

# Housing Benefit

## General Information Bulletin

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[www.gov.uk/dwp](http://www.gov.uk/dwp)

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**HB G3/2018**

**22 March 2018**

<b>Contact</b>	<p>Queries about the</p> <ul style="list-style-type: none"> <li>• <b>technical content of this bulletin</b>, contact details are given at the end of each article</li> <li>• distribution of this bulletin, contact <a href="mailto:housing.correspondenceandpgs@dwp.gsi.gov.uk">housing.correspondenceandpgs@dwp.gsi.gov.uk</a></li> </ul>
<b>Who should read</b>	All Housing Benefit (HB) staff
<b>Action</b>	For information

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List of LA 'Investigation' SPOCS attached as a separate Appendix A

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## Court of Appeal benefit cap judgment in the case of DA and Others v Secretary of State

1. This is a follow up to [HB U2/2017](#) issued on 22 June 2017.
2. On 15 March 2018 the judgment was handed down in a judicial review in the case of DA and Others v Secretary of State of the inclusion of lone parents with children aged under two in the benefit cap.
3. The government's appeal to the Court of Appeal has been successful. The Court of Appeal has found by a majority of 2:1 that the decision not to exempt lone parents with children aged under 2 from the benefit cap was lawful. It is possible that the claimants will seek leave to appeal to the Supreme Court.
4. Local authorities (LAs) should continue to apply the current rules concerning the benefit cap to lone parents with children under 2 as usual.
5. Discretionary Housing Payments remain an important option to help households adjust to the benefit cap and other welfare reforms; and awards should continue to be made in appropriate cases in the usual way having regard to, amongst other things, the published guidance.

## Local Authority Insight Survey: wave 34 deadline extended

6. We have extended the deadline for completing the Local Authority Insight Survey (LAIS) wave 34 until 29 March 2018. This survey covers:
  - Fraud and Error in Housing Benefit (HB)
  - limiting absences outside of Great Britain to four weeks
  - changes in LA structures and services.
7. Do make sure you have your say by completing the survey as your input provides valuable evidence to help inform design, delivery and review of crucial public policy, delivery issues and engagement between the Department for Work and Pensions (DWP) and LAs. Essentially, the LAIS is an opportunity for you to help us see what's happening 'on the ground'. And the more responses we receive and, in turn, data we gather helps influence decisions and change.
8. If you have not received your link from NatCen (our contractors) or have any queries regarding completion of the survey please contact Catherine Flynn by email at [Catherine.flynn@dwp.gsi.gov.uk](mailto:Catherine.flynn@dwp.gsi.gov.uk) or by phone on 0113 251 9047.

## Wave 33 findings

9. The findings from wave 33 of the LAIS, which covers LA preparations on Universal Credit Managed Migration and responses to reducing the HB backdating period, will be published [here](#) on Thursday 22 March 2018. Once again, thank you to those who participated in this survey.

## Reminder: Correct routes for LA queries

10. The department has been receiving an increasing number of emails from LAs requesting disclosure of information of DWP claimants who are not direct claimants of LA services.
11. The bulk of the requests are mainly to do with 'Single person discounts' and the National Fraud Information (NFI) match; identifying another person living at the same address.
12. Counter Fraud and Compliance Directorate (CFCD) Case Preparation (previously known as the Central Referral Service) often receive lists of cases that have been referred to DWP under the Single Fraud Investigation (SFI) route, requesting progress updates, etc. This route for correspondence is incorrect and should be part of local investigations/LA liaison.
13. This has prompted us to communicate the current procedures for disclosure and remind LAs about the different routes you should take in order to conduct business:
  - LA queries to Case Preparation should not be made via regional LA referrals inbox. Follow-up on referrals should be directed to the appropriate Investigation Single Point of Contact (SPOC), listed at **Appendix A**.
  - However, if there are process related queries (for example, determining whether the SFI or Unsolicited Post route is appropriate), an email should be sent to either or both of the Case Preparation SPOCs as follows:
    - [Michele.rossiter@dwp.gsi.gov.uk](mailto:Michele.rossiter@dwp.gsi.gov.uk)
    - [Deborah.walker@dwp.gsi.gov.uk](mailto:Deborah.walker@dwp.gsi.gov.uk)
  - For queries regarding the NFI tool, you should contact [Helpdesk@nfi.gov.uk](mailto:Helpdesk@nfi.gov.uk)
  - For queries regarding DWP benefit recipients, please use the Customer Information System or contact Benefit Services using the established Apollo Procedures currently in place.
  - For queries in line with Council Tax claimants not in receipt of any DWP benefits, or, the enquiry is relating to criminal proceedings you should refer these cases to [ndu.larequests@dwp.gsi.gov.uk](mailto:ndu.larequests@dwp.gsi.gov.uk). Note: These referrals must be done in writing, quoting the legislation being applied and the reason for the request.
14. If you have any general queries regarding this article please contact [marie.cave@dwp.gsi.gov.uk](mailto:marie.cave@dwp.gsi.gov.uk)

