

# Housing Benefit and Council Tax Benefit

## General Information Bulletin

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<http://www.dwp.gov.uk/local-authority-staff/housing-benefit/>

**HB/CTB G3/2013**

**20 March 2013**

<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.correspondenceandpqs@dwp.gsi.gov.uk">housing.correspondenceandpqs@dwp.gsi.gov.uk</a></li></ul>
<b>Who should read</b>	All Housing Benefit (HB) and Council Tax Benefit (CTB) staff
<b>Action</b>	For information

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## **Spare Room Subsidy - awareness campaign**

1. The Department for Work and Pensions (DWP) will be placing adverts in a number of regional press titles nationally to raise awareness of the changes to the Housing Benefit (HB) size criteria for social sector tenants, which will start on 1 April 2013. These adverts will begin to appear from Friday 22 March 2013 and will continue through week commencing 25 March 2013.
2. The adverts will explain the policy intention behind the changes and will confirm that those affected should already have been contacted by their local authority (LA), but will signpost again to the LA and [www.gov.uk/housing-benefit](http://www.gov.uk/housing-benefit) for further information.
3. Although the campaign does not advise those affected to do anything, it may result in an increase in enquiries to LAs over the period the adverts appear.
4. Further information on the changes can be found at <http://www.dwp.gov.uk/local-authority-staff/housing-benefit/claims-processing/size-criteria/>

## **Queries**

If you have any questions please e-mail:

[housing.benefitenquiries@dwp.gsi.gov.uk](mailto:housing.benefitenquiries@dwp.gsi.gov.uk)

## **Benefit cap**

5. In December 2012, DWP announced that, as part of a phased rollout of the benefit cap, Bromley, Croydon, Enfield and Haringey LAs would be the first to start to apply the benefit cap from 15 April 2013. General Information Bulletin HB/CTB G12/2012 issued on 21 December 2012 refers.
6. We can now confirm that all other LAs will begin to apply the cap from 15 July 2013. All households identified as being appropriate to be capped will, in line with existing plans, have been capped by the end of September 2013. DWP are informing those claimants in those LAs that the benefit cap will be applied from 15 July 2013

## **March 2013 Scans and Direct Mails**

7. The March 2013 scans were issued on 13 March 2013 to LA contacts who had previously received the scans via secure email. These are a full 'stock' scan and consist of all existing potential benefit cap cases.
8. In March 2013, direct mails are due to be issued to:
  - stock (previously notified) benefit cap claimants to who the cap may apply from 15 July 2013
  - on-flow (new) claimants to who the cap may apply from 15 July 2013.

9. The direct mail letters will be issued in 4 benefit cap category groups over a period of 8 working days from 19 March 2013 to 28 March 2013. The category groups are:

**Letter A** - is for 'stock' claimants (those we have written to previously), currently above cap levels with their 2012 benefit awards and in national roll-out areas.

**Letter B** – is for 'onflow' claimants (i.e. not previously written to), currently above cap levels with their 2012 benefit awards and in national roll-out areas.

**Letter C** - to 'stock' claimants (those we have written to previously) who are under the cap threshold with their 2012 benefit awards, but who are likely to be over the cap threshold with the April 2013 benefit rates, in the national roll-out areas.

**Letter D** - to 'onflow' claimants not picked up in previous scans (i.e. not previously written to) who are under the cap threshold with their 2012 benefit awards, but who are likely to be over the cap threshold with the April 2013 benefit rates, in the national roll-out areas.

10. All letters will inform claimants that the cap will be applied from 15 July 2013, with all households identified as being appropriate to be capped having been so by the end of September 2013.
11. Letters A and B will inform individuals of the amount of Housing Benefit they are likely to lose in bandwidths of £50.

