

## Housing Benefit

### General Information Bulletin

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[www.gov.uk/government/organisations/department-for-work-pensions](http://www.gov.uk/government/organisations/department-for-work-pensions)

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**HB G8/2016**

**17 August 2016**

<b>Contact</b>	Queries about the <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@dpw.gsi.gov.uk">housing.correspondenceandpgs@dpw.gsi.gov.uk</a></li></ul>
<b>Who should read</b>	All Housing Benefit (HB) staff
<b>Action</b>	For information

## Contents

	paragraph
Amendment to Circular HB A7/2016.....	1
Discretionary Housing Payments mid-year monitoring return 2016/17 .....	3
Benefit cap changes – process for LAs receiving scans.....	9
Universal Credit and DHPs.....	16
HB Fraud and Error Good Practice Workshops.....	21
Amendments to Regulations.....	25
Temporary accommodation management fee subsidy payment .....	35
Cases with the Upper Tribunal .....	39
Statutory Instruments .....	42
What's new on the web .....	44
DHP Monitoring form issued as a separate Appendix A	

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## Amendment to Circular HB A7/2016

1. We recently issued circular [HB A7/2016](#) which provides guidance about the Housing Benefit (HB) and State Pension Credit (Temporary Absence) (Amendment) Regulations 2016 (SI 2016 / 624). Unfortunately, shortly after publication, an error was found in the example between paragraphs 15 and 16 of the circular. The example has been corrected and a revised version of the circular was placed on GOV.UK on 22 July 2016.
2. If you have any queries please email [housing.benefitenquiries@dwp.gsi.gov.uk](mailto:housing.benefitenquiries@dwp.gsi.gov.uk)

## Discretionary Housing Payments mid-year monitoring returns 2016/17

3. Thank you for providing your end of year 2015/16 Discretionary Housing Payments (DHPs) monitoring returns. The information was published as an [official statistic](#) on 6 July 2016.
4. As previously stated, these monitoring returns continue to improve the Department for Work and Pensions' (DWP's) understanding of how DHPs are being used to support people affected by the welfare reforms.
5. You are now asked to provide information in respect of the period 1 April 2016 to 30 September 2016. We are, again, only seeking details of DHPs paid during this period; please do not include DHP spend, which is committed, but is due to be paid after 30 September. Further details can be found in the [DHP Guidance Manual](#) and the 'Guide to completion' tab of the DHP monitoring form attached separately as Appendix A.
6. In line with the approach taken previously, the monitoring form asks for the value of DHPs paid, broken down into welfare reform impact and the purpose of the award, for example; award made as a result of implementation of the benefit cap with the purpose of helping the claimant secure and move into alternative accommodation. If the information relating to the purpose of award is not available, local authorities (LAs) are asked to just record the total DHP paid in respect of the welfare reform listed.
7. We would also like to take the opportunity to confirm that the DHP monitoring return should include payments made to both HB and Universal Credit (Housing Costs) claimants.
8. Please complete and return the monitoring form by Friday 14 October 2016, to [dhp.monitoringinbox@dwp.gsi.gov.uk](mailto:dhp.monitoringinbox@dwp.gsi.gov.uk)

## Benefit cap changes – process for LAs receiving scans

9. As announced in Bulletin [G2/2016 \(Revised\)](#), DWP will issue a second direct mail in September 2016 to HB claimants who are likely to be impacted by the changes to the benefit cap levels from 7 November 2016. Ahead of this DWP will also send each LA a scan listing their HB claimants who will be sent the mailing.
10. DWP will produce the scans and send by PGP an encrypted email (using the Public Key files for the PGP key holders) or by a password protected email to those without PGP. The scans will be sent between 5 and 9 September 2016 inclusive.
11. The scans will provide an indication of the number of households likely to be impacted at the time they are produced. The numbers on the scan may differ from the numbers that go on to be capped because of changes in circumstances such as new claims to exempt benefits, moving into work, becoming eligible for Working Tax Credits, etc.
12. Instructions will be sent with the scans to explain:
  - that it is the LA's role to check they have received and can open the scans
  - for those without PGP, how to obtain a password from DWP
  - who to contact if there are problems opening the scan
  - who to contact if there are any questions on the actual content of the scans.
13. An aide memoire will also accompany the scans to explain the scan information.
14. Letters informing claimants that they may be impacted by the benefit cap changes, will be posted out from 19 September 2016 over a 10 day period, therefore if you intend to contact any claimants about the benefit cap it is not advisable to do so until after 30 September 2016. Contacting claimants before they have been notified could be confusing for them. The scan will identify those claimants who were not on the scan sent out in May 2016.
15. If you have any queries regarding this article please email the Benefit Cap Changes Project at [caroline.a.mcdermott@dwp.gsi.gov.uk](mailto:caroline.a.mcdermott@dwp.gsi.gov.uk)

## Universal Credit and DHPs

16. We would like to take the opportunity to remind LAs that as long as a claimant has an established entitlement to housing costs for rental liability in Universal Credit they can apply to the LA for a DHP. The decision to award such a payment remains, of course, at the LA's discretion.

