

# Housing Benefit and Council Tax Benefit Circular

Department for Work and Pensions

1<sup>st</sup> Floor, Caxton House, Tothill Street, London SW1H 9NA

## HB/CTB A4/2009

### ADJUDICATION AND OPERATIONS CIRCULAR

<b>WHO SHOULD READ</b>	All Housing Benefit (HB) and Council Tax Benefit (CTB) staff
<b>ACTION</b>	For information
<b>SUBJECT</b>	Change to the requirement for National Insurance numbers (NINOs) to be allocated to partners in claims for HB/CTB if they have no right to be in the UK

### Guidance Manual

The information in this circular does affect the content of the HB/CTB Guidance Manual. Please annotate this circular number against *A1.300* and *D1.280*.

### 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](http://www.dwp.gov.uk/housingbenefit/user-communications/circulars)
- have any queries about the
  - **technical content of this circular**, see *paras 15* and *16*
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# Change to the requirement for NINOs to be allocated to partners in claims for HB/CTB if they have no right to be in the UK

## Introduction

- 1 This circular gives information about changes to legislation regarding the allocation of a National Insurance number (NINO) to a person who
  - does not have the right to be in the UK, eg a person who entered the UK with leave, but their leave has expired and they did not apply to the Home Office for an extension in time, and
  - is the partner of a legitimate HB/CTB claimant living in the UK
- 2 The change takes effect from 6 April 2009.

## Background

- 3 Section 1 (1A) and (1B) of the Social Security Administration Act 1992 requires that both the person making a claim for HB/CTB **and any other person** in respect of whom they are claiming HB/CTB to either
  - provide their NINOs, or
  - provide sufficient information for their NINOs to be traced, or
  - make an application for a NINO to be allocated and provide information and evidence to enable a NINO to be allocated
- 4 In a relatively small number of cases this has resulted in the allocation of a NINO to an individual with no leave to enter or remain in the UK (ie a person who has no right to be in the UK) who is the partner of a legitimate HB/CTB claimant.

## Legislation affected

- 5 The Social Security (National Insurance Number Information: Exemption) Regulations 2009 come into force on 6 April 2009. This will amend HB/CTB Regulations to remove the requirement for a partner who does not have leave to enter or remain in the UK to be allocated a NINO.
- 6 The regulations affected are
  - Regulation 4 of the Housing Benefit Regulations 2006
  - Regulation 4 of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006
  - Regulation 4 of the Council Tax Benefit Regulations 2006
  - Regulation 4 of the Council Tax (Persons who have attained the qualifying age for state pension credit) Regulations 2006

## Jobcentre Plus activity

- 7 Jobcentre Plus will continue to interview any individuals who are part of a claim to HB/CTB and who do not have a NINO. However, where the individual is a partner in the claim and they do not have leave to enter or remain in the UK, Jobcentre Plus will refuse to allocate a NINO.

## LA activity

- 8 Where a claim for HB/CTB is received from a couple and it is established that there is an entitlement to benefit and the partner does not have a NINO, local authorities (LAs) should complete form DCI 1 and send it to Jobcentre Plus.
- 9 When completing form DCI 1, it is important to
- enter the partner's details in the 'Customer details' section
  - enter customer details in the 'Additional information' box, and
  - tick the 'Yes' box under 'Partner of a benefit customer'
- 10 When Jobcentre Plus receive form DCI 1, if they cannot trace a NINO for the individual, they will undertake an evidence of identity interview and establish whether the partner is entitled to a NINO. If the individual is a partner in a claim to HB/CTB and they do not have leave to enter or remain in the UK, Jobcentre Plus will
- refuse to allocate a NINO
  - annotate the 'Comments box' with **Immigration status invalid**
  - return form DCI 1 to the LA advising that a NINO has been refused
- 11 To pay the HB/CTB claims where the partner's NINO has been refused due to 'immigration status invalid' you will need to enter the partner's NINO onto your IT systems using the prefix letters **OO** followed by six numbers and then the **letter A**. As some HB/CTB IT systems require a unique reference number we have not specified which numbers should be used.
- 12 This change does not affect the HB payment regulations and **the claim should still be treated and paid as a couple.**
- 13 **The prefix letters OO should only be used in these partner cases**, ie when a NINO has been refused and the DCI 1 is annotated 'Immigration status invalid'.
- 14 **In all other cases** where a NINO has been refused the HB/CTB claim should be disallowed under normal procedures as the couple have not satisfied Section 1 (1B) of the Social Security Administration Act 1992.
- 15 As part of the monthly NINO accuracy report, the Housing Benefit Matching Service (HBMS) will monitor NINOs entered onto HB/CTB IT systems using the prefix OO. This will ensure the prefix OO is only used for these specific cases.

## Impact assessment

- 16 We do not expect this change to have any significant impact on fraud and error.

## Contact details

- 17 If you have any queries about the new regulations, please contact [Denise.Mackowiak@dpw.gsi.gov.uk](mailto:Denise.Mackowiak@dpw.gsi.gov.uk).
- 18 If you have any questions about how this change affects entitlement to HB/CTB, please contact [Ursula.a.Brennan@dpw.gsi.gov.uk](mailto:Ursula.a.Brennan@dpw.gsi.gov.uk).