a separate Annex A is a revised Service Level Agreement (SLA) between Debt Management and LAs and replaces the previous SLA issued within General Bulletin G20/2009.
11. The document has been subject to a detailed review by all stakeholders including Debt Management Infrastructure Team, Practitioners' Operational Group (POG) and Contact Centres Group.
12. If you have any queries relating to the content of this SLA please contact Mark Harman or Emma Owen on 01443 688624.

HB circular A12/2014

13. HB Circular [A12/2014](#) 'Universal Credit Changes of Circumstances Affecting Housing Benefit' refers to eligibility criteria at Annex A on page 9. Please note that from 30 June the eligibility criteria has been revised in line with [The Welfare Reform Act 2012 \(Commencement No. 17 and Transitional and Transitory Provisions\) Order 2014](#).

Queries

14. Please contact la.universalcredittransition@dwp.gsi.gov.uk if you have any further questions.

Eleven new local support trials announced

15. On 10 July Ministers named the successful bidders to take forward a series of new trials to help claimants get ready for Universal Credit.

16. The 11 new trials are due to begin in September 2014. They will be led by partnerships between jobcentres and LAs from across Great Britain, to look at the best way to prepare claimants for the world of work; by helping them with online access and digital support, and managing their finances on a monthly basis. Each trial will be different, tailored to local needs and LAs will be supported by third sector organisations, voluntary groups or social landlords.

17. The selected partnerships include the following LAs:

- Derby City
- Islington
- South Staffordshire
- Argyll and Bute
- Dundee City
- Blaenau Gwent
- Carmarthenshire

and joint bids from

- Lambeth, Lewisham and Southwark
- Northumberland and South Tyneside
- Westminster and the Royal Borough of Kensington and Chelsea
- West Lindsey, City of Lincoln, North Kesteven and Lincolnshire.

18. For more information about the new trials take a look at the [press notice](#)

Universal Credit live service rollout

19. So far Universal Credit has been progressively rolled out to a total of 28 Jobcentres in England, Scotland and Wales and is now available to existing Housing Benefit and Tax Credit claimants.

20. The LAs involved to date are:

- Bath and North-East Somerset
- Bolton
- Bury
- Flintshire
- Harrogate

- Highland
- London Borough of Hammersmith and Fulham
- Oldham
- Preston
- Rugby
- Sefton
- South Ribble
- Tameside
- Trafford
- Warrington
- Wigan
- Wirral

21. We will continue to keep you updated as new sites begin to process claims for Universal Credit.

New products on the Universal Credit Partner Toolkit

22. A range of new products about couples claiming Universal Credit have been published on GOV.UK to help partner organisation explain Universal Credit to claimants. Universal Credit claims from couples are now being accepted in Hammersmith, Inverness, Rugby, Bath and Harrogate. The new products include the following:

- [Introduction to Universal Credit and couples](#) - explains what Universal Credit will mean for people who make a joint claim as a couple
- [Universal Credit and couples questions and answers](#) - more detailed information about claiming Universal Credit as a couple
- [Claimant journey for couples](#) - an example of a couple's experience of claiming Universal Credit
- [Stages in making a joint claim](#) - this simple guide shows the main stages that couples will experience as they make a joint Universal Credit claim

Real Time Information – Bulk Data Matching Initiative

23. We have recently written to your LA Chief Executives and your Revenue & Benefit Managers regarding the Real Time Information (RTI) – Bulk Data Matching initiative and what this means for LAs. This information is now being issued to you for your attention and consideration of the forthcoming changes.

Background

24. RTI is HM Revenue & Customs (HMRC) new system for collecting Pay As You Earn (PAYE) information from employers and pension providers who are now required to provide HMRC with income details immediately after each payment they make.

25. DWP and HMRC have a joint Fraud and Error Strategy and we seek to collaborate where possible, especially where one department's assets are of value to the other. RTI is an example of such an asset and provides new opportunities to identify fraud and error across all social security benefits.
26. DWP is planning to carry out an exercise matching HMRC RTI against data held on six social security benefits, including HB; to identify cases where claimants have either failed to declare or have under declared earnings and/or non-state pension.
27. The project is expected to run between September 2014 and the end of the financial year; and will result in referrals being issued to LAs where DWP has information that earnings or non-state pension have not been correctly declared for HB purposes.
28. We do appreciate that you are already busy dealing with a number of competing priorities, but want to stress that this is a high profile initiative that was included in the Autumn Statement announcement made in December 2013. We expect the referrals generated as a result of this initiative to be of good quality, and will therefore present you with an ideal opportunity to tackle fraud and error relating to earnings and non-state pension.

