

Housing Benefit

Urgent Bulletin

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

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Contact	Queries about the <ul style="list-style-type: none">• bulletin in general, contact housing.benefitenquiries@dwp.gsi.gov.uk• distribution of this bulletin, contact housing.correspondenceandPQs@dwp.gsi.gov.uk
Who should read	All Housing Benefit (HB) staff
Action	For information

Removal of the spare room subsidy – First tier Tribunal decisions

Background

1. Generally local authorities (LAs) initiate appeals to the Upper Tribunal in HB cases.
2. The Department for Work and Pensions (DWP) may opt to join an appeal or in some cases will take appeals forward where LAs have chosen not to do this. However, in order to do this DWP needs to be aware of the case, and as these decisions are returned only to LAs, DWP are not routinely made aware of these First tier Tribunal (FtT) decisions.
3. DWP needs to get a clearer picture of the number of FtT decisions where the removal of the spare room subsidy is the main issue. LAs are therefore asked to notify DWP of all FtT decisions relating to this subject regardless of whether the decision is overturned or whether you intend to appeal adverse decisions.

Action to take with immediate effect

4. Where FtT have upheld the LA's decision, forward a copy of just the decision notice to: -HPD.consultations@dwp.gsi.gov.uk
5. Where FtT have made an adverse decision forward the following information for each case:
 - a copy of the FtT decision notice
 - confirmation as to whether or not the LA intend to appeal against the decision.
6. In addition, for adverse decisions LAs should apply to the FtT for a statement of reasons and send urgently confirmation of the date this request was made, to: -HPD.consultations@dwp.gsi.gov.uk.
Once the statement has been received it should be forwarded urgently together with the covering letter from Her Majesty's Courts and Tribunals Service (HMCTS) to:
-HPD.consultations@dwp.gsi.gov.uk
7. These details will allow DWP to consider whether it is appropriate to intervene in a case or to decide if we want to be joined as a party even if the LA is appealing.

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