

Housing Benefit

General Information Bulletin

Department for Work and Pensions, 6th Floor, Caxton House, Tothill Street,
London SW1 9NA

<http://www.dwp.gov.uk/local-authority-staff/housing-benefit/>

HB G10/2013

18 October 2013

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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HB Credit Reference Agency data-matching mailbox

1. As you are aware, the HB Credit Reference Agency (CRA) Project is now officially closed. Therefore, from 1 November 2013, the HB CRA enquiry mailbox will close. For information with regards to clearing any outstanding HB CRA referrals see circular HB F2/2013.

Queries

If you have any further queries before 1 November about the information contained in this item please contact: caxtonhouse.hbdm-cra@dwp.gsi.gov.uk

Risk-based verification guidance

2. The Department for Work and Pensions (DWP) has received a number of queries from local authorities (LAs) about the introduction of risk-based verification (RBV) during a financial year. Following recent discussions with the Audit Commission, we can clarify that LAs may introduce RBV at any time during a financial year, provided the effective date of introduction is clear, and the LA keeps clear records of the verification conducted, and can identify the different sub-populations of RBV cases.

Queries

If you have any further queries about the information contained in this item please contact: hbctb.subsidyqueries@dwp.gsi.gov.uk

Discretionary Housing Payments reporting measures

3. In circulars HB A11 and A17/2013, we provided details of the arrangements that were being introduced to help us understand how Discretionary Housing Payments (DHP) were supporting people affected by the welfare reforms.
4. LAs were asked to record if a successful DHP claimant had been affected by one of the welfare reforms and to record the broad or main outcome expected from that award. We also asked if all returns could be submitted by 17 October 2013.
5. Whilst we have received a significant number of returns we do understand that some LAs are experiencing difficulty in submitting DHP returns to the -HPDConsultations@dwp.gsi.gov.uk mailbox, however the mailbox is working correctly and returns are being received.
6. We think that the issue relates to either spam filters or security settings in some LAs which will not recognise the email address as being bona fide as it starts with a hyphen.

7. If you do find that your email cannot be delivered please resend it to: housing.benefitenquiries@dwp.gsi.gov.uk. You will receive a message back to say messages are not being dealt with but this can be ignored for the DHP returns.

Queries

If you have any further queries about the information contained in this item please contact: housing.benefitenquiries@dwp.gsi.gov.uk

Benefit Cap – official statistics release

8. An update to two sets of official Benefit Cap statistics was published on Thursday 3 October 2013.
9. The first set of statistics show at national level, the cumulative number of households capped to mid-August 2013. These are presented alongside the number of households that were capped at a point in time in August, broken down by cap banding, number of children and household type.
10. These are the first official statistics to be released, which in addition to phased rollout sites now cover some Tranche 1 LAs.
11. The second set of statistics relate to national Jobcentre Plus activity regarding claimants who have been identified as potentially impacted by the Benefit Cap. The new data includes cumulative totals for Great Britain up to 13 September 2013 for:
 - the number of claimants identified as potentially affected by the Benefit Cap accepting employment support
 - the number of claimants identified as potentially affected by the Benefit Cap participating in employment support
 - the number of claimants identified as potentially affected by the Benefit Cap moving into work.
12. These publications have been produced by departmental statisticians to adhere to the UK Statistics Authority protocols.
13. The statistics can be accessed using the link below:

<https://www.gov.uk/government/organisations/department-for-work-pensions/series/benefit-cap-statistics#publications>

Queries

If you have any further queries about the information contained in this item please contact: benefitcap.external@dwp.gsi.gov.uk

Claimant Commitment

14. The new Claimant Commitment, which paves the way for the cultural transformation that Universal Credit brings, began rolling out to Jobcentre Plus offices across the country from 14 October 2013.
15. Jobcentre Plus staff in Rugby and Inverness will be the first to try out the Claimant Commitment with new claimants of Jobseeker's Allowance, followed by Hammersmith and other jobcentres from across the country on 28 October.
16. The Claimant Commitment will put the responsibility on jobseekers to do everything they can to find work in return for benefits and set out the work activities they have agreed to get into paid work quickly.
17. Claimants will need to record their activities each day in a personal action plan and review progress with their Work Coach in the Jobcentre. Those who can work will be expected to look for work on a full time basis or risk losing their benefit.
18. We are also on course to meet our commitment to roll out Universal Credit to a further six sites between October 2013 and spring 2014, starting with Hammersmith this month.
19. Please see the DWP [press notice](#) for more information.
20. If a Universal Credit claimant moves into your area HB circulars [A13/2013](#) and [A14/2013](#) give you the information you need to handle this situation.

