

Housing Benefit

General Information Bulletin

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HB G1/2015

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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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Fraud and Error Reduction Incentive Scheme – reminder and update

Reminder

1. As you know the Fraud and Error Reduction Incentive Scheme (FERIS) was launched on 24 November 2014. We have already started evaluating and making payments to a number of start-up fund applications we have received since that date.
2. This is a reminder that the deadline for submitting your start-up application is **30 January 2015**.
3. Each local authority (LA) has been allocated a set amount in proportion to their Housing Benefit (HB) administration subsidy that can be applied for through the start-up fund application process. The application form was included in circular HB A17/2014 and is also available on [GOV.UK](http://gov.uk).
4. The purpose of this fund is to quickly provide LAs with an initial injection of funding to get off the ground in order to meet the FERIS thresholds.
5. If you are not intending to submit a bid you should still consider opting-in to FERIS. Once opted-in, if you meet your thresholds, you will automatically receive payments in line with those detailed in your FERIS invitation letter. You can opt-in by sending an email to feris.team@dwp.gsi.gov.uk stating that you wish to opt into the FERIS scheme.

Update

6. Since FERIS was launched a number of LAs have raised concerns that the baselines were abnormally high due to recent policy changes; namely the Benefit Cap and Removal of the Spare Room Subsidy. In response to this we have removed these reductions from our calculations and re-issued reduced baselines to LAs in a letter to LA Chief Executives (copied to Benefit Managers) on 9 January 2015.
7. We also plan to issue an HB circular this week containing answers to some frequently asked questions we have received about the scheme from LAs. This should address a number of common questions some of you have asked since FERIS was introduced. This circular will also be published on [GOV.UK](http://gov.uk).
8. If, however, you have not received your revised baseline letter or you have any further questions regarding FERIS please email us at feris.team@dwp.gsi.gov.uk

Personal Independence Payment rollout

9. Personal Independence Payment (PIP) is being further rolled out to working age Disability Living Allowance (DLA) claimants in additional postcode areas. From 26 January 2015, PIP will be extended to the following postcode areas:
 - G – Glasgow
 - NE – Newcastle
 - WA – Warrington
 - WN – Wigan
 - DH – Durham
 - SR – Sunderland
 - IV – Inverness.
10. Claimants in these postcodes will be invited to make a claim for PIP where:
 - their existing DLA award is fixed term and is coming to an end
 - they are approaching their 16th birthday
 - we have received information about a change in their care or mobility needs
 - someone chooses to claim PIP instead of DLA.
11. This follows on from the rollout in November 2014 when PIP was extended to a number of postcode areas including Manchester (M), Liverpool (L), Chester (CH) and Huddersfield (HD).
12. As part of the on-going drive to improve the PIP process we carried out a small pilot to test the effectiveness of phone calls to claimants whose claims had been disallowed or whose benefit had been reduced.
13. The pilot showed that when they received the call most claimants had already received and understood the written notification about their claim and not all required or wanted an explanation. So, since 23 December 2014, we no longer calls claimants to explain the decision on their claim for PIP. Claimants can still contact us to ask for an explanation.
14. The first [Independent Review of PIP](#), carried out by Paul Gray, was published on 17 December 2014. It explores how PIP is operating and the effectiveness of the assessment and makes a series of recommendations based on information gathered throughout the review. The recommendations focus on three main areas:
 - improving the experience for claimants
 - clarifying and improving the collection of further evidence
 - the overall effectiveness of the assessment.
15. The government has welcomed the review and will publish a detailed response in due course.

16. Also published on 17 December 2014 was the next set of experimental official [statistics on PIP](#), covering data up to October 2014. This provided an update to the previously published statistics and also included, for the first time, more detailed breakdowns of medical conditions.

17. Further information regarding both publications can be found on [GOV.UK](#)

Income from earnings

18. On the 9 May 2014 the Upper Tribunal (UT) issued decision number CH/48/2014. In summary, the decision stated that, contrary to current practice, LAs should attribute earnings of employed earners over the period following their receipt, rather than over the period for which they are earned when calculating entitlement to HB.

19. Ministers decided that the best response to the decision would be to clarify the situation by amending regulations to state that earnings of employed earners should be attributed over the period they are earned: that is, to retain the current practice. '*The Housing Benefit and Housing Benefit (Persons who have attained the qualifying age for state pension credit)(Income from earnings)(Amendment)Regulations 2015 (SI 2015/6)*' was laid on 12 January 2015 and comes into force on 9 February 2015.

20. The regulations insert new provisions into the Housing Benefit Regulations 2006 (SI 2006/213) and the Housing Benefit (persons who have attained the qualifying age for state pension credit) Regulations 2006 (SI 2006/214) to clarify when earnings of employed earners should be taken into account.

21. The new provisions are set out below.

New claim by an employed earner

22. When a claimant who is employed as an employed earner makes a new claim to HB, their earnings must be taken into account from their date of claim or the date that their claim is treated as made, regardless of whether or not the earnings were actually received in that benefit week.

Work started after claim made

23. For claimants who enter employment after a claim for HB is made but no decision has yet been made on that claim, or where there is an existing award of HB and employment starts, their earnings are taken into account from the first day in the benefit week after the employment starts regardless of whether or not they were actually received in that week.

