

Housing Benefit Circular

Department for Work and Pensions
Caxton House, Tothill Street, London SW1H 9NA

HB A20/2013

ADJUDICATION AND OPERATIONS CIRCULAR

WHO SHOULD READ	All Housing Benefit (HB) staff
ACTION	For information
SUBJECT	The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2013

Guidance Manual

The information in this circular does affect the content of the HB Guidance Manual. For Part A, please annotate the circular against 2,190; for Part B, W2,159, P2.159 and P1.180; for Part C, 4.33, 4.49, 4.70, 4.196 and 4.222.

Queries

If you

- want **extra copies of this circular/copies of previous circulars**, they can be found on the website at <http://www.dwp.gov.uk/local-authority-staff/housing-benefit/user-communications/hbctb-circulars/>
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 - **technical content of this circular**, contact housing.correspondenceandpgs@dwp.gsi.gov.uk
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The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2013

Introduction

1. The Social Security (Miscellaneous Amendments) Regulations 2013 (SI 2013/2536) were laid before Parliament on 8 October 2013 and come into force on 29 October 2013. These regulations make a number of amendments to various social security regulations. Most of these relate to Department for Work and Pensions (DWP) administered benefits and will not have any impact on Housing Benefit (HB) administration. However, several changes do affect the HB Regulations. The provisions amended are Regulation 2, 10, 87 and Schedule 4 of the HB Regulations 2006 and Regulation 2, 10, 68, Schedule 4 and Schedule 6 of the HB (State Pension Credit (SPC)) Regulations 2006. The most significant change for local authorities (LAs) administering HB is that claimants may now make alterations to their claim via the telephone regardless of how the claim was made.

Amendments to a benefit claim by a claimant

Background

2. Under current provisions, where a claimant makes a claim and wishes to correct a mistake that they have made before an authority makes its decision on that claim, such a correction must be made in writing where the claim was made in writing. Where the claim has been taken via the telephone, then a telephone correction can be accepted, but for a written claim, whilst a member of LA staff may telephone the claimant to query an apparent error, the claimant can only correct it in writing.

Impact of changes

3. Regulation 11(4) of the 2013 Regulations amends HB Regulation 87, and Regulation 12(4) amends HB (SPC) Regulation 68 to allow claimants to make a correction to their claim via the telephone regardless of how it was originally submitted. This is in line with DWP benefits and is intended to streamline the assessment of new HB claims by removing an unnecessary administrative burden to the correction of errors made on an original claim.

Changes to definitions

Impact of changes

4. Two changes to definitions regulations have been made to reflect changes made by the Welfare Reform Act 2012 and the increased powers of the National Assembly for Wales. Regulation 11(2) of the 2013 Regulations amends HB Regulation 2 and Regulation 12(2) of the 2013 Regulations amends HB (SPC) Regulation 2 to expand the definition of “enactment” to include the National Assembly for Wales and updates the definition of “Attendance Allowance” following the Industrial Injuries Scheme simplification measures contained in the Welfare Reform Act 2012. Obsolete references under s.111 and Schedule 8 of the Social Security Contributions and Benefits Act 1992 have been removed.

Part time firemen

Introduction

5. Part-time fire-fighters are not treated as being in remunerative work and have a special earnings disregard for purposes of calculating their entitlement to HB and DWP administered benefits. Regulations currently enable special rules to apply in HB where the claimant or their partner is a part-time fire-fighter in England and Wales employed by a fire and rescue authority under the Fire and Rescue Services Act 2004; and, in Scotland, employed by the Scottish Fire and Rescue Service established under s.1A of the Fire (Scotland) Act 2005.

Impact of Changes

6. Schedule 4 of both the HB Regulations 2006 and the HB (SPC) Regulations 2006 have been updated by Regulation 11(5) and 12(5) of the 2013 Regs respectively to clarify the income disregard provision for part-time fire-fighters to ensure that the disregard is applied to a part-time fire-fighter living in England or Wales but working for a fire authority in Scotland and vice versa. This update is to reflect the policy intention that the disregard should apply regardless of where within Great Britain the claimant or their partner lives and works, and is only likely to have any impact for authorities near the border between England and Scotland.

Disregard of Universal Credit arrears for Pension Credit and HB

Background

7. With the implementation of Universal Credit, amendments are required to the State Pension Credit Regulations 2002 and the 2006 HB (SPC) Regulations to allow for the carry forward of a capital disregard of arrears of benefit from an award of one benefit to an award of another benefit.

Impact of changes

8. Para 22(2) of Schedule 6 to the HB (SPC) Regulations has been amended by Regulation 12(6) of the 2013 Regulations to include Universal Credit in the list of specified benefits, which will enable arrears of Universal Credit to be disregarded when calculating the claimant's capital for purposes of their HB award.