

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 G6/2013

21 June 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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The Draft Social Security (Persons Required to Provide Information) Regulations 2013

1. These Regulations, when in force, will prescribe additional categories of persons required to give information to investigators under section 109B (2) of the Social Security Administration Act 1992 where the information is required from them in connection with the investigation of benefit offences. Those are persons who provide relevant childcare or persons in respect of whom there are reasonable grounds for believing that they are providing relevant childcare; persons to whom, or at whose direction, payments are made in respect of accommodation occupied, or purported to be occupied, by claimants for Universal Credit as their home; rent officers appointed by a local authority (LA) and LAs which administer a Local Council Tax Reduction (LCTR) scheme to the extent that the required information relates to such a scheme.
2. The Regulations are needed to take account of both the wider coverage of Universal Credit, in particular in relation to its elements relating to childcare and housing costs, and the replacement of Council Tax Benefit (CTB) by such schemes.
3. A draft of the Regulations was discussed at the Local Authority Association (LAA) Steering Group meeting on 13 February 2013 and there were no comments received on them during the consultation period. The intention is to lay the Regulations before Parliament later in June. It is proposed that they will come into force on 1 October 2013.
4. LAs will be affected by these Regulations but the impact on you is considered to be low.

DWP contact details:

Judith.hicks@dwp.gsi.gov.uk

Child Benefit awards queries

5. This information is for the attention of all those concerned with the administration of Housing Benefit (HB) and LCTR Schemes. You must ensure the person with overall responsibility for HB/LCTR in your LA is copied into this bulletin.
6. Her Majesty's Revenues and Customs (HMRC) have reported increasingly high levels of telephone and fax requests from LAs and customers for details of Child Benefit (ChB) awards to support HB and LCTR claims, a demand they are having major difficulties trying to cope with.
7. HMRC inform us that the fax route for confirming ChB entitlement should only be used in exceptional circumstances, for example, to support cases with ongoing 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 they may remove the service.

8. 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.

Background

9. Where an LA is satisfied that customers have provided accurate and complete information they should not seek documentary evidence. DWP covered this in more detail in HB/CTB F5/2010, which dealt with changes to the evidence requirements.
10. HMRC have explained that receipt of ChB is not a guarantee that a child is living in the household. Any person, including grandparents, can legitimately receive ChB if the child is living elsewhere but they contribute at least the value of ChB towards their upkeep. Therefore, HMRC are concerned that ChB data may be used to determine the make-up of a household to support claims for CTB and HB, including the reforms regarding under-occupancy.
11. However, if the customer provides conflicting information or the LA have doubts on the accuracy of the information provided and need to see the proof of ChB award; it should be noted that similar information can be obtained from a bank statement or a tax credit award notice.
12. There is also a concern LA letters to customers, requesting proof of eligibility, contain references to ChB award notices even though they may not be required. HMRC would be very grateful if these references could be removed from your communications.
13. LAs should only contact the Child Benefit Office in exceptional circumstances. If your LA has any queries regarding this bulletin please direct them to:

joanne.cammack@hmrc.gsi.gov.uk

Personal Independence Payment: National go-live for new claims from 10 June 2013

14. Personal Independence Payment (PIP) replaced Disability Living Allowance (DLA) for new claims across Great Britain from 10 June. This applies to all new claimants aged 16 to 64 and existing DLA claimants who were aged 16 to 64 on 8 April 2013 or reach age 16 after that date. We will ask existing DLA claimants to claim PIP at some point from October 2013 onwards, but most won't be affected before October 2015.

15. New PIP claims can be made by phoning 0800 917 2222 (textphone 0800 917 7777). Full details of how to claim can be found at www.gov.uk/pip, including when existing DLA claimants may be affected (www.gov.uk/pip-checker).
16. The Local Authority Data Sharing (LADS) Programme has implemented an Automated Transfer to Local Authority Systems (ATLAS) notification for PIP data. As with the DLA ATLAS notification, this PIP one posts directly to LA benefit systems. More information about ATLAS changes is available through the [Huddle LA Data Share workspace](#) (please [contact LA-ST](#) to register and get access) – download the ATLAS Awareness Pack.
17. Please visit www.dwp.gov.uk/pip-toolkit for up-to-date information to adapt for your own guidance and communications. This includes [materials tailored for LAs](#) and more about other [benefits and services that PIP may affect](#), such as [travel passes and blue badges](#).

Please send any questions about the toolkit to:

pip.feedback@dwp.gsi.gov.uk.

For any other PIP enquiries, claimants or advisors should visit:

www.gov.uk/pip

or phone the PIP enquiry line: 0845 850 3322 (textphone 0845 601 6677).

Personal Independence Payments and hospitals

18. A question has arisen over whether PIP has rules equivalent to the ones which apply in Attendance Allowance (AA)/DLA, which provide that a person cannot receive AA/DLA if they claim it when they are already in hospital, but can continue to get it for the first 28 days after they are admitted to hospital.
19. The PIP Regulations (SI 2013/377) operate in a similar way to those applying in AA and DLA. These provide that where someone is in hospital at the point entitlement to PIP starts they cannot be paid benefit until the day they leave (Regulation 30(2)). Where someone already entitled to benefit enters hospital they can continue to be paid either component for the first 28 days following the day of admission (Regulation 30(1)).

