

Housing Benefit and Council Tax Benefit

General Information Bulletin

Department for Work and Pensions, First Floor, Caxton House, Tothill Street, London, SW1H 9NA
<http://www.dwp.gov.uk/housingbenefit/>

HB/CTB G24/2008

22 December 2008

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

Administrative delay overpayments and fraud definition	2
Changes to the National Insurance Number (NINO) benefit process	2
HB/CTB Circular F5/2008 – Capital Data Matches	4
HB awards and payments on account	4
Closure of the Pensioner HB/CTB Claims project	5
Statutory Instruments	6
What's new on the web	7
HB/CTB Circulars issued this month	8
Other publications issued this month	8

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Administrative delay overpayments and fraud definition

- 1 *HB/CTB Circular A24/2008* alerted LAs to the creation of a new category of overpayment for Housing and Council Tax Benefit (HB/CTB) and to a change in the definition of fraud.

Administrative delay overpayment

- 2 Currently when overpayments occur because of a delay in processing a change of circumstances due to something outside of the local authority's (LA's) control the overpayment is classified as LA official error. A delay in processing could be caused, for example, by staff shortages due to sickness, or an LA prioritising their workload, but being unable to process it because of a backlog.
- 3 From April 2009 these types of overpayments can be classified as an Administrative delay. *HB/CTB Circular A24/2008, paras 24 to 39* provide the background and details of Administrative delay overpayments. These paragraphs also inform authorities how Administrative delay overpayments are to be treated for subsidy purposes.

Fraud definition

- 4 For HB purposes there are two definitions of fraud. One is in HB regulation 102 (SI 2006/213), the other is in article 18 of The Income-related (Subsidy to Authorities) Order (the 'Subsidy Order'). The definition in the HB regulations is the same as used in other income related benefits and the definition in the Subsidy Order will be changed to bring it in line with that in HB regulation 102
- 5 As the circular deals with administrative changes it was issued in the A series. However, we want to be sure that all LA staff with responsibility for HB/CTB subsidy claims are also aware of the contents of this circular and how it could affect subsidy claims.
- 6 *HB/CTB Circular A24/2008* has been issued to all LAs but is also available on the HB area of the DWP website at http://www.dwp.gov.uk/housingbenefit/user-communications/circulars/index_2008.asp

Changes to the National Insurance Number (NINO) benefit process

- 7 Please be aware that from 15 December 2008 there have been changes made to the NINO benefit process.

- 8 Previously when a customer applied to an LA for HB/CTB, and did not have a NINO or the NINO evidence for HB/CTB was insufficient, the LA completed form DCI1 (LA) once entitlement to benefit was confirmed and sent it to a NINO allocation Central Control Unit (CCU) to perform trace action.
- 9 From the 15 December 2008 the following changes to the NINO benefit process will apply to LAs
- DCI1 (LA) will be replaced by form DCI1 (this form will be the same across all benefits)
 - instead of using CCU, you will have to complete and sign DCI1 and send it securely to the correct NINO Delivery Centre (NDC) for your region to perform trace action
- 10 There are two NDCs: one in Glasgow and the other in Isle of Wight. The tables below show the regions that each NDC deal with.

Regions	NINO Delivery Centre
Scotland Region	Glasgow Nino Delivery Centre
North East Region	Portcullis House
Yorkshire and Humberside Region	21, India Street
North West Region	Glasgow
London Region	G2 4PH

Regions	NINO Delivery Centre
East of England	Isle of Wight Nino Delivery Centre
East Midlands	Jobcentre Plus
South East	Newport Jobcentre
South West	Mitchell Way
Wales	SOUTHAMPTON
West Midlands	SO974AN

- 11 LAs are unlikely to have the new DCI1 sent to them for use from 15 December 2008 and until you receive them you can continue to use the old DCI1 (LA). However, you must still follow the new process and send it to the correct NDC for your region.

