

## Housing Benefit

### General Information Bulletin

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

ISSN 2054-2836 (Online)

**HB G2/2014**

**17 February 2014**

<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 staff
<b>Action</b>	For information

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## Information pack for local authorities using Direct Earnings Attachments

1. The Welfare Reform Act 2012 supported by the Social Security (Overpayments and Recovery) Regulations 2013 introduced Direct Earnings Attachments (DEAs) from April 2013. Following a successful pilot in the Department for Work and Pensions (DWP) to recover overpayments through the use of DEAs, an information pack is now available to help local authorities (LAs) who use DEAs as a tool for recovering Housing Benefit (HB) debt.
2. The pack includes:
  - a summary of the DWP DEAs Pilot evaluation
  - letter templates
  - hints & tips
  - process flow chart
  - training tools
3. It is important to note that these documents are the property of DWP and letters from councils must have LA logos, phone numbers, contact details etc. before use by LAs.
4. To request a copy of the information pack please email:  
[hbandctb.overpayments@dwp.gsi.gov.uk](mailto:hbandctb.overpayments@dwp.gsi.gov.uk)

## Personal Independence Payment statistics released

5. The first official statistics for claims to the new disability benefit, Personal Independence Payment (PIP), were published on 11 February. The statistics can be found on the [ad hoc statistics page](#) on GOV.UK.
6. DWP has received about 30,000 claims per month on average for PIP.
7. The figures show that 37% of standard claims have been successful. For people with terminal illnesses however, 100% of all claims have been successful. These figures have been rounded to the nearest percentage point.
8. For more information about PIP for advisors, visit the [PIP toolkit](#). Contact details for the statistics are on the [GOV.UK DWP statistics page](#).

## **Irish Government ‘ex gratia’ payments to workers in Magdalen laundries**

9. The Republic of Ireland Government has decided to introduce a compensation scheme to make *ex gratia* payments to women who were admitted to and worked in certain laundries in the Republic of Ireland. Successful applications will start being paid imminently and payments may be backdated to August 2013.
10. We have little information as to the number of women receiving means tested benefits in Great Britain (GB). However, numbers receiving these payments for GB benefit purposes is likely to be extremely small; with Pension Credit age (PCa) and State Pension age (SPa) HB most likely to be affected.
11. The scheme has two separate elements:

### **Compensation payment – based on the length of time spent in one of the listed institutions**

12. Depending on the amount of the payment it will be in the form of a lump sum and/or income:
  - the maximum permitted payment will be €100,000, of which the maximum lump sum payable will be €50,000
  - any amount in excess of this sum will be payable as tax-free weekly income calculated actuarially on established life expectancy tables

### **State Pension (contributory) payments**

13. These payments are made to ensure that the women who worked in the laundries have an income of at least a recommended level and are called “weekly top up payments”:
  - women of or reaching Republic of Ireland SPa with less than a full contributory SP record will have the rate of their weekly state contributory pension income increased to the equivalent of the maximum Irish contributory SP (€230.30 weekly)
  - women below SPa will receive a minimum weekly income of €100 (net of any other Irish state benefits)

### **Action to be taken**

14. DWP legal advice is that the lump sum payments are not made in consequence of a personal injury for GB social security purposes. In line with existing legislation the following action should be taken when assessing entitlement to HB for persons who have attained the qualifying age for State Pension Credit (SPC).

## Compensation lump sum payments

15. If the payments are **not placed in trust** they should be taken into account for the purposes of calculating deemed income (£1 weekly for every £500 above the initial capital disregard of £10,000).
16. Where these are **placed in trust**, the capital value of these payments should be disregarded for the purposes of calculating deemed income.
17. If the trust is a **discretionary trust** (the beneficiary cannot demand payment from the trustees) disregard the first £20 of a payment made to a claimant for one or more of the following items:
- food
  - ordinary clothing or footwear
  - household fuel
  - rent
  - council tax
  - water charges
  - housing costs met as additional amounts in the Appropriate Minimum Guarantee
18. Payments made for purposes other than those listed above should be disregarded in full.
19. If payments are made to a claimant from a **non-discretionary trust**, they should be taken fully into account as income when calculating entitlement to HB (SPC).