## Scottish rate of Income Tax

15. Under the Scotland Act 2016, passed on 23 March 2016, powers to set income tax bands and thresholds in Scotland were devolved to the Scottish Parliament from 6 April 2017. Responsibility for administering Scottish Income Tax remains with HM Revenue & Customs (HMRC).
16. On 22 November 2017 the Chancellor confirmed the Scottish Income Tax rates and limits for non-savings and non-dividend income for the 2018/19 tax year. He also announced a new Starter Tax Rate. The rates are as follows:

<b>Band</b>	<b>Taxable income</b>	<b>Scottish tax rate</b>
Scottish starter rate	£11,851 - £13,850	19%
Scottish basic rate	£13,851 - £24,000	20%
Scottish intermediate rate	£24,001 - £43,430	21%
Scottish higher rate	£43,431 - £150,000	41%
Scottish top rate	£150,001 and over	46%

17. Scottish taxpayers are identified by HMRC as being a Scottish taxpayer based on their main residence each year. Those identified as a Scottish taxpayer have an 'S' prefix added to their tax code. There are no in-year changes to tax codes as the result of a claimant moving either in or out of Scotland. HMRC will make a decision retrospectively regarding the main residency throughout the tax year and what tax code will be applied for the year of the change.
18. If you have any questions about this article please email [housing.benefitenquiries@dwp.gsi.gov.uk](mailto:housing.benefitenquiries@dwp.gsi.gov.uk)

## HM Courts and Tribunals Service relocating within Glasgow

19. Wellington House will be vacated completely on 26 March 2018 and everything (including hearings) will be moved to the new address at Atlantic Quay. Glasgow have a local implementation team who have engaged fully with external stakeholders on the move. The new address for the office will be:
- HM Courts and Tribunals Service  
The Glasgow Tribunals Centre  
20 York Street  
Glasgow  
G2 8GT
20. The customer contact centre telephone number will be changing to 0300 790 6234.

## Cases with the Upper Tribunal

### HB decisions by the Upper Tribunal

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

- CH/66/15: Spare Room Subsidy Removal (RSRS). LA decision restored. Carmichael followed.
- CH/1540/15: RSRS. Remit. Carmichael followed.
- CH/2992/16: Claimant appeal dismissed. Claimant had been awarded the maximum amount allowed by law.
- CH/1441/17: RSRS. Remit. Carmichael followed.
- CH/4493/14, CH/1458/15, CH/220/15, CH/90/15: RSRS. LA decision restored. Carmichael followed.
- CH/4492/14, CH/3901/14: RSRS. Remit. Carmichael followed.
- CH/2300/15: RSRS. LA decision restored. Carmichael followed.

22. Decisions of the UT are published on their website which can be found on [www.gov.uk](http://www.gov.uk)

23. If you have any queries about cases before the UT Judges or courts, please contact us by email at [fldmdma.customersupportservices@dwp.gsi.gov.uk](mailto:fldmdma.customersupportservices@dwp.gsi.gov.uk) or fax on 0113 232 4841.

### HB cases awaiting decision by the Upper Tribunal

24. DMA Leeds have not been made aware of any new HB/CTB cases that are awaiting decision by the UT since January's General Information Bulletin.