- 12 We will provide more information on DCI1 and instructions on completion soon.
- 13 If you need more information please email
NINOEXPERTDOMAIN.POINTOFCONTACT@JOBCENTREPLUS.GSI.GOV.UK

HB/CTB Circular F5/2008 – Capital Data Matches

- 14 We have spotted an error in *HB/CTB Circular F5/2008* which was issued by email to LAs on 8 December.
- 15 The first paragraph should read: ‘Further to the guidance given within **HB/CTB Circular F3/2008** we have received a number of queries concerning the general approach LAs should take to capital data matches’.
- 16 We apologise for the error and any inconvenience caused and suggest you make the necessary amendments to the circular, both hard copies and electronic file copies.

Queries

- 17 If you have any queries please email
Fraud-Error-Policy@dwp.gsi.gov.uk

HB awards and payments on account

Background

- 18 The Audit Commission has asked DWP to remind LAs that a HB award must not be made until all relevant information and evidence has been gathered.
- 19 Where this prevents assessment of a claim within 14 days, LAs should consider making a payment on account in rent allowance cases. This note also reminds LAs of certain aspects regarding payments on account which have been highlighted by the Audit Commission.

HB awards

- 20 A HB award **cannot** be made until all required information and evidence has been gathered. If a decision is made to award HB before all of the relevant information and evidence has been received, this may result in an incorrect payment the cost of which would have to be met by the LA.

- 21 Because an award must not be made until all evidence and information is received, there will always be claims which cannot be awarded within the target period of 14 days. The consequent delay in paying HB could lead to the threat of eviction for private and housing association tenants, and the HB regulations therefore provide for making payments on account of rent allowance to prevent this happening.

Avoid using 'interim payment' to describe a payment on account

- 22 Elsewhere in social security law – for example in Income Support regulations – payments on account of benefit may be referred to as 'interim payments', but this term is not used in HB regulations and should not be used to describe payments on account of rent allowance. In other words, 'interim payments' do not exist for HB purposes.

Recording the decision

- 23 Details of any payment on account should be recorded, setting out the information and calculation used to decide the amount paid, and kept on file.
- 24 If it is decided that a payment on account cannot be made to a HB customer who is a private or housing association tenant, the reason for that decision should also be recorded.

Issuing a decision notice

- 25 A written decision notice **must always** be issued to the customer when making a payment on account, making it clear that once a full decision on the claim has been made
- any overpaid amount will be recovered, and
 - if they are entitled to rent allowance, future payments will be reduced or increased, as appropriate, to take account of any overpayment or underpayment

Queries

- 26 Please direct any enquiries about this item to Richard.Grennan@dwp.gsi.gov.uk

Closure of the Pensioner HB/CTB Claims project

- 27 The Pensioner HB/CTB Claims project was set up to introduce further enhancements to the current HB/CTB telephone application process to make HB/CTB more accessible to pensioners and increase HB/CTB take-up still further.

- 28 This simplified HB/CTB telephone application process went live from 3 November 2008 for new Pension Credit applications and aligned it with the claim processes already in place for State Pension and Pension Credit.
- 29 Customers contacting The Pension Service to make a new Pension Credit application are now able to make a telephone claim for HB/CTB alongside their Pension Credit application, without needing to complete a claim form or provide a signature. (*HB/CTB Bulletin G20/2008* refers).
- 30 The Pensioner HB/CTB Claims project is closing and the mail link HB/CTB.NEWPROCESSQUERIES@DWP.GSI.GOV.UK will no longer be available from 22 December 2008.
- 31 If you have any queries about the new process following this date you should use your existing arrangements already in place for contacting The Pension Service.
- 32 An electronic copy of the LA briefing pack *HB/CTB Telephone Claims via The Pension Service - October 2008* setting out the background to the improved HB/CTB application process and how it affects LAs can be accessed at <http://www.dwp.gov.uk/housingbenefit/claims-processing/working-with-dwp/pensions.asp>