## Compensation income payments

20. If a claimant receives compensation payments as regular income, these should be disregarded in full as they are not listed as income to be taken into account for HB(SPC) purposes.

## SP contributory 'top up' payments

21. If a claimant receives a 'weekly top up' payment to their SP as described above, such payments should be taken fully into account, as payments in lieu of Retirement Pension income.

## Queries

22. If you have any queries about this item please contact:  
[housing.benefitenquiries@dwp.gsi.gov.uk](mailto:housing.benefitenquiries@dwp.gsi.gov.uk)

## HB decisions by the Upper Tribunal

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

- CH/2902/2012: Living Together as Husband and Wife or Civil Partners (LTAHAW/CP): (see paragraph 33) - need for "a publicly acknowledged committed emotional relationship" (also see CIS/1638/2012)
- CH/1574/2013: Substitution but to same effect. HB LTAHAW/CP Overpayment - official error - claimant could not reasonably have been expected to realise she was being overpaid
- CH/140/13: Overnight care from daughter. Claimant entitled to two bedroom Local Housing Allowance rate although daughter slept in lounge rather than separate bedroom
- CH/1195/2013: HB Council Tax Benefit overpayments. Claimant disclosed weekly Working Tax Credits figures on claim form - treated as monthly figures by LA. First Tier Tribunal (FtT) allowed claimant's appeal on a supersession technicality. Technicality resolved by Upper Tribunal and remitted for Regulation 100(2) to be considered

## HB cases awaiting decision by the Upper Tribunal

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

- CH/2413/2013 – Claimant appeal – spouse's inherited capital not disclosed.
- CH/2727/2013 – Claimant appeal – calculation of Self-Employed earnings and offset of loss against other income.

25. 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 an FtT Judge. Please let us know if a case reference (CH/.. or CSH/..) has been allocated.

## Queries

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

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

27. 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](mailto:fldmdma.customersupportservices@dwp.gsi.gov.uk)

or fax on: 0113 2324841

## Statutory Instruments

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

- 2014 No.76, The Social Security (Graduated Retirement Benefit) (Married Same Sex Couples) Regulations 2014, coming into force 13 March 2014
- 2014 No.147, The Welfare Benefits Up-rating Order 2014, coming into force from 1 April 2014
- 2014 No.162, The Heavy Fuel Oil (Amendment) Regulations 2014, coming into force 20 February 2014
- 2014 No.209, The Welfare Reform Act 2012 (Commencement No. 16 and Transitional and Transitory Provisions) Order 2014, coming into force from 24 February 2014
- 2014 No.212, The Housing Benefit (Transitional Provisions) (Amendment) Regulations 2014, coming into force 3 March 2014
- 2014 No.213, The Housing Benefit (Miscellaneous Amendments) Regulations 2014, coming into force 31 March 2014
- 2014 No.251 (C.9), The Energy Act 2013 (Commencement No. 1) Order 2014, coming into force from 18 February 2014

29. 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

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

Document Type	Subject	Link
<b>HB S1/2014</b>	Details of the government contribution towards Discretionary Housing Payments for LAs in 2014/15	<a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/275971/s1-2014.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/275971/s1-2014.pdf</a>
<b>HB G1/2014</b>	Benefit Fraud and Error campaign  Disability Living Allowance to Personal Independence Payment: reassessment areas extend  HB Decisions by the Upper Tribunal  Statutory Instruments  Uprating April 2014 – Child dependency increases  What's new on the web	<a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/274249/HB_Bulletin_G1-2014.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/274249/HB_Bulletin_G1-2014.pdf</a>
<b>HB Direct issue 145 February 2014</b>	Newsletter	<a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/277358/hb-direct-issue-145.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/277358/hb-direct-issue-145.pdf</a>
<b>Guidance</b>	Universal Credit and Rented Housing – frequently asked questions	<a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/275875/universal-credit-rented-housing.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/275875/universal-credit-rented-housing.pdf</a>

## HB circulars recently issued

HB S1/2014