

Housing Benefit

General Information Bulletin

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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 (HB) staff
Action	For information

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Benefit cap – official statistics release

1. An update to two sets of official benefit cap statistics was released on Thursday 5 December 2013.
2. The first set of statistics detail the number of households capped to October 2013 (based on data returned from local authorities (LAs) in the period 30 September to 24 October 2013). For the first time this includes cumulative statistics at LA level as well as national and regional level. The national level data is available by cap banding, number of children and household type.
3. The next monthly release of these official statistics will be on 9 January 2014 and the publication strategy for future releases will be updated when known.
4. The second set of statistics relate to national Jobcentre Plus activity regarding claimants who have been identified as potentially impacted by the benefit cap. The new data includes cumulative totals for Great Britain, up to 8 November 2013, and details:
 - the number of claimants identified as potentially affected by the benefit cap accepting employment support
 - the number of claimants identified as potentially affected by the benefit cap participating in employment support
 - the number of claimants identified as potentially affected by the benefit cap moving into work
5. These publications have been produced by departmental statisticians to adhere to the UK Statistics Authority protocols. These and future statistical releases can be accessed on the GOV.UK site using the following link: [Benefit cap statistics](#)
6. Since April 2012 Jobcentre Plus has been supporting claimants potentially affected by the benefit cap. This support has continued during the implementation of the cap with those who have actually been affected.
7. The Jobcentre Plus statistics are based on all claimants potentially affected by the cap. As the benefit cap has been implemented these statistics will begin to include both claimants who actually have been capped and those who have not because of changes to their circumstances. For this reason this will be the last statistical release of this type and from February 2014 the Department for Work and Pensions (DWP) will be publishing more detailed official statistics showing benefit cap off flows by reason. One of these reasons is “Working Tax Credit exemption” as a proxy for movements into work within the household. The new statistics will focus on those households impacted by the cap, rather than those claimants potentially affected.

Queries

If you have any queries about the information contained in this item please contact: benefitcap.external@dwp.gsi.gov.uk

Changes to Local Housing Allowance uprating

8. In the Autumn Statement 2012, the government announced further plans to limit the uprating of Local Housing Allowance (LHA) rates to 1% in 2014/15 and 2015/16. This means that for the next two years, rates will increase either by 1% or be set at the 30th percentile of local rents, whichever is the lower of the two.
9. In recognition of the fact that private rental markets differ across the country, the government committed to setting aside some of the savings from this measure (£45 million in 2014/15, increasing to £95 million in 2015/16). The primary objective of this Targeted Affordability Funding (TAF) is to help prevent more areas becoming unaffordable for HB claimants, once the 1% uprating limit is introduced.
10. During the summer, we held a 'call for evidence' exercise, to invite ideas and views on how the funding should be targeted. Following Ministerial agreement, we decided to reflect views to target the funding where LHA rates have diverged from the 30th percentile of market rents the most.
11. We have proposed that the rates that have diverged from market rents the most will be increased by 4% (subject to a maximum cap) rather than the 1% limit. This approach ensures fairness and addresses many of the issues raised in the 'call for evidence'.
12. Amendments to the Rent Officers Order to take these arrangements forward were laid and published on 2 December 2013, together with the government response to the 'call for evidence' exercise and an equality analysis of the policy changes.
13. The legislation can be found here:
<http://www.legislation.gov.uk/id/uksi/2013/2978>
14. The response to the 'call for evidence', including details of the LHA rates that will be increased by up to 4% next year, has been published at:
<https://www.gov.uk/government/consultations/local-housing-allowance-targeted-affordability-funding-call-for-evidence>
15. The equality analysis for the changes to LHA Uprating and the TAF can be found at: <https://www.gov.uk/government/publications/local-housing-allowance-uprating-equality-analysis>

16. The new LHA rates which will apply from April 2014 (for all Broad Rental Market Areas), will be determined and published by Rent Officers on 15 January 2014, together with the 30th percentiles of market rents.

Queries

If you have any queries about the information contained in this item please contact: housing.benefitenquiries@dwp.gsi.gov.uk

Universal Credit: guidance for LAs on implementation

17. The recently published questions and answers paper was commissioned by Lord Freud to address a number of key questions that you will want to develop your own unique answers to. It provides detail of what the LA Led Pilots found did and didn't work and provides recommendations on "dos and don'ts" following testing within the pilots. LAs and LA Associations, supported by DWP, the Department for Communities and Local Government and Scottish and Welsh governments, have worked closely together to produce this. It is a real and positive example of the benefits of joint working at local and national level.