17. In the full service, entitlement to housing costs in Universal Credit can be proved via access to a claimant's online account. In live service areas claimants can request written evidence, which breaks down their award.
18. Until the end of the first assessment period of the Universal Credit claim, the claimant will not have an established entitlement to Universal Credit and we recognise that rent arrears may accrue during this period. However, once a claimant's entitlement to Universal Credit housing costs is established for the period during which any rent arrears have accrued, an LA may decide to award the claimant a DHP to meet those arrears.
19. The [DHP Guidance Manual](#) will be updated to reflect this information in due course.
20. If you have any questions regarding this article please email [dhp.monitoringinbox@dwp.gsi.gov.uk](mailto:dhp.monitoringinbox@dwp.gsi.gov.uk)

## **HB Fraud and Error Good Practice Workshops**

21. Our series of 21 workshops concluded in Manchester on 27 July 2016. They were well supported across the country, with over 500 delegates attending representing more than 250 LAs. Feedback has been extremely positive, including one delegate commenting, "This is the best workshop I've attended!".
22. The primary aim to get LAs working together to share good practice was met and many LA networks are now established to continue sharing ideas. Included below is a list of the workshop source materials which are available on GOV.UK or Glasscubes:
- [Housing Benefit Review - Good Practice Guide](#)
  - [Fraud and Error Reduction Incentive Scheme - Good Practice Guide](#)
  - [Overpayment recovery - Good Practice Guide](#)
  - [Glasscubes - Presentation](#)
23. We will be publishing responses to the questions raised at the workshops along with the syndicate exercise good practices on Glasscubes shortly.
24. Once again, we would like to take this opportunity to thank all those LAs who provided a venue and facilities for the events.

## **Amendments to Regulations**

### **The Social Security (Treatment of Postgraduate Master's Degree Loans and Special Support Loans) (Amendment) Regulations 2016 (SI 2016/743)**

25. Two new student loans are being introduced from the 2016/2017 academic year. SI 2016/743 amends the HB Regulations 2016 (SI 2006/213) by adding disregards for the Postgraduate Master's Degree Loan and the Special Support Loan (see below for more details about the treatment of these loans). The regulations were laid on 14 July 2016, and came into force on 4 August 2016. No amendments are being made to the HB (persons who have attained the qualifying age for state pension credit) Regulations 2006 (SI 2006/214).

### **Postgraduate Master's Degree Loans**

26. In his 2015 Autumn Statement, the Chancellor announced a new loan for students wanting to undertake a postgraduate Master's degree. A new postgraduate Master's Degree Loan will be available for either full-time (1 year) or part-time (2 year) courses starting in September 2016. It will not be available to existing postgraduate Master's students.

27. Eligible students can apply for a loan of up to £10,000. The loan is not specifically paid for tuition fees and/or maintenance costs, it will be paid directly to the student and it will be at the student's discretion what they use it for. As the new loan is not specifically made for tuition or maintenance costs, these regulations provide the formula to be applied when calculating an appropriate amount for maintenance costs in the new loan.

28. The calculation to be applied is that 30% of the maximum loan will be treated as being for maintenance costs. The average annual tuition fees for a full-time Master's degree course have been assessed at around £7,000. So the annual amount to be taken into account using the formula will be £3,000 ( $£10,000 - £7,000 = £3,000$  (30%)). This will also apply to cases where the claimant is treated as having a new loan where they have failed to take all reasonable steps to acquire it.

### **Special Support Loans**

29. Special Support Grants are intended to meet the cost of books, equipment, travel expenses and childcare and are fully disregarded under existing legislation. From the beginning of the 2016/17 academic year, Special Support Loans will replace Special Support Grants. The same disregard that applies to Special Support Grants will apply to a Special Support Loan. SI 2016/743 inserts a new regulation 64B 'Treatment of Special Support Loans' into SI 2006/213.

## **The Children and Young People (Scotland) Act 2014 (Consequential)**

30. 'Continuing care' is a new scheme which helps Scottish care leavers by continuing to provide them with accommodation and support when they cease to be a 'looked after child' (see below for more details). SI 2016/732 makes amendments to the HB Regulations 2006 (SI 2006/213) and the HB (persons who have attained the qualifying age for state pension credit) Regulations 2006 (SI 2006/214), by inserting a new disregard for payments made under Section 26A of the Children (Scotland) Act 1995. The Order was laid on 13 July 2016 and came into force on 5 August 2016.
31. Section 26A places a duty on Scottish LAs, subject to certain exceptions, to provide 'continuing care' to an eligible young person where they cease to be 'looked after' by them. 'Continuing care' is defined as meaning the same accommodation and other assistance as was being provided by the LA immediately before the person ceased to be 'looked after'.
32. Currently Section 26A applies to young people aged 16 and 17 though once they are receiving 'continuing care', it can continue until they reach age 21. The amendments to the HB regulations ensure that any payments made under Section 26A are fully disregarded.
33. As this new category of care leaver will receive support from an LA in the same way as those who currently receive after-care under section 29 of the Children (Scotland) Act 1995, they will not be entitled to HB while they are under the age of 18. This Order amends regulation 2 of the Children (Leaving Care) Social Security Benefits (Scotland) Regulations 2004 (SI 2004/747) by adding a reference to continuing care so that a person receiving continuing care cannot receive HB.
34. If you have any queries regarding the content of this article please email [housing.benefitenquiries@dwp.gsi.gov.uk](mailto:housing.benefitenquiries@dwp.gsi.gov.uk).

