

Practitioners Operational Group (POG)
Wednesday 21st April 2010
Caxton House – Room 1.25

Minutes

Attendees:

Cathy Payne	DWP HBSD
Sabby Mahal-Riordan	DWP HBSD
Dave Marley	DWP LAPD
Joseph Stacey	DWP HBSD
Fiona Dunn	DWP FESD
Ben Aylott	DWP HBSD
David Wright	DWP HBSD
Frances Kavanagh	DWP LA Secondee
Anita Watton	DWP LA Secondee
Chiman Karadia	DWP LA Secondee
Tina Llewellyn	DWP LA Secondee
Fiona Mcleish	DWP PDCS
Gary Trent	Valuation Office Agency (VOA)
Karl Thomas	Rent Office (Wales)
Liz Clarke	Audit Commission
Lesley Pigott	LB Camden/LGA/London Councils
Margo Hodgens	Glasgow City Council/COSLA
Julie Holden	Tandridge District Council/LGA
Alison McGrory	Solihull Metropolitan Borough Council
Jane McManus	Leeds City Council
Pam Richardson	Gateshead Council
Lyn Sutherland	LB Barnet/LGA
Mark Underwood	LB Bexley/London Councils
Gwyn Thomas	Westminster City Council/London Councils
Paul Ellary	Kensington & Chelsea

Apologies:

Alan Sinclair (Edinburgh), Chris Bullen (Jobcentre Plus Partnership) and Paul Cusworth (DWP IFD)

1. Minutes/Action Points/Matters Arising

Cathy Payne welcomed everyone and introductions were made.

Minutes

No comments on content but couple of typos were highlighted.

Action Point Log

Action Point 03/May/08: to circulate latest guidance on Persons From Abroad (PFA). LA representatives noted the update on this action but strongly expressed their disappointment as they had been promised revised guidance some time ago.

Action Point 02/March/10: clarification and guidance is required from DWP on recent judgement on Ibrahim and Teixeira from the European Court of Justice.

LA representatives noted the update but stressed the importance of obtaining the most up to date guidance on the above matter urgently.

Action Point 02/Jan/10: DWP to check the advice in the SHBE guidance concerning the treatments of multiple changes of circumstances.

LA representatives advised that they would process multiple changes at the same time but the SHBE guidance appears to require LAs to deal with them separately. This would make no sense if it resulted in a customer receiving two or more letters of notification. They were also concerned that if they did not follow guidance they could be penalised by the Audit Commission.

Cathy Payne noted this and suggested this matter of clarity be referred to the SHBE colleagues again for a further explanation.

All other action points were cleared.

2. Valuation Office Agency (VOA) Update

Gary Trent from VOA (England) provided the following update:

Key Performance Indicators

- All final Year to Date performance figures show targets were exceeded for the 2009-10 business year.

Churn Rate

- The 2009-10 YTD HB national case-load at the end of the March 2010 reporting period stood at 460,336 a reduction of 34.80% against the same period last year.

Broad Rental Market Area Reviews (BRMAs)

- By the end of March 2010, 58 of the BRMAs had completed and implemented.

- This equates to a YTD achievement of 37.91% of all BRMAs against the KPI target of 25%
- The new KPI for 2010-11 is to complete the remaining reviews by the end of this business year.

Delayed Referrals

- There has been some confusion and misunderstanding regarding the continued use and value of what has been termed Deferred Referrals. To resolve these issues Norman Foster (VOA) circulated a draft information notice to POG members which now has been circulated to LAs.

Finally, Gary Trent asked LA representatives to review the draft BRMA Q&A template which was circulated prior to the meeting. LA representatives reviewed the template during the meeting and were happy.

The Rent Officers Wales Update

Karl Thomas, provided the following update:

- The number of Housing Benefit (HB) cases being referred to the Rent Officers Wales, continue to be at a reduced level in comparison to the same periods of 2007-08.
- We are continuing to monitor the number of referrals on a weekly basis and information on trends is shown below.

3. Temporary Accommodation

Joseph Stacey circulated a draft proposal paper prior to the meeting in reference to HB subsidy caps for people in Temporary Accommodation (TA) and introducing a discretionary element. Cathy Payne introduced the subject explaining the political context and why decisions were made to the particular timescale.

To safeguard against excessively high rents in TA, the Department has introduced further weekly HB subsidy caps (top-level caps) for 2010/11. They are based on the BRMAs in which the customer accommodation is located:

- £500 per week for Central and Inner London BRMAs and Outer London with reference to South West London
- £375 per week from anywhere else.

The caps were announced on 31 March 2010 and they will apply from 1st April 2010. Given the timing of the announcement, the Secretary of State (SoS)

asked officials to include an element of discretion in applying the above caps. This discretion would be exercised only in exceptional cases.

However, before 31st March some LAs may have already entered into leasing arrangements where their costs fall above the top-level caps but within the maximum amounts determined by LHA.