18. The paper can be accessed using this link:
<https://www.gov.uk/government/publications/universal-credit-guidance-for-local-authorities-on-implementation>

Managed payments of the 'Universal Credit housing element' to landlords

19. Please find attached at Appendix A the latest information already released regarding the managed payments of the 'Universal Credit housing element' to landlords. We are committed to ensuring the safe and smooth rollout of Universal Credit and will provide more information as soon as possible.

HB decisions by the Upper Tribunal

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

- CH/4086/2012: HB/CTB overpayment - LTAHAW. (13 - 14) reiterates fundamental point that different decision makers can make differing decisions based on the same evidence, quoting *Moyna*. (16 et seq) analysis of "admirable signpost" - relevant emotional aspects of marriage and extent they should be taken into account.
- CH/1267/2013: HB "late" claim. The Upper Tribunal Judge did not decide this matter but noted that the First-tier Tribunal had erred in not

considering whether or not the claimant was exempt from actively seeking work under regulation 3D of, and schedule A1 to which would have allowed the good cause issue to be considered (not a backdating issue as such).

- CH/273/13, CH/274/13, CH/275/13: Owner of property was claimant's partner. Tribunal came to only conclusion it could have done on the evidence.
- CH/878/13: Decision without reasons.
- CH/3324/12: Decision without reasons.
- CSH/374/13: Liability. Tribunal failed to consider whether an ambiguity in the lease could be resolved.
- CH/756/13: LHA rate. Meaning of "facilities for cooking" in regulation 13D(2)(b)(ii).

HB cases awaiting decision by the Upper Tribunal

21. DMA Leeds is aware of the following HB/CTB cases that are awaiting decision by the Upper Tribunal:

- CSH/777/2013 - Human Rights: claimant shared care of child for three days a week. HB reduced to take account of extra bedroom but he argued it was for child. No provision on HB for shared child care.
- CH/2630/2013 – LTAHAW disputed. Supersession and recoverable overpayment.

22. 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.

Queries

Decisions of the Upper Tribunal are published on their website which can be found here:

<http://www.administrativeappeals.tribunals.gov.uk/Decisions/decisions.htm>

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

Statutory Instruments

23. The following Statutory Instruments (SIs) has been laid:

- 2013 No.2913, The Occupational Pensions (Revaluation) Order 2013, coming into force 1 January 2014
- 2013 No.2947, The Child Maintenance and Other Payments Act 2008 (Commencement No. 12 and Savings Provisions) and the Welfare Reform Act 2012 (Commencement No. 15) Order 2013, coming into force from 25 November 2013
- 2013 No.2978, The Rent Officers (Housing Benefit and Universal Credit Functions) (Local Housing Allowance Amendments) Order 2013, coming into force on 13 January 2014
- 2013 No. 2989, The Income-related Benefits (Subsidy to Authorities) Amendment (No. 2) Order 2013, coming into force from 28 January 2014

24. Copies of SIs can now be downloaded from DWP's own website:

<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.legislation.gov.uk/uksi>

What's new on the web

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

Document Type	Subject	Link
HB A21/2013	Size criteria rules for disabled children and treatment of joint tenants affected by removal of the spare room subsidy	https://www.gov.uk/government/publications/hb-circular-a212013-size-criteria-rules-for-disabled-children-and-treatment-of-joint-tenants-affected-by-removal-of-the-spare-room-subsidy
HB A22/2013	Information sharing relating to welfare services - domiciliary (non-residential) and residential care	https://www.gov.uk/government/publications/hb-circular-a222013-adjudication-and-operations-circular
HB S9/2013	Revised administration subsidy arrangements for English local authorities 2014/15	https://www.gov.uk/government/publications/hb-subsidy-circular-s92013-revised-administration-subsidy-arrangements-for-english-local-authorities

HB S10/2013	Administration costs for Scottish authorities 2014/15	https://www.gov.uk/government/publications/hb-subsidy-circular-s102013-administration-costs-for-scottish-authorities-201415
HB G11/2013	<p>Benefit cap – official statistics release</p> <p>Benefit cap – notifying DWP of a permanent decrease or end of HB entitlement in capped cases</p> <p>The Social Security (Persons Required to Provide Information) Regulations 2013</p> <p>Reassessing Disability Living Allowance claimants for Personal Independence Payment</p> <p>Recording of change events for SHBE performance purposes</p> <p>Statutory Instruments</p> <p>What's new on the web</p>	https://www.gov.uk/government/publications/hb-bulletin-g112013
Guidance	Universal Credit: guidance for local authorities on implementation	https://www.gov.uk/government/publications/universal-credit-guidance-for-local-authorities-on-implementation
Guidance	Universal Credit Local Support Services: update and trialling plan	https://www.gov.uk/government/publications/universal-credit-local-support-services-update-and-trialling-plan

HB circulars recently issued

HB A21/2013
HB A22/2013
HB S9/2013
HB S10/2013