Statutory Instruments

- 33 The following Statutory Instruments (SIs) have now been laid
- 2008 No 3069, The Financial Assistance Scheme (Amendment) Regulations 2008, coming into force 23 December 2008
 - 2008 No 3070, The Occupational Pensions (Revaluation) Order 2008, coming into force 1 January 2009
 - 2008 No 3140, The Social Security (Child Benefit Disregard) Regulations 2008, coming into force 5 January 2009
 - 2008 No 3156, The Rent Officers (Housing Benefit Functions) Amendment (No 2) Order 2008, coming into force 5 January 2009
 - 2008 No 3157, The Social Security (Miscellaneous Amendments) (No 7) Regulations 2008, coming into force 5 January 2009
 - 2008 No 3167 (C.142), The Welfare Reform Act 2007 (Commencement No.9) Order 2008, coming in to force 11 December 2008
- 34 Copies of SIs can now be downloaded from DWP's own website <http://www.dwp.gov.uk/advisers/docs/lawvols/bluevol/> and the website of the Office of Publication Information <http://www.opsi.gov.uk/stat.htm>

What's new on the web

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

Document Type	Subject	Link
HB/CTB Bulletin U2/2008	Following the Pre Budget Statement	http://www.dwp.gov.uk/housingbenefit/user-communications/bulletins/2008/u2-2008.pdf
HB/CTB Bulletin U3/2008	Reduction in DWP benefits: effect on CTB	http://www.dwp.gov.uk/housingbenefit/user-communications/bulletins/2008/u3-2008.pdf
HB/CTB Bulletin G22/2008	<p>Alignment of capital verification for HB and CTB claims at £6,000</p> <p>Housing Divisions within DWP have moved</p> <p>NI 14 Reducing Avoidable Contact: the proportion of customer contact that is avoidable</p> <p>from the customers perspective – Applies in England</p> <p>National Identity Scheme - ID Cards for foreign nationals</p> <p>Consultation on amendments to the Rent Officers (Housing Benefit Functions) Order 1997 and the Rent Officers (Housing Benefit Functions) (Scotland) Order 1997</p> <p>Statutory Instruments</p> <p>What's new on the web</p> <p>HB/CTB Circulars issued this month</p> <p>Other publications issued this month</p>	http://www.dwp.gov.uk/housingbenefit/user-communications/bulletins/2008/g22-2008.pdf

Document Type	Subject	Link
HB/CTB Bulletin G23/2008	Right time indicator – additional guidance on a change event notified by telephone Correction to U2/2008 - Announcements in the Pre Budget Report Local Authority PinS foundation learning New appeals system – additional information Statutory Instruments	http://www.dwp.gov.uk/housingbenefit/user-communications/bulletins/2008/g23-2008.pdf
HB/CTB Circular A23/2008	2008/09 HB/CTB Right Benefit and Right Time Performance Indicators and Publication of Performance Data and HB Recoveries and Fraud	http://www.dwp.gov.uk/housingbenefit/user-communications/circulars/2008/a23-2008.pdf
HB/CTB Circular S5/2008	Non Housing revenue Account (HRA) rent rebate subsidy thresholds and caps 2009/10	http://www.dwp.gov.uk/housingbenefit/user-communications/circulars/2008/s5-2008.pdf
HB Direct Issue 84 December 2008	Newsletter	http://www.dwp.gov.uk/housingbenefit/user-communications/hb-direct-newsletter/2008/issue84-dec08.pdf

HB/CTB Circulars issued this month

36 The following HB/CTB Circulars have been issued this month

HB/CTB Circular A23/2008

HB/CTB Circular A24/2008

HB/CTB Circular A25/2008

HB/CTB Circular A26/2008

HB/CTB Circular A27/2008

HB/CTB Circular F5/2008

Other publications issued this month

37 The following publication has been issued this month

HB Direct Issue 84 December 2008