

Housing Benefit and Council Tax Benefit Circular

Department for Work and Pensions

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HB/CTB A10/2009

ADJUDICATION AND OPERATIONS CIRCULAR

WHO SHOULD READ	All Housing Benefit (HB) and Council Tax Benefit (CTB) staff and staff working on the Supporting People programme
ACTION	For information
SUBJECT	2008/09 The Social Security (Use of Information for Housing Benefit and Welfare Services Purposes) Regulations 2008

Guidance Manual

The information in this circular does not affect the content of the HB/CTB Guidance Manual.

Queries

If you

- want **extra copies of this circular/copies of previous circulars**, they can be found on the website at www.dwp.gov.uk/housingbenefit/user-communications/circulars/
- have any queries about the
 - **technical content of this circular**, contact Kenny Otemade-Paul, WWEG HB-CTB claims and payments
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The Social Security (Use of Information for Housing Benefit and Welfare Services Purposes) Regulations 2008

Introduction

- 1 This circular provides information on the Social Security (Use of Information for Housing Benefit and Welfare Services Purposes) Regulations 2008 Statutory Instrument No. 2112. The regulations enable more flexibility in the sharing of information between the Department for Work and Pensions (DWP) and local authorities (LAs), and between different LA teams, in connection with the provision of housing-related welfare services to vulnerable people under the Supporting People (SP) programme.
- 2 The arrangements came into force from **1 September 2008**. There has been a delay in advising you about these regulations because some changes are coming into force from April 2009 which affect the way that the Supporting People grant is paid to LAs. We have now confirmed that these changes do not affect the impact of these regulations.
- 3 These regulations apply to England and Wales. Scotland has a similar scheme but their arrangements are covered by separate legislation.

Supporting People

- 4 Introduced on 1 April 2003, the SP programme is delivered by LAs in England and Wales in partnership with local agencies, and provides housing-related welfare services to vulnerable people. SP's primary purpose is to help people to remain in their own homes and live independently. Around 1.2 million people benefit from the programme's support in England and Wales.

Why information sharing arrangements need to be changed

- 5 Tenants who request assistance under the SP scheme have to submit to a means test to determine eligibility, unless they are in receipt of
 - Housing Benefit (HB)
 - Income Support (IS)
 - income-based Jobseeker's Allowance (JSA(IB))
 - State Pension Credit, or
 - Employment and Support Allowance (ESA)
- 6 To establish whether a customer is in receipt of a relevant benefit, SP teams have had to ask the customer for information or obtain the consent of the customer to approach DWP or the LA HB/CTB team. This has delayed the processing of the claim and means customers have to provide information that is already available in another part of the authority, another LA in the area or a government department.

What do the new provisions allow?

- 7 The new regulations enable more flexible sharing of data. This will now allow SP teams to consider the arrangements that will need to be put in place to confirm whether a person seeking help under the SP programme is in receipt of one of the qualifying benefits, without the need for customer consent. This may involve local arrangements with the LA HB/CTB team, additional CIS access or in exceptional circumstances having to contact DWP businesses directly. Should there be a need in exceptional circumstances to contact DWP businesses directly, SP staff will be required to meet the strict criteria laid down by DWP businesses to enable them to access customer information without customer consent.
- 8 Once SP payments are being made, any relevant change to benefit entitlement that would affect that award can now be shared without seeking the customer's consent.
- 9 The new data sharing provisions allow HB/CTB teams to ask for and use certain information held by SP teams
 - to identify exempt properties under the Local Housing Allowance (LHA) scheme, or
 - decide whether the landlord or tenant should be paid in LHA cases when there is a doubt about the client's ability to manage their own finances
- 10 When information is held by SP teams relating to the vulnerability of the customer or the validity of the landlord it may be shared with HB teams, allowing them to consider this evidence in making their decision. SP teams may also have information which indicates whether particular accommodation is supported accommodation.

How will this new data sharing work?

- 11 Each LA should decide how to operate this new provision. Methods could vary depending on whether the services are provided within the same authority or separately by county and district councils, or by contractors. Authorities also need to consider the functionality of current IT systems used by HB and SP teams, and how they might interact. This may also involve additional staff requiring Customer Information System (CIS) access and registration. All exchanges of data must be secure and care must be taken to ensure only authorised staff are given access to the data.

Data protection issues

- 12 LAs still need to have regard for data protection legislation. This means they need to consider the best way to provide access to relevant personal information, and what level of detail is appropriate to share. Before any personal information is passed on in accordance with the new regulations, consideration must be given to the amount of detail that is being shared, and whether it meets the purposes of the regulations. The new regulations do not allow for unlimited access to all personal information.
- 13 Any information shared under this new provision is subject to provisions in the Welfare Reform Act 2007 and make any unauthorised disclosure of information by SP staff a criminal offence. These mirror provisions in section 123 of the Social Security Administration Act 1992 which already cover social security benefits.

Queries

- 12 If you have any queries
- relating to data sharing and the use of information for housing benefit and welfare services purposes, please contact us by emailing HB-CTB.CLAIMSANDPAYMENTS@DWP.GSI.GOV.UK
 - regarding access to CIS, please email malcolm.mattack@dwp.gsi.gov.uk