LA impacts and actions taken by DWP

29. This initiative will identify an estimated 300,000 overpayments and out of that figure approximately 223,000 will relate to HB only cases. The referrals generated as a result of the data matching activity will be staggered over a number of monthly tranches. For each tranche, the data provided by HMRC will be fully refreshed prior to the data match being run and the referral created. This will ensure that all RTI data will include the latest payments made by employers and pension providers.
30. Analysis has been carried out to determine the likely number of referrals that might be issued to your LA; the details of which have been shared with your Chief Executives and your Revenue & Benefit Managers. Please note that the figures are based on HB caseloads and do not take account of the amount of fraud and error within individual LAs. Work is being carried out with LA representatives to agree the number of referrals that are likely to be issued and this information will be shared in due course.
31. We have been in discussion with the Local Authority Associations (LAAs) through the joint DWP/LAA Steering Group, and at an operational level with POG. The RTI proposals have been presented to both of these groups.
32. As part of these discussions a number of issues were raised and we have agreed a package that will help you to process the RTI referrals, these are as follows:

- we have commissioned the LA IT Software providers to carry out work that will allow the RTI data to be uploaded into your IT systems and allow you to use and manipulate the RTI data
- new burden funding will be paid based on 223,000 referrals; this includes an amount for dealing with the referral, plus an additional amount to cover the cost of the debt recovery action
- a grace period of four weeks can be applied to process the RTI information before the error is treated as “Local Authority Error and/or Administrative Delay” to minimise the impact on the LA Error and Administrative Delay Subsidy calculation
- monitoring of the Monetary Value of Adjustment and the potential savings will be done via the Single Housing Benefit Extract (SHBE) returns.

33. Further information will be provided at a later date regarding the HB Subsidy arrangements for overpaid benefit.

34. We have discussed with POG our proposal that the RTI referrals will be directed to the Revenues and Benefits sections within your LA and they have confirmed this would be the best approach.

35. We are also assuming that in some cases LAs may decide to submit referrals that have been generated by this initiative for fraud investigation action and this would be done by utilising existing business as usual processes.

Next Steps

36. We will be putting together a plan for further communications to LAs which will include adjudication circulars and information about the RTI data you will receive. We will continue to engage with the LAAs regarding these proposals.

Queries

37. If you have any comments or questions please send these by e-mail to RTI.Portfolio@DWP.GSI.GOV.UK

Access to data via the Customer Information System

38. LAs access DWP and HMRC 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:

- HB

- Local Council Tax Reduction (LCTR)
- Local Welfare Provision (LWP)

39. 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.

40. 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 Employee Authentication System (EAS) tokens, Personal Identification Numbers (PIN) or other identity credentials with colleagues.

41. 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 (SPO) and Checking Officers (CO).

42. 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.

43. DWP's Business Change Security and Support Team (BCSST) 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.

44. BCSST 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.

45. 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.

46. 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.

47. BCSST will fully support LAs conducting investigations and can provide detailed audit trails showing the access history of anyone under suspicion.

Queries

48. Enquiries relating to this item or any aspect regarding the security of CIS access should be addressed to

hbsdsecurity.team@dwp.gsi.gov.uk

Statutory Instruments

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

- 2014 No.1583, The Welfare Reform Act 2012 (Commencement No. 17 and Transitional and Transitory Provisions) Order 2014, came into force from 23 June 2014
- 2014 No.1621, The Child Support (Consequential and Miscellaneous Amendments) (No 2) Regulations 2014, came into force from 24 June 2014
- 2014 No.1623, The Jobseeker's Allowance (Homeless Claimants) Amendment Regulations 2014, coming into force 21 July 2014
- 2014 No.1626, The Universal Credit (Transitional Provisions) (Amendment) Regulations 2014, coming into force 13 October 2014
- 2014 No. 1635 (C.65), The Child Maintenance and Other Payments Act 2008 (Commencement No. 14 and Transitional Provisions) and the Welfare Reform Act 2012 (Commencement No. 18 and Transitional and Savings Provisions) Order 2014, came into force from 30 June 2014
- 2014 No.1636 (C.66), The Pensions Act 2004 (Commencement No. 15) Order 2014, came into force 25 June 2014
- 2014 No.1661, The Welfare Reform Act 2012 (Commencement No. 9, 11, 13 14, 16 and 17 and Transitional and Transitory Provisions (Amendment)) Order 2014, made on 26 June 2014
- 2014 No.1664, The Pension Protection Fund (Entry Rules) (Amendment) Regulations 2014, coming into force on 21 July 2014
- 2014 No.1667, The Income-related Benefits (Subsidy to Authorities) and Discretionary Housing Payments (Grants) Amendment Order 2014, coming into force 25 July 2014
- 2014 No.1683, The Pensions Act 2011 (Commencement No. 5) Order 2014, coming into force 24 July 2014

- 2014 No. 1711, The Pensions Act 2011 (Transitional, Consequential and Supplementary Provisions) Regulations 2014, made on 1 July 2014

