

Housing Benefit

General Information Bulletin

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

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HB G9/2014

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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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Housing Benefit (HB) higher permitted work disregard increase

1. The higher permitted work disregard is currently £101 per week and is set by means of a cross-reference within the appropriate HB schedules to the regulations which set out the equivalent upper earnings limit in Incapacity Benefit (IB), Severe Disablement Allowance (SDA) and Employment and Support Allowance (ESA). The upper earnings limit is set by reference to the hourly National Minimum Wage, which is increasing from £6.31 to £6.50 from 1 October 2014.
2. To allow customers to take full advantage of the increase and continue to work for up to 16 hours per week, the upper permitted work earnings limit in IB, SDA and ESA will increase from £101 to £104 per week from 1 October 2014. This means that:
 - for existing HB awards the higher permitted work disregard must be increased from £101 to £104 per week, effective from 6 October 2014
 - for all new or repeat claims made, or treated as made, on or after 1 October 2014, the higher HB permitted work disregard will be £104 per week.
3. The lower permitted work disregard remains at £20.
4. Guidance on the HB permitted work disregards is in the [HB Guidance Manual](#), starting at BW2.141 (working age customers) or BP2.141 (Pension Credit age customers).
5. For further information on the permitted work disregard increase please contact: housing.benefitenquiries@dwp.gsi.gov.uk

Student Uprating 2014/15

Disregards for travel, books and equipment

6. The rates for the travel grant disregard and the books and equipment disregard have been frozen since 2010, and are again this year. For the academic year 2014/15 the disregard rates will remain at £303.00 in respect of travel and £390.00 in respect of books and equipment.

Loans, grants and tuition fees

7. The Department for Business Innovation and Skills provides information on the financial support available to students for each year of their courses.
8. Details can be found at <https://www.gov.uk/student-finance/loans-and-grants> and <https://www.gov.uk/student-finance-for-existing-students>

9. For further information on student uprating please contact housing.benefitenquiries@dwp.gsi.gov.uk

Social Security and Child Support Tribunal – improving communications with local authorities

10. Recently the Social Security and Child Support Tribunal (SSCS) have worked with the Department for Work and Pensions (DWP) to improve the way in which they communicate the Tribunal's decisions to them. SSCS developed a system that enables the clerk at the hearing to automatically email the decision notice to DWP offices instead of issuing them by post. This has realised many benefits for both SSCS and DWP, including quicker communication of the decision, improved audit trail, satisfaction that the decision notice is delivered and substantial savings in postage costs.
11. SSCS also deal with 380 local authorities (LAs) in disputes about HB and Council Tax. In the last financial year SSCS issued over 11,000 appeal decisions to LAs.
12. SSCS would like to extend emailing these decisions to include LAs and will shortly be writing to you to outline their proposals. To ensure you can be included in the new initiative it is essential that you are aware that this correspondence is being issued in the next few days and that you should reply to it when received. You will need to include your LA details and a dedicated email address to start receiving substantive decisions and adjournment notices via email.
13. Dependant on uptake SSCS hope to be able to commence with this initiative in October, so to ensure that you take can part from the start you will be required to reply by the end of September. If an LA does not reply until later, SSCS will continue to send paper copies of decisions by post but look to include you at a later date. SSCS will write to you again when the timeline becomes clearer.
14. Further details will be provided when arrangements are in place but if you have any comments or questions in the meantime about any of the above, please feel free to contact SSCS Jurisdictional Support Manager Tom Matley at countmein@hmcts.gsi.gov.uk.

Universal Credit rollout commencement order

15. From Monday 23 June 2014 we began our rollout of Universal Credit to Jobcentres right across the North West of England, the first stage of this rollout completed during June and July. On 1 September the Department laid the Commencement Order covering the continued rollout of Universal Credit to the remaining LAs in the North West of England. This stage of the rollout

will began on 15 September and be complete by late December 2014, when a total of 97 Jobcentres, or 1 in 8 across Great Britain will offer Universal Credit to single people and couples.

16. The commencement order can be accessed through the following link, <http://www.legislation.gov.uk/ukxi/2014/2321/contents/made>

Adult Social Care Financial Assessment

Rollout of access to the Customer Information System (CIS) for Adult Social Care Financial Assessment - Background

17. As you will be aware with the introduction of the Welfare Reform Act 2012 the number of services where DWP can share data with LAs and county councils (CC) to prevent the customer continually having to provide the same information has been extended considerably. Domiciliary and residential care services were covered by this. Further details can be found in circular [HB/CTB A5/2012](#)

Benefits of this Data Share

18. By enabling this data share the following benefits will be realised:

- better service to the customer, who will experience a more streamlined assessment with less requests for them to provide data at points in their lives where they may feel most vulnerable
- a reduction in time it takes to conduct an assessment as there will be no need to contact DWP as much or potentially conduct some visits
- a reduction of payments for care in circumstances where access to the data helps identify a customer may not be entitled to financial help
- enables delivery of the Care Act

Update

19. Currently a limited number of LA staff have access to the DWP CIS for the purposes of dealing with HB administration (including any associated counter-fraud activity and overpayment recovery), Local Council Tax Reduction schemes (LCTR) and the Local Welfare Provision.

20. After careful consideration we are pleased to inform you that as of 8 September 2014 we commenced the gradual rollout of access to CIS to support Adult Social Care Financial Assessments.

21. Earlier in the year all LAs and CCs were issued a questionnaire to help DWP gauge the volume of staff that may require access to CIS in order to perform

domiciliary and residential financial assessments. We received approximately 75% responses and this has helped to shape a staggered roll out plan. For those areas that have not yet responded you should contact the Business, Change Security and Support Team, at LA-SST.HDD@DWP.GSI.GOV.UK, to ensure that your requirements are taken into account.