Child Benefit awards queries

21. This information is for the attention of all those concerned with the administration of HB and local Council Tax Reduction (LCTR) Schemes. You must bring this item to the attention of the person with overall responsibility for HB/LCTR in your LA.
22. As previously published in [General Information Bulletin HB G6/2013](#), HM Revenues & Customs (HMRC) have asked us to remind LAs that the fax and telephony route for confirming Child Benefit (ChB) entitlement should only be used in exceptional circumstances, for example, to support cases with on-going fraud action. HMRC do not have the resources to action the number of requests they are receiving, to confirm awards, either from DWP or directly from customers over the phone. If the current request rate continues HMRC tell us that they may have to remove the service completely.

23. HMRC is aware that LAs may have different levels of access to Customer Information System (CIS) data. CIS should be used to confirm applicant data in the first instance, if available. Fax or telephone requests should only be made in exceptional circumstances.

24. The contact number you need to use for this type of enquiry is 0345 300 3944.

Payments to Equitable Life pre-September 1992 with profit annuity policyholders

25. The Chancellor of the Exchequer announced in his 2013 Budget that the government would make an ex gratia payment of £5,000 to Equitable Life policyholders who bought an Equitable Life with profit annuity policy before 01 September 1992 and are aged 60 or over.

26. An additional £5,000 will be payable to such policyholders who are in receipt of Pension Credit (PC) at 1 November 2013.

27. It is estimated that there are approximately 10,000 policyholders who will qualify for the initial £5,000 payment and a smaller number for the additional PC related £5,000 payment.

Action to be taken

28. Her Majesty's Treasury (HMT) contacted policyholders during September to inform them that payments will be made later this financial year. They also advised policyholders that they will qualify for the additional £5,000 payment if they are in receipt of PC at 01 November 2013.

29. Both payments will be tax-free and must not be taken into account as capital for HB. Policyholders will be notified by HMT that the payments are tax-free and do not affect entitlement to social security benefits.

30. However, it is possible that some enquiries might still be received by LA staff from policyholders about how these payments will affect entitlement to benefits. If so, you should advise the customer that the payments will not affect the amount of HB or any other social security benefit they may receive.

Queries

If you have any further queries about the information contained in this item please contact: housing.benefitenquiries@dwp.gsi.gov.uk

Bankruptcy and overpayment recovery

31. A minor change to guidance is required in respect of insolvency following a recent case in the Supreme Court. Whilst the case was not related to benefit

or indeed to personal debt, one particular aspect of the decision will have an impact on how we deal with overpayment debts from bankrupt debtors.

32. DWP had previously held the view that a benefit overpayment (including HB or Council Tax Benefit (CTB)) does not become a fixed liability until such time as the decision maker has made a determination that the overpayment, or part of it, is recoverable under social security legislation.
33. This was confirmed in 2005 in the case of *(R) Steele v Birmingham City Council and the Secretary of State for Work and Pensions*. You can refer to previous bulletins HB/CTB U1/2011, HB/CTB U6/2011, and HB/CTB U1/2012.
34. However, a recent case Nortel (2013) has overturned the judgement in the Steele case.
35. When a debtor is discharged from bankruptcy (or Sequestration in Scotland) then any non-fraud debts, where the end date of the overpayment is before the date of the bankruptcy or sequestration order, must be written off. This must take effect immediately.
36. Legal advice is that DWP should do everything possible to identify cases impacted by this judgement. The approach is likely to be similar to what was done following the Payne and Cooper judgment which involved matching Debt Management (DM) records against a list of bankruptcies provided by the Insolvency Service, examining matches and identifying affected cases.