In these circumstances the following application conditions would be taken into account:

- The Lease Agreement – date, after 2 June 2009 but before 31st March 2010
- Cost of Actual Lease
- Supporting Evidence

LA representatives welcomed the update and provided the following comments:

- When considering discretion, it would be helpful if the lease date would be earlier as many had committed to leases in 2008 or early 2009 and the introduction of LHA had disturbed the market.
- DWP should reiterate that is a subsidy cap and not an actual cap.
- DWP would need to provide advice on how to deal with overpayments as this may have software implications.
- We would like a draft template for applying for discretion.
- Circular S3 Section 12 reforms to Housing Association Leasing (HAL) Scheme - This will have a serious impact on Scottish LAs.

Since, the meeting Joseph has taken on board the above comments and issued the following documents regarding:

- Applying the Discretionary Element
- Draft Exemption Template
- Draft Circular on current treatment of HAL rents (replacing A28/2002)

On which comments from POG members have been requested by 3rd May.

4. PDCS

Fiona Mcleish updated the meeting on PDCS performance for new claims, change of circumstance and outstanding claims for Pension Credit and Retirement Pension.

5. Jobcentre Plus Update

The Jobcentre Plus update papers were circulated prior to the meeting and LA representatives had no further comments.

6. ESA Update

Ben Aylott provided the following update:

- Guidance will be issued to LAs in June 2010 relating to the transitional provisions regulations that set out how to treat HB/CTB at the point that a customer is converted from an Incapacity Benefit onto ESA. Further guidance will be provided later in the year covering the procedure for exchanging information between Jobcentre Plus and LAs. DWP intends to circulate the draft guidance to POG members in May for the purpose of review and quality assurance.
- Location for the two early migration pilots would be announced after the election. The ESA conversion exercise in the two pilots would not be supported by IT, so interaction with customers and partners, such as LAs would be clerical supported and necessitate careful engagement.
- Thorough, customer segmentation is ongoing and should enable DWP to understand the characteristics and geographical spread of Incapacity Benefit caseload. From this, DWP will assess which LAs would be expected to have more significant activity and then submit proposals for the distribution of administrative subsidy.
- The pace of conversion – the “ramp up” assumes a steady state conversion of 10,000 cases a month but Jobcentre Plus is likely to start more slowly than that in early 2011 after conclusion and review of the early migration pilots. This will also impact on the proposals for allocation of funding that will be referred to the DWP/LAA Steering Group.
- Finally, the next IT software suppliers forum meeting is taking place on 27th May and DWP will be requesting an update on progress.

LA representatives welcomed the above update and suggested that it would be helpful to include process mapping in the guidance. Also, as the guidance is not being issued until June, DWP may wish to consider running workshops at the next IRRV conference or if the plan is hold the workshops in London then this should be done in consultation with London Councils.

War Pension – Overpayments

LA representatives requested further clarity from Ben Aylott on an issue raised in the March meeting of the DWP/LAA Steering Group and the subsequent POG meeting – the classification of overpayments caused by the delay by Government (Ministry of Defence) of the announcement of the up-rating of War Pensions. LA representatives had been informed that the steer provided them by DWP at the previous meetings was incorrect and wanted explanation on the revised classification of LA error rather than Departmental error.

Action Point 01/April/10: To clarify how overpayments caused by the delay in announcement of up-rating for War Pensions should be treated.

7. One Strike

Fiona Dunn introduced the following detail on how 'One Strike' would be administered:

- Under 'One Strike' there is a reduction of benefit for a 4 week period at 40% of the single persons personal allowance unless pregnant or seriously ill in which case the reduction would be 20% and this will apply to every case where the offence commenced on or after the 1st April.
- The Fraud and Error Strategy Division (FESD) has been consulting the Security Operational Group (SOG) on this matter and it is down to DWP investigation officers would determine 'One Strike' as it is a SofS decision. Jobcentre Plus would notify LAs of when a determination for 'One Strike' has occurred.

LA representatives noted the above discussion but felt there was a lack of consultation with LAs on the operational impact. Consultation should not just focus on LA fraud investigation teams, but also be consultation with HB/CTB administration teams. POG members asked to see the guidance being agreed by Security Operational Group (SOG) on how the sanctions will work.

Fiona Dunn confirmed that the process should mirror that for 'Two Strikes' so specific problems were not envisaged. However, not a great number of cases were expected as the sanction did not apply to passported cases but only to standard cases.

The DWP officer acting on behalf of SoS would determine whether a loss of benefit sanction applied and would notify the local authority. Guidance is scheduled to be issued in June 2010.

The particular areas that LAs asked that the guidance should cover were:

- What should letters of notifications say as there would be underlying entitlement;
- What should be recorded on subsidy claim forms;
- How overpayments should be assessed;
- What can the landlord be told;
- How would the assessor know which level of sanction to apply;
- Whether there has been