## **Temporary accommodation management fee subsidy payment**

35. In his 2015 Autumn Statement the Chancellor announced that the temporary accommodation management fee paid from DWP to LAs on a per household basis will end from 2017/18; and that more than equivalent funding will be devolved to LAs through a new grant to allow them to better manage temporary accommodation pressures.
36. In keeping with this policy announcement, LAs will need to be aware that the DWP will not be paying the additional HB subsidy payment for temporary accommodation management fee from April 2017 onwards.
37. The Department for Communities and Local Government will be responsible for the alternative funding for LAs in England from April 2017. They are engaging with LAs and other stakeholders over the summer and aim to provide details in the autumn. In the case of devolved administrations

(Scotland, Wales and Northern Ireland), additional funding will be included in their block grants which will be allocated to them in the usual way.

38. If you have any queries regarding the content of this article please contact [gethin.hughes@dwp.gsi.gov.uk](mailto:gethin.hughes@dwp.gsi.gov.uk)

## Cases with the Upper Tribunal

### HB/CTB decisions by the Upper Tribunal

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

- The recent entry CH/86/2016 was incorrect. It should have read: CSH/86/2016: Claimant appeal. Dismissed. HB/Council Tax Benefit (CTB) overpayments. LA had entered weekly earnings as annual earnings therefore assessments and decision notices showed weekly earnings £1.78. Distinguished from previous decisions relied on by claimant, he could reasonably have realised ... Regulation 100(2).
- CH/4414/2014: Spare Room Subsidy. Remit. Nelson followed.
- CH/3124/2015: HB/CTB overpayment. Remitted. Married couple in same household but not living separately, therefore living together as a married couple all income to be taken into account in the HB/CTB allowance assessments.
- CH/2862/2015: Spare Room Subsidy. Claimant appeal upheld. Nelson followed.
- CH/3347/2015: Spare Room Subsidy. Remit. Conflicts in evidence not addressed.
- CH/284/2015 and CH/814/2015: are similar decisions with the same heading: Spare Room Subsidy. Remit. Nelson followed.
- CH/1982/15: - HB overpayment, appeal dismissed, no error of law identified. Overpayment recoverable, claimant failed to inform LA they moved out, no evidence of any calls made to LA.
- CH/1124/2016: Remitted. Natural justice. First-tier Tribunal (FtT) failed to provide adequate reasons for its decision to proceed without appellant.
- CH/2844/2015: Remitted. FtT failed to deal with a material point, namely whether the claimant's appeal should have been allowed under the provisions of regulation 4(c) HB Regulations.
- CH/255/2016: More findings needed on whether claimant had any liability for occupation of the property.

- CH/2607/2014: Spare Room Subsidy. LA decision restored. Nelson followed.
- CH/4612/2014: Claimant's rented out flat did not amount to a business asset for capital purposes.

40. Decisions of the Upper Tribunal are published on their website which can be found [here](#).

41. If you have any queries about cases before the Upper Tribunal Judges or courts, you can contact us by email at [fldmdma.customersupportservices@dwp.gsi.gov.uk](mailto:fldmdma.customersupportservices@dwp.gsi.gov.uk) or fax on 0113 2324841.

## Statutory Instruments

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

- 2016 No.743 The Social Security (Treatment of Postgraduate Master's Degree Loans and Special Support Loans) (Amendment) Regulations 2016, coming into force 4 August 2016
- 2016 No.776, The Pensions Act 2004 (Code of Practice) (Governance and Administration of Occupational Trust-based Schemes Providing Money Purchase Benefits) Appointed Day Order 2016, coming into force 28 July 2016

43. 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.opsi.gov.uk/stat.htm>

## What's new on the web

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

Document Type	Subject	Link
<b>HB G7/2016</b>	Benefit cap use of current guidance and template  HB Fraud and Error Good Practice Workshops  Cases with the Upper Tribunal	<a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/538067/g7-2016.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/538067/g7-2016.pdf</a>



	Statutory Instruments  What's new on the web  Benefit cap template (issued as a separate attachment) Appendix 1	
<b>HB A6/2016</b>	Payment Deductions Project	<a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/537846/a6-2016.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/537846/a6-2016.pdf</a>
<b>HB A7/2016</b>	The HB and State Pension Credit (Temporary Absence) (Amendment) Regulations 2016	<a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/540417/a7-2016.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/540417/a7-2016.pdf</a>
<b>HB U2/2016</b>	Payment Deduction Project (urgent update about the interface)	<a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/540462/u2-2016.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/540462/u2-2016.pdf</a>