### Queries

If you have any queries about any of the above, please contact:

[benefitcap.external@dwp.gsi.gov.uk](mailto:benefitcap.external@dwp.gsi.gov.uk)

### Legislative Changes for the Armed Forces Independence Payment

12. This item is to highlight the introduction of the Armed Forces Independence Payment (AFIP) and the legislation that has been affected by key changes to AFIP and other benefits, and should be read in conjunction with circular HB/CTB A5/2013.
13. For Local Council Tax Reduction (LCTR) in England and Wales, AFIP is included in the legislation for the default and prescribed requirements schemes, and is being treated as equivalent to an award of the daily living component of Personal Independence Payment (PIP) at the enhanced rate. In Scotland, AFIP is not yet included anywhere in the legislation.
14. This would have implications for seriously injured ex-service personnel in Scotland who are eligible for Council Tax Benefit (CTB) and migrate from

Disability Living Allowance (DLA) to AFIP who may well lose out financially and need to start paying Council Tax.

15. In England, where customers are eligible for a Council Tax (CT) discount recipients of standard or enhanced rate daily living component of PIP will be disregarded for the purpose of calculating CT discounts. Similarly, live-in carers of recipients of standard or enhanced rate daily living component of PIP will be disregarded subject to other qualifying criteria.
16. In Scotland, disabled people will be disregarded on the same basis as in England. However, live-in carers of recipients of enhanced rate daily living component of PIP only will be disregarded.
17. In England, AFIP recipients and their live-in carers will both be disregarded subject to other criteria. In Scotland, AFIP recipients and their carers are not yet disregarded in the legislation. The Welsh Government has not yet legislated for PIP or AFIP.
18. Again this would have implications for seriously injured ex-service personnel in Scotland who migrate from DLA to AFIP as they may see a CT increase.
19. The Scottish Government is currently liaising with Ministry of Defence (MOD) to establish which passports need to be made for AFIP recipients, and the timescales for making required amendments.
20. There are a number of other PIP passported benefits that the Scottish Government has not yet legislated, these include disabled facilities grants, help with National Health Service (NHS) prescriptions, travelling expenses, and proxy voting without medical attestation.
21. This will affect PIP claimants who move to Scotland and DLA claimants who migrate to AFIP. These customers will not be able to benefit from these schemes in the same way as DLA claimants.
22. The Scottish Government are considering making all these legislative changes as soon as possible to provide parity for PIP and AFIP with DLA. But it is clear that the legislation will not be in place in time for 8 April 2013.
23. Some of these changes will impact the Information Technology (IT) software supplier companies who may not be ready to adjust systems to treat claimants differently in England and Scotland.
24. MOD will stockpile current and future AFIP claims from Scotland for up to three months from 8 April 2013 to allow Scottish legislation to be amended. However, the stockpiling will not continue beyond three months from 8 April 2013, as this would mean veterans would lose out as AFIP can not be backdated beyond three months.
25. This should ensure that veterans who already benefit from passporting provisions under DLA will maintain them under AFIP.
26. Further information will be issued soon.

## Queries

If you have any queries about any of the above, please contact:

[des.healy@dwp.gsi.gov.uk](mailto:des.healy@dwp.gsi.gov.uk)