Queries

If you have any further queries about the information contained in this item please contact: HBandCTB.overpayments@DWP.gsi.gov.uk

.GOV.UK website

37. We have received a number of comments regarding the .GOV.UK website and in particular locating HB circulars.
38. Previously, all HB circulars were published on a website owned and operated by DWP. We therefore had a major say in the look and feel of how these were accessed and displayed.
39. The new website .GOV.UK was set up following a review of government digital services with the intention of bringing all government websites together in a single place. This new site is owned by Cabinet Office and is run by Government Digital Services. It is the single place for individuals and businesses in the United Kingdom and overseas to find all information and transactional digital services provided by central government. As such, the way information is written and displayed needs to be consistent across all content.

40. The site allows services to be organised by purpose (e.g. starting a business or starting a family) rather than around departmental and organisational structures; and to be designed and optimised to meet specific, well-understood user needs.
41. Any links that you have saved as favourites or bookmarked from the old DWP website should still work as automatic redirects have been put in place.
42. General Information [Bulletin G9/2013](#) contained a series of links for access to all of the information we now have on .GOV.UK.
43. All remaining content from the DWP website will migrate to GOV.UK over the next few months, after which the DWP site will be closed.

Queries

If you have any further queries about the information contained in this item please contact: housing.correspondenceandpqs@dwp.gsi.gov.uk

HB/CTB cases awaiting decision by the Upper Tribunal

44. Decision Making and Appeals (DMA) Leeds is aware of the following HB/CTB cases that are awaiting decision by the Upper Tribunal:
- CH/3041/2012 – Claimant appeal. HBCTB overpayments – correct averaging/calculation of part-time earnings
 - CH/1084/2013 – Landlord appeal. LA argument is that neither claimant nor landlord disclosed her vacating the property but both knew
 - CH/1445/2013 – Claimant appeal. Claimant aged 109 – treatment of pension paid to her as a victim of National Socialist persecution
45. Thank you to those authorities that have let us know on 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

46. If you have any queries about cases before the Upper Tribunal Judges or courts, please contact us by email at fldma.customersupportservices@dwp.gsi.gov.uk or fax on: 0113 2324841

Statutory Instruments

47. The following Statutory Instruments (SIs) has been laid

- 2013 No.2536, The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2013, coming into force on 29 October 2013
- 2013 No.2538, The Social Fund Cold Weather Payments (General) Amendment (No.2) Regulations 2013, coming into force 1 November 2013
- 2013 No.2540, The Industrial Injuries Benefit (Employment Training Schemes and Courses) Regulations 2013, coming into force 31 October 2013
- 2013 No.2556, The Automatic Enrolment (Miscellaneous Amendments) Regulations 2013, coming into force 1 November 2013
- 2013 No.2584, The Jobseekers' Allowance (Schemes for Assisting Persons to Obtain Employment) (Amendment) Regulations 2013, coming into force 5 November 2013

48. 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

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

Document Type	Subject	Link
HB A17/2013	DHP reporting measures	https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/243859/a17-2013.pdf
HB A18/2013	DHP: Invitation to bid for funding	https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/244593/a18-2013.pdf
HB A19/2013	The Universal Credit (Transitional Provisions) and Housing Benefit (Amendment) Regulations 2013	https://www.gov.uk/government/publications/hb-circular-a192013-the-universal-credit-transitional-provisions-and-housing-benefit-amendment-regulations-2013
HB G9/2013	Student Uprating 2013/14 HB higher permitted work	https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/244060/g9-

	<p>disregard increase</p> <p>Council Tax Reduction – DC11 Process update</p> <p>LA information on .GOV.UK</p> <p>IRRV annual conference</p> <p>Huddle LA IT workspace</p> <p>Benefit cap official second statistics release</p> <p>What's New on the Web</p>	<p>2013.pdf</p>
<p>HB U6/2013</p>	<p>Removal of the spare room subsidy</p>	<p>https://www.gov.uk/government/publications/hb-bulletin-u62013-removal-of-the-spare-room-subsidy</p>
<p>HB Direct issue 141 Sept 2013</p>	<p>Newsletter</p>	<p>https://www.gov.uk/government/publications/hb-direct-october-2013-issue-141</p>

HB circulars recently issued

HB A17/2013
HB A18/2013
HB A19/2013