How will the roll out work?

22. We have been working with Leeds City Council, and as part of the initial implementation activity we are undertaking a short pilot with them to understand the practicalities and identify good practice before extending rollout to other areas.
23. We are however, aware that some CCs/LAs have existing CIS users who have dual responsibilities, for example some staff with responsibility for HB administration may also deal with Adult Social Care Financial Assessments. We are pleased to say that we can give immediate authority for these users to start using CIS for this purpose.
24. What we need to avoid however, is adopting a process where current CIS users are used as an access point for other staff. This is because the audit trail can become easily broken and staff may find themselves being the target of security investigations by DWP staff.
25. We are currently planning how we will rollout CIS access to new users across other areas. We will contact each CC/LA service sponsor at the point we need to begin arrangements for rollout to your area. Each area will have to ensure they sign an extended Memorandum of Understanding before staff can be given access.
26. You can however, start undertaking some activity that will help the process move smoothly: All staff accessing/using DWP/HM Revenue & Customs data must:
 - have completed the CIS training package, a copy is available from LA-SST.HDD@DWP.GSI.GOV.UK
 - comply with [HM Government Baseline Personnel Security Standard](#) Any person, who regularly uses DWP information must, at minimum, be cleared to this standard
27. It is advised that you begin thinking through the practicalities of how you will undertake this in your area, but as mentioned there will also be advice and best practice offered based on the Leeds pilot.
28. CIS is accessed through the Employee Authentication Service (EAS), most LAs/CCs will already have access to this for either CIS or the Tell us Once service and so will understand the process to at least some extent. If you do

not currently have any access to EAS in your area please consult us urgently at LA-SST.HDD@DWP.GSI.GOV.UK

29. There will be a further bulletin when the detailed rollout schedule is confirmed.

HB/CTB decisions by the Upper Tribunal

30. Decision Making and Appeals (DMA) Leeds is aware of the following HB/CTB cases that have been decided by the Upper Tribunal.

- CH/3134/2013: Managing agent's appeal. Allowed but to no advantage. First-tier Tribunal declined to extend the time for the agent's valid appeal. Upper Tribunal Judge substituted her own decision not to extend the time limit
- CSH/372/2014: Claimant appeal. Dismissed. Confirmed spare bedroom subsidy rules do not unlawfully discriminate against disabled people
- CH/988/14: Capital. Share in former matrimonial home. Tribunal failed to investigate actual questions regarding value of claimant's interest
- CH/1893/14: Capital. Share in former matrimonial home. Tribunal erred in failing to determine whether joint tenancy or tenancy in common, in valuing claimant's share and in analysing Valuer's report
- CH/988/14: Capital. Share in former matrimonial home. Tribunal failed to investigate factual questions regarding value of claimant's interest
- CH/1893/14: Capital. Share in former matrimonial home. Tribunal erred in failing to determine whether joint tenancy or tenancy in common, in valuing claimant's share and in analysing Valuer's report
- CH/1900/2012: Claimant appeal. Dismissed. LTAMC & Overpayment. Following previous adjournments, at the 4th hearing the tribunal, after making careful inquiries, concluded it was in the interests of justice to proceed in the claimant's absence, he having not provided any evidence or a response to a request for his reasons for his postponement request
- CH/1047/2014: Claimant appeal. Remitted. Backdating. Dec 2011 claim backdated to July 2011 but claimant wanted backdating to Feb 2010. Tribunal noted an application had been discovered made in July 2011 so award was backdated to Jan 2011 but backdating to Feb 2010 still not addressed at First-tier Tribunal level
- CH/3740/13: Appeal dismissed. Tribunal entitled to conclude on the facts that there was no legal liability to pay rent
- CSH/777/2013 & CSH/374/2014: Spare room subsidy cases - Secretary of State's viewpoint on human rights supported

- CSH/452/2014: Claimant's appeal. Remitted. No explanation in statement of reasons as to why First-tier Tribunal rejected claimant's evidence
- CSH/969/13: Interpretation of regulations 76(2) and 80(3)(a). To be entitled the claimant must have a liability to make payments and must be occupying the home
- CSH/969/13: Interpretation of regulations 76(2) and 80(3)(a). To be entitled the claimant must have a liability to make payments and must be occupying the home

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

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

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

HB/CTB cases awaiting decision by the Upper Tribunal

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

- At least another nine appeals at the Edinburgh Upper Tribunal – removal of the spare room subsidy cases - dealing with human rights, size of the room, shared care couples unable to share a room.
- CH/2562/2014 – LTAMC disallowance and overpayment: adequacy of tribunal's findings of fact and reasoning.
- CH/3988 & 3991/2014 – Separate CTB awards to two claimants at the same address.

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

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

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

- 2014 No.2260, The Offshore Installations (Safety Zones) (No. 2) Order 2014, coming into force from 16 September 2014
- 2014 No.2309, The Social Security (Jobseeker's Allowance and Employment and Support Allowance) (Waiting Days) Amendment Regulations 2014, coming into force 27 October 2014
- 2014 No.2321, The Welfare Reform Act 2012 (Commencement No.19 and Transitional and Transitory Provisions and Commencement No.9 and Transitional and Transitory Provisions (Amendment)) Order 2014, coming into force from 15 September 2014
- 2014 No.2377, The Pensions Act (Commencement No. 2) Order 2014, coming into force from 11 September 2014

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

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

Document Type	Subject	Link
HB G8/2014	Attribution of earnings in Housing Benefit Sanction Changes HB/CTB decisions by Upper Tribunal Statutory Instruments What's new on the web	https://www.gov.uk/government/publications/hb-bulletin-g82014
HB Direct Issue 152 September 2014	Newsletter	https://www.gov.uk/government/publications/hb-direct-september-2014-issue-152