## New Legislation

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

- 2018 No.168, The Universal Credit (Work-Related Requirements) In Work Pilot Scheme (Extension) Order 2018, came into force 19 February 2018
- 2018 No.271, The Social Security Revaluation of Earnings Factors Order 2018, coming into force 6 April 2018
- 2018 No.332, The Social Security Benefits Up-rating Regulations 2018, coming into force 9 April 2018

- 2018 No.281, The Social Security Benefits Up-rating Order 2018, made on 6 March 2018
- 2018 No.280, The Social Security (Invalid Care Allowance) (Amendment) Regulations 2018, coming into force 9 April 2018
- 2018 No.316, The Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) (Amendment) Regulations 2018, coming into force 1 April 2018
- 2018 No.237, The Occupational Pension Schemes (Employer Debt and Miscellaneous Amendments) Regulations 2018, coming into force 6 April 2018
- 2018 No.368, The National Employment Savings Trust (Amendment) Order 2018, coming into force 6 April 2018
- 2018 No.315, The Mesothelioma Lump Sum Payments (Conditions and Amounts) (Amendment) Regulations 2018, coming into force 1 April 2018
- 2018 No.307, The Loans for Mortgage Interest and Social Fund Maternity Grant (Amendment) Regulations 2018, made on 5 March 2018
- 2018 No.279, The Guaranteed Minimum Pensions Increase Order 2018, coming into force 6 April 2018
- 2018 No.207, The Financial Assistance Scheme (Increased Cap for Long Service) Regulations 2018, made on 20 February 2018
- 2018 No.234, The Contracting-out (Transfer and Transfer Payment) (Amendment) Regulations 2018, coming into force 6 April 2018
- 2018 No.367, The Automatic Enrolment (Earnings Trigger and Qualifying Earnings Band) Order 2018, coming into force 6 April 2018
- 2018 No.233, The Occupational Pension Schemes (Administration and Disclosure)(Amendment) Regulations 2018, made on 22 February 2018

26. The following Statutory Rules (SRs) of Northern Ireland have been laid:

- 2018 No.36, The Universal Credit Housing Costs (Executive Determinations) (Amendment) Regulations (Northern Ireland) 2018, came into operation 2 April 2018
- 2018 No.37, The Loans for Mortgage Interest and Social Fund Maternity Grant (Amendment) Regulations (Northern Ireland) 2018, made on 6 March 2018

27. Copies of SIs/SRs can now be downloaded from [legislation.gov.uk](https://www.legislation.gov.uk)

## What's new on our HB pages on GOV.UK

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

<b>Document Type</b>	<b>Subject</b>	<b>Link</b>
<b>HB G2/2018</b>	<p>Clarification of Personal Details Verification Report evidence requirements</p> <p>Local Housing Allowance rates: Targeted Affordability Funding 2018-19</p> <p>HB decisions by the Upper Tribunal</p> <p>New Legislation</p> <p>What's new on our HB pages on <a href="http://www.gov.uk">www.gov.uk</a></p> <p>Guidance on evidence requirements to support the verification of a Date of Birth or Date of Death</p>	<p><a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/682772/g2-2018.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/682772/g2-2018.pdf</a></p>
<b>HB Direct issue 182</b>	<p>Editorial</p> <p>Cascading of our Housing Delivery Division communication products within your local authority</p> <p>Nugatory Change of address referrals</p> <p>Urgent reminder: Request for LA nominated Champions for the HB Debt Service project</p> <p>Update: Verify Earnings and Pensions service alerts</p> <p>The LA Insight Survey is now live</p>	<p><a href="https://www.gov.uk/government/publications/hb-direct-newsletters-2018/hb-direct-issue-182">https://www.gov.uk/government/publications/hb-direct-newsletters-2018/hb-direct-issue-182</a></p>

	<p>Replacing the Employee Authentication Service</p> <p>Transition to UC Housing Payments and the removal of temporary accommodation from UC</p> <p>LA Welfare Steering Group and POG</p> <p>Secondment Opportunities: DWP HDD</p>	
<b>Circular HB S4/2018</b>	Final New Burdens payment 2017/18 for the Real Time Information Bulk Data Matching Initiative	<a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/686494/s4-2018.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/686494/s4-2018.pdf</a>
<b>Circular HB A2/2018</b>	The Universal Credit (Miscellaneous Amendments, Saving and Transitional Provision) Regulations 2018	<a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/690867/a2-2018.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/690867/a2-2018.pdf</a>