50. 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>

Update on cases with Decision Making and Appeals

HB and Council Tax Benefit (CTB) decisions by the Upper Tribunal

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

- CH/3592/2006: 50:50 shared care of child. No unlawful discrimination against men
- CH/2144/2009: 50:50 shared care of child. No unlawful discrimination against men
- CH/2963/2012: Right to reside. Latvian Non Citizen Alien not an European Economic Area (EEA) national
- CH/1391/2013: Landlord appeal. Dismissed. HB paid to landlord monthly in arrears, but claimant had paid first month's rent in advance. By way of (fixed period) supersession for ignorance / mistake LA correctly paid claimant later
- CH/1827/2013: Claimant appeal. Allowed on procedural point but not to claimant's advantage. Tribunal did not record its reasoning under Rule 31 - interests of justice to proceed in claimant's absence. As there is sufficient information in the papers to decide the underlying appeal, not for remit. LA decision confirmed
- CH/2605/2013: Claimant appeal. Allowed. Official error overpayment – not reasonably expected to realise etc. Claim form does not ask the relevant questions in this instance
- CH/3652/2013: Claimant appeal. Dismissed. Oral hearing arranged then claimant wrote asking tribunal to proceed in his absence. Tribunal considered Rule 31 and the interests of justice to do so. No error of law
- CH/3744/2013: Claimant appeal. Upper Tribunal substitute decision. Husband and wife not separated. Husband in remunerative work or personal income-based Jobseeker's Allowance throughout; claimant in receipt Income Support or Employment and Support Allowance and

HB/CTB throughout. Overpayment decision takes no account of underlying joint entitlement for some of the period. Calculation to be re-determined by LA; claimant has liberty to apply to tribunal if revised overpayment calculation disputed

- CH/3747/2013: LA appeal. Living together as husband and wife disallowance overturned by tribunal. Upper Tribunal Judge discusses “same household” and “temporary absence” and dismisses LA appeal
- CH/4587/2013: LA appeal. Official error overpayment. Tribunal concluded claimant could not reasonably be expected to realise etc. Error of law – tribunal did not consider whether LA had caused or contributed to mistake
- CH/249/2014: Claimant appeal. Dismissed. Dispute between claimant and landlord over service charges. LA superseded to pay direct to landlord and tribunal agreed. Upper Tribunal finds that a lone claimant can be a “family” but that it is in his interests for the direct payments to continue
- CH/999/2014: Claimant application for permission – refused. Appeal outside 13 month limit – argued LA decision notification was defective and invalid so 13 months hasn’t started yet. Found that notification was not defective and covered all essential points specified in legislation
- CH/3878/13: Capital. Insufficient explanation and findings of fact by the Tribunal
- CH/34/14: Commercial basis rule has no application to CTB
- CH/48/14: Earned income payable in arrears falls to be attributed forward from the date of receipt rather than backwards over the period in respect of which it was earned
- CH/1241/13: Payments of travel expenses to new place of employment were earnings and not deductible expenses
- CH/1349/11: Student. Tribunal did not err in concluding that a bursary was not intended to meet tuition fees
- CH/2608/13: Self-employed. The sale of stock is not the incurring of an expense but the disposal of an asset

HB/CTB cases awaiting decision by the Upper Tribunal

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

- CSH/341/2014; CH/1755/2014; and others – removal of the spare room subsidy cases - there are several appeals on this subject dealing with human rights, size of the room, shared care couples unable to share a room.

53. 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

54. 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

What's new on the web

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

Document Type	Subject	Link
HB A12/2014	Universal Credit, change of circumstance affecting Housing Benefit	https://www.gov.uk/government/publications/hb-circular-a122014-universal-credit-change-of-circumstances-affecting-housing-benefit
HB G6/2014	Change of Circumstance notifications Call for Evidence: Work Capability Assessment Independent Review Official experimental Universal Credit statistics Statutory Instruments What's new on the web	https://www.gov.uk/government/publications/hb-bulletin-g62014
HB Direct issue 150 July 2014	Newsletter	https://www.gov.uk/government/publications/hb-direct-july-2014-issue-150
Guidance	Local Housing Allowance guidance and good practice for local authorities	https://www.gov.uk/government/publications/local-housing-allowance-guidance-and-good-practice-for-local-authorities

Guidance	The Discretionary Housing Payment Reserve Funding Bidding Scheme Good Practice Guide	https://www.gov.uk/government/collections/local-authorities-removal-of-the-spare-room-subsidy
Report	Direct Payment Demonstration Projects: learning and payment figures: May 2014	https://www.gov.uk/government/publications/direct-payment-demonstration-projects-learning-and-payment-figures-may-2014
Report	The Local Housing Allowance Final Evaluation Report	https://www.gov.uk/government/publications/local-housing-allowance-monitoring-the-impact-of-changes
Report	The Removal of the Spare Room Subsidy Interim Report	https://www.gov.uk/government/publications/removal-of-the-spare-room-subsidy-interim-evaluation-report