

Housing Benefit and Council Tax Benefit

General Information Bulletin

Department for Work and Pensions, 1st Floor, Caxton House, Tothill Street, London SW1 9NA

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

HB/CTB G18/2010

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Contact	Queries about the <ul style="list-style-type: none">• technical content of this bulletin, contact details are given at the end of each article• distribution of this bulletin, contact Corporate Document Services Ltd Orderline<ul style="list-style-type: none">- Email: orderline@cds.co.uk• bulletin in general, contact Kath Murphy<ul style="list-style-type: none">- Email: Kath.Murphy@dwp.gsi.gov.uk
Who should read	All Housing Benefit (HB) and Council Tax Benefit (CTB) staff
Action	For information

Contents

page

HB/CTB Overpayments Guidance.....	2
HB/CTB cases awaiting decision by the Upper Tribunal	2
Statutory Instruments.....	3
What's new on the web.....	4
HB/CTB Circulars issued recently	5

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HB/CTB Overpayments Guidance

1 In bulletin HB/CTB G15/2010 we included an article informing local authorities (LAs) that we were due to publish the amended HB/CTB Overpayments Guide, this article also listed the most significant changes, which LAs may find useful when prioritising which sections to look at first. It has come to our attention that some LA staff are not aware of the new guidance. This note is just to remind everyone that the amended HB/CTB Overpayments Guide can be found on the DWP website, at <http://www.dwp.gov.uk/local-authority-staff/housing-benefit/claims-processing/operational-manuals/overpayments-guide/>

2 We have been asked to clarify what the DWP's guidance is on recovering overpayments if a customer has appealed against that overpayment decision. This can be found at paragraph 4.391 of the HB/CTB Overpayments Guide, which states

When an appeal is brought before recovery has begun, or during recovery, it is good practice to suspend action until the appeal has been decided. This policy is consistent with that of other benefits, such as IS and JSA.

and paragraph 6.50, which states

There is no legislative requirement to halt overpayment recovery if an appeal is lodged, but it is considered good practice to do so. As it is recommended that recovery action should not commence until appeal rights have expired, this scenario should not happen very often (possibly only in the case of late appeals).

Queries

3 If you have any questions, or would like to let us know what you think about the amended Guide, please contact Jane Autherson on

Email: Jane.Autherson@dwp.gsi.gov.uk

Tel: 0113 232 7755

HB/CTB cases awaiting decision by the Upper Tribunal

- 4 Decision Making and Appeals (DMA) Leeds is aware of the following HB/CTB cases that are awaiting decision by the Upper Tribunal
- CH/1877/2010: LA appeal (Secretary of State joined). Supersession - whether there were flaws in the framing and notification of the decision that rendered it legally invalid.
 - CH/1529/2010: Claimant's appeal challenges LA's right to refer his rent to the Rent Officer under amended Regulation 14.
 - CH/1078/2010: LA appeal concerning Regulation 9(1) – commercial basis.
 - CH/801/2010: LHA – disabled claimant (carer's room). Possible HRA discrimination aspect.

- CH/1927/2010: LA appeal concerning backdating – whether the tribunal determined the actual date of claim correctly.
- 5 Thank you to those authorities that have let us know of 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 a First Tier Tribunal Judge. Please let us know if a case reference (CH/.. or CSH/..) has been allocated.

Queries

- 6 If you have any queries about cases before the Upper Tribunal Judges or courts, please contact us by
- email at DMALeeds.CustomerSupportServices@dwp.gsi.gov.uk or
 - fax on 0113 2324841

Statutory Instruments

- 7 The following Statutory Instruments (SIs) have now been laid
- 2009 No.362, The Social Security (Habitual Residence)(Amendment) Regulations 2009, Correction issued November 2010
 - 2009 No.451, The Pension Protection Fund (Miscellaneous Amendments) Regulations 2009, Correction issued November 2010
 - 2009 No.515, The Health and Safety (Fees) Regulations 2009, Correction issued October 2010
 - 2010 No.2481, The Income-related Benefits (Subsidy to Authorities) Amendment Order 2010, coming into force 26 November 2010
 - 2010 No.2509, The Income-related Benefits (Subsidy to Authorities) (Temporary Accommodation) Amendment Order 2010, coming into force 1 April 2011
 - 2010 No.2650, The Up-rating of Basic Pension etc. (Designated Tax Year) order 2010 made on 26 October 2010
 - 2010 No.2659, The Occupational, Personal and Stakeholder Pension Schemes (Disclosure of Information)(Amendment) Regulations 2010, coming into force 1 December 2010
- 8 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

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

Document Type	Subject	Link
HB/CTB Circular A19/2010	The Housing Benefit and Council Tax Benefit (Miscellaneous Amendments) Regulations 2010	http://www.dwp.gov.uk/docs/a19-2010.pdf
HB/CTB Circular A20/2010	Changes to the HB and CTB Decisions and Appeals Regulations	http://www.dwp.gov.uk/docs/a20-2010.pdf
HB/CTB Circular A21/2010	Correction of errors in the calculation of State Pension	http://www.dwp.gov.uk/docs/a21-2010.pdf
HB/CTB Bulletin G16/2010	<p>HMRC tax reconciliation exercise and income-related benefits</p> <p>Limitation of recovery of overpayments: High Court judgement of Joseph v London Borough of Newham</p> <p>Employment and Support Allowance (ESA) - Results of the Local Authority (LA) Omnibus Wave 21</p> <p>Contacting Child Benefit Office</p> <p>Statutory Instruments</p> <p>What's new on the web</p> <p>HB/CTB Circulars issued recently</p>	http://www.dwp.gov.uk/docs/g16-2010.pdf

<p>HB/CTB Bulletin G17/2010</p>	<p>Change in the way we count the processing times for extended payments</p> <p>Pension Credit - without making a claim</p> <p>Change of contact details for Social Security Administration Act 1992 information requests from esure insurance</p> <p>Measuring right benefit and right time information – delay to quality assurance exercise</p> <p>HB/CTB performance - Frequently Asked Questions</p>	<p>http://www.dwp.gov.uk/docs/g17-2010.pdf</p>
<p>HB Direct issue 107 November 2010</p>	<p>Newsletter</p>	<p>http://www.dwp.gov.uk/docs/issue-107-nov-10.pdf</p>
<p>The Employee Authentication Service/ Customer Information System (EAS/CIS) Technical Implementation Guide</p>	<p>Guidance</p>	<p>http://www.dwp.gov.uk/docs/eas-technical-implementation-guide.pdf</p>

HB/CTB Circulars issued recently

10 The following HB/CTB Circulars have been issued recently

HB/CTB Circular A22/2010