## Statutory Instruments

27. The following Statutory Instruments (SIs) has been laid

- 2013 No.376, The Universal Credit Regulations 2013, coming into force 29 April 2013
- 2013 No.377, The Social Security (Personal Independence Payment) Regulations 2013, coming into force from 25 February 2013
- 2013 No.378, The Jobseeker's Allowance Regulations 2013, coming into force 29 April 2013
- 2013 No.379, The Employment and Support Allowance Regulations 2013, coming into force 29 April 2013
- 2013 No.380, The Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013, coming into force from 8 April 2013
- 2013 No.381, The Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Decisions and Appeals) Regulations 2013, coming into force from 8 April 2013
- 2013 No.382, The Rent Officers (Universal Credit Functions) Order 2013, coming into force 29 April 2012
- 2013 No.383, The Social Security (Payments on Account of Benefit) Regulations 2013, coming into force from 1 April 2013
- 2013 No.384, The Social Security (Overpayments and Recovery) Regulations 2013, coming into force from 8 April 2013
- 2013 No.385, The Social Security (Loss of Benefit) (Amendment) Regulations 2013, coming into force from 1 April 2013
- 2013 No.386, The Universal Credit (Transitional Provisions) Regulations 2013, coming into force 29 April 2013
- 2013 No.387, The Personal Independence Payment (Transitional Provisions) Regulations 2013, coming into force 8 April 2013
- 2013 No.388, The Personal Independence Payment (Supplementary Provisions and Consequential Amendments) Regulations 2013, coming into force from 8 April 2013
- 2013 No.389, The Social Security (Disability Living Allowance, Attendance Allowance and Carer's Allowance) (Amendment) Regulations 2013, coming into force from 7 April 2013
- 2013 No.454, The Social Security (Information-sharing in relation to Welfare Services etc.) Amendment and Prescribed Bodies Regulations 2013, coming into force 1 April 2013
- 2013 No.455, The Social Security (Personal Independence Payment) (Amendment) Regulations 2013, coming into force 8 April 2013

- 2013 No.456, The Social Security (Claims and Payments) Amendment Regulations 2013, coming into force 1 April 2013
- 2013 No.458, The Council Tax Benefit Abolition (Consequential Provision) Regulations 2013, coming into force 1 April 2013

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

28 The following items can be found on the website link shown

<b>Document Type</b>	<b>Subject</b>	<b>Link</b>
<b>HB/CTB A4/2013</b>	DWP changes to support the abolition of Council Tax Benefit	<a href="http://www.dwp.gov.uk/docs/a4-2013.pdf">http://www.dwp.gov.uk/docs/a4-2013.pdf</a>
<b>HB/CTB A5/2013</b>	The Armed Forces and Reserve Forces Compensation Scheme (Consequential Provisions: Subordinate Legislation) Order 2013	<a href="http://www.dwp.gov.uk/docs/a5-2013.pdf">http://www.dwp.gov.uk/docs/a5-2013.pdf</a>
<b>HB/CTB U1/2013</b>	Identifying those living in supported exempt accommodation	<a href="http://www.dwp.gov.uk/docs/u1-2013.pdf">http://www.dwp.gov.uk/docs/u1-2013.pdf</a>
<b>HB/CTB U2/2013</b>	Court of Appeal judgement: Burnip, Trengove and Gorry	<a href="http://www.dwp.gov.uk/docs/u2-2013.pdf">http://www.dwp.gov.uk/docs/u2-2013.pdf</a>
<b>HB/CTB G1/2013</b>	Access to DWP and HMRC data on the CIS system –management checks  The role of Performance Measurement  Loss of Benefits – new changes from 1 April 2013  Statutory Instruments  What's new on the web	<a href="http://www.dwp.gov.uk/docs/g1-2013.pdf">http://www.dwp.gov.uk/docs/g1-2013.pdf</a>

<p><b>HB/CTB G2/2013</b></p>	<p>The National Treatment Agency (Abolition) and the Health and Social Care Act 2012 (Consequential, Transitional and Savings Provisions) Order 2013</p> <p>Helping you prepare for Personal Independence Payment and controlled start postcodes</p> <p>Calculation of overpayments – underlying entitlement The Social Security (Habitual Residence) (Amendment) Regulations 2012</p> <p>HB/CTB Cases awaiting decision by the Upper Tribunal</p> <p>Statutory Instruments</p> <p>What's new on the web</p>	<p><a href="http://www.dwp.gov.uk/docs/issue-134-feb-2013.pdf">http://www.dwp.gov.uk/docs/issue-134-feb-2013.pdf</a></p>
<p><b>HB Direct issue 135 March 2013</b></p>	<p>Newsletter</p>	<p><a href="http://www.dwp.gov.uk/docs/issue-135-march-2013.pdf">http://www.dwp.gov.uk/docs/issue-135-march-2013.pdf</a></p>

**HB/CTB circulars recently issued**

HB/CTB A4/2013

HB/CTB A5/2013