Change to the earnings amount

24. When a claimant declares a change to their weekly earnings as an employed earner, the change takes effect from the first day of the benefit week following the date of the change to the average amount of earnings.

Queries

25. Any enquiries relating to this item should be sent to housing.benefitenquiries@dwp.gsi.gov.uk

Centralised address for registration of appeals in England and Wales

Background

26. You may be aware of the changes made to appeals procedures for new claims in England, Wales and Scotland from October 2013. These changes stem primarily from Section 102 of the Welfare Reform Act 2012 and consequent amendments to the Tribunal Procedure (First-tier Tribunal) (Social Entitlement Chamber) Rules 2008 (Tribunal Rules).
27. This has led to the introduction of Mandatory Reconsideration (MR) and to the direct lodgement of appeals with the Tribunals Service (as opposed to the first-tier decision making agency).
28. Most types of appeal in England and Wales are now lodged at Her Majesty's Courts and Tribunal Service, Direct Lodgement Centre in Bradford for England and Wales appeals, and in Glasgow for Scottish appeals.
29. However, social security appeals made prior to October 2013, and HB appeals ("legacy" appeals), are treated differently, in that they are sent to geographically-located processing sites (Regional Centres) around the country, to be registered.
30. In order to standardise and streamline procedures, and improve efficiency, that difference of approach is to be addressed, and all "legacy" appeals, in England and Wales, are to be sent to Bradford to be registered. Once registered, such appeals will then be referred to the relevant Regional Centre, who will still have responsibility for processing the rest of the appeal.

Change in Process

31. From **2 February 2015** we would like you to send all appeal responses against HB decisions in England and Wales, along with the requisite AT37 to

Direct Lodgement Centre
Phoenix House
Rushton Avenue
Thornbury
BD3 7BH

Please note that the address for sending appeal responses to in Scotland and Northern Ireland remains unchanged.

32. If you have any queries about this please feel free to contact SSCS Jurisdictional Support Manager Jane Tatum at SSCSA-consumer-services@hmcts.gsi.gov.uk

Cases with the Upper Tribunal

HB/CTB cases awaiting decision by the Upper Tribunal

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

- CH/3136/2014 - right to reside. Secretary of State invited to join.

34. 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.

HB/CTB decisions by the Upper Tribunal

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

- CH/2816/2013: Claimants' appeals (husband and wife separately). Dismissed. HB/CTB overpayments. Final decisions following provisional decision in *MN* [2014] UKUT 187 (AAC) (that was CH/1445/2013 addressing the human rights question concerning pensions under the Netherlands compensation scheme for those persecuted under National Socialism) that pensions correctly taken into account and more recently revised overpayment decisions confirmed.
- CH/3805/14: Temporary absence. Tribunal's decision notice was incorrect and basis for decision not clear. Case remitted for re-hearing
- CSH/626/2014: Claimant appeal. Dismissed. HB Spare Room Subsidy & disability. No threat to tenancy therefore no merits in arguments concerning HRA Articles 3 and 8.

- CH/3771/14: Capital. Property in France. Tribunal failed to address the question of when the claimant first took reasonable steps to sell the property.
- CSH/41/14 and CSH/42/2014: Spare room subsidy. Tribunal failed to explain adequately how it reached its decision. Upper Tribunal considered how regulation B13 should be applied.

36. Decisions of the Upper Tribunal are published on their website:
<http://www.administrativeappeals.tribunals.gov.uk/Decisions/decisions.htm>

Queries

37. 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

Fax – on: 0113 2324841

Statutory Instruments

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

- 2014 No.3248, The Mines Regulations 2014, coming into force 6 April 2015
- 2014 No.3280, The Tax Credits (Exercise of Functions) Order 2014, coming into force 1 April 2015
- 2015 No.6, The Statutory Maternity Pay and Statutory Adoption Pay (Curtailment) Regulations 2014, coming into force 9 February 2015

39. Copies of SIs can now be downloaded from
<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

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

Document Type	Subject	Link
HB G12/2014	2015/16 HB administration subsidy arrangements	https://www.gov.uk/government/publications/hb-bulletin-g122014

	<p>Service Level Agreement between Debt Management and LAs amendment</p> <p>Local Housing Allowance Targeted Affordability Funding for 2015/16</p> <p>Fraud and Error Reduction Incentive Scheme</p> <p>Universal Credit roll out</p> <p>Universal Credit data sharing consultation</p> <p>Good-bye Huddle and welcome to Glass Cubes collaboration tool</p> <p>HB/CTB decisions by the Upper Tribunal</p> <p>Statutory Instruments What's new on the web</p>	
HB A18/2014	HB Uprating 2015 - 16	https://www.gov.uk/government/publications/hb-circular-a182014-housing-benefit-uprating-for-financial-year-2015-to-16
HB A1/2015	Real Time Information bulk data matching initiative	https://www.gov.uk/government/publications/hb-circular-a12015-real-time-information-bulk-data-matching-initiative
HB A2/2015	HB War Pensions Uprating 2015 – 16	https://www.gov.uk/government/publications/hb-circular-a22015-war-pensions-uprating-apr-2015-to-mar-2016