For further information on this item please contact:

housing.benefitenquiries@dwp.gsi.gov.uk

Housing Benefit Overpayments queries

20. DWP Debt Management Housing Benefit Overpayment Policy Team is now able to resume taking queries in relation to HB Overpayment Policy. Queries can be emailed to:

HBandCTB.overpayments@dwp.gsi.gov.uk

If you would prefer that we discuss your query by phone, please ask for a call back in the email.

National implementation of the Benefit cap

21. National implementation will commence on 15 July 2013 with all appropriate households having been capped by the end of September 2013.
22. The Benefit cap will be applied in 2 tranches. Those LAs with 275 households or less affected by the Benefit cap, as determined by the May scan data, will be in tranche 1 and will start to apply the Benefit cap on 15 July 2013.
23. Those LAs with 276 or more households are likely to start their capping activity from the week of 12 August 2013. Some flexibility may be applied to this date as the clearance of tranche 1 will affect the precise start date of tranche 2.
24. By way of background, in developing the national implementation approach the principles below are particularly focused on the experiences of the 4 pilot rollout LAs. These are Bromley, Croydon, Enfield and Haringey. The principles are:
 - no big bang approach – the learning from phased rollout LAs is that it is beneficial for the data to come from DWP to LAs for capping over weeks and not days
 - two tranches – this was recognised as the ideal way to control implementation and local communications and ensure that this change was delivered safely
 - ramping up volumes – to learn from phased rollout so that, if possible, LAs could see smaller numbers in week 1 of the tranche and adjust local processes accordingly
 - tranches ordered based on volume of cases - the ordering of tranches should be based on volumes of capped cases and as such each tranche should contain LAs with similar volumes
 - order should be lowest then highest – this approach recognises that it would be beneficial for LAs with the highest volumes of cases to have further time to prepare for implementation

- DWP selection of cases to cap will be random, based on National Insurance (NI) numbers. As such, whilst it is possible to estimate the overall numbers to be handled over the agreed period, it is not possible to provide exact daily or weekly volumes
- the tranche which a LA will fall in to is based upon the May scan, and as such will not change even if numbers of potentially affected households change between now and July 2013

25. A letter was issued to your LA Chief Executive Officer on 3 June with a Question and Answer brief and a national list of which LAs have been placed in which tranche.

If you have any queries about any of the above, please contact:

benefitcap.external@dwp.gsi.gov.uk

Re-designation of spare rooms

26. Lord Freud, Minister for Welfare Reform, wrote to all LA Chief Executives on 20 June regarding the issue of re-designation of spare rooms. For your information a copy of the letter can be found at Annex A. Further guidance will be issued shortly.

HB/CTB cases awaiting decision by the Upper Tribunal

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

- CSH/755/2012 – Overpayment case - directions questioning whether decision in CH/2630/2010 was right.
- CH/2902/2012 – LTAHAW case. Secretary of State joined and supporting claimant's appeal.
- CH/756/2013 - meaning of "kitchen or facilities for cooking" in regulation 13D(2)(b)(ii) of the HB Regulations 2006.

28. Thank you to those LAs 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. 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

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

Document Type	Subject	Link
HB U3/2013	Appeals against decisions to reduce HB because of the number of bedrooms a person has	http://www.dwp.gov.uk/docs/u3-2013.pdf
HB G5/2013	Universal Credit claimants moving from Pathfinder areas DWP liaison – Expansion of APOLLO LA CIS Register Direct Payment Demonstration Project update CIS ATLAS update Benefit Cap update What's New on the Web	http://www.dwp.gov.uk/docs/g5-2013.pdf
HB Direct issue138 June 2013	Newsletter	http://www.dwp.gov.uk/docs/issue-138-june-2013.pdf

Annex A



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20 June 2013

Local Authority Chief Executives

Re-designation of properties and the removal of the Spare Room Subsidy

As you may be aware there have been a number of reported cases of local authorities re-designating their properties, without reducing the rent to reflect the loss of a bedroom. Such action could lead to incorrect Housing Benefit subsidy claims being submitted to my Department at the end of the financial year.

In principle my Department has no objections to re-designating properties where there is good cause to do so, for example where a property is significantly adapted to cater for a disabled persons needs. However, we would expect the designation of a property to be consistent for both Housing Benefit and rent purposes. Blanket redesignations without a clear and justifiable reason, and without reductions in rent, are inappropriate and do not fall within the spirit of the policy.

Between 2000 and 2010 expenditure had doubled in cash terms, reaching £21 billion. Unreformed, by 2014-15 Housing Benefit would cost over £25 billion. By removing the Spare Room Subsidy £500 million a year can be saved through greater efficiency and better use of social housing stock. It is therefore vital that local authorities adhere to their statutory responsibility to implement this policy on behalf of the Department.

I would like to stress that if it is shown properties are being re-designated inappropriately this will be viewed very seriously. If the Department has cause to believe this is the case we will commission an independent audit to ascertain whether correct and appropriate procedures have been followed. I wish to state clearly that these audits would be separate from the subsidy audits already undertaken, which carry out sample checks on the assessment of Housing Benefit.

Where it is found that a local authority has re-designated properties without reasonable grounds and without reducing rents, my Department would consider either restricting or not paying their Housing Benefit subsidy.

*Yours sincerely,
David*

**Lord Freud
Minister for Welfare Reform**