

Housing Benefit and Council Tax Benefit Circular

Department for Work and Pensions

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HB/CTB A6/2009

ADJUDICATION AND OPERATIONS CIRCULAR

WHO SHOULD READ	All Housing Benefit (HB) and Council Tax Benefit (CTB) staff
ACTION	For information
SUBJECT	Supersession

Guidance Manual

The information in this circular does affect the content of the HB/CTB Guidance Manual. Please annotate this circular number against A6.660.

Queries

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Supersession

Introduction

- 1 This circular gives guidance on superseding awards of Housing Benefit (HB), Local Housing Allowance (LHA) or Council Tax Benefit (CTB) to take account of a change of circumstances which has already come to an end.

Background

- 2 Commissioners have for some time now accepted, for Social Security benefits, that when a person has had a change of circumstances which has already ended the correct way of dealing with any period of non-entitlement is by way of a closed period supersession. Although the decision was given in relation to Income Support (IS) the principles of revision and supersession apply equally to Social Security and Local Authority administered benefits.

CIS/2595/03

Action

- 3 A claimant does not need to make a new claim if you discover that there was no entitlement for a fixed period within an award. The award may be superseded for that period and the supersession only replaces the original decision to that extent.

Example 1

Claimant has been in receipt of HB since 2006.

An investigation in November 2008 discovered the claimant had worked from 12 June 2007 to 3 August 2007 and had failed to disclose the work. The conditions of entitlement were not satisfied for that period only and entitlement continued immediately afterwards.

The Decision Maker (DM) determines that there was no entitlement to HB for that closed period and supersedes from 18 June 2007 to 5 August 2007. A further claim is not required because all the conditions of entitlement were satisfied after the period of work ceased.

The overpayment was calculated in accordance with existing procedures.

continued

Example 2

Claimant has been in receipt of LHA in a pathfinder area since 2004. An investigation in June 2008 discovered the claimant had worked from 6 July 2005 to 20 October 2005 and 1 March 2007 to 17 April 2007 and had failed to disclose to work. The conditions of entitlement were not satisfied for those periods only and entitlement continued immediately after each period ended.

The DM determines that there was no entitlement for those closed periods and supersedes from 11 July 2005 to 23 October 2005 and 5 March 2007 to 22 April 2007. Further claims are not required because all the conditions of entitlement were satisfied after each period of work ended.

The overpayments were calculated in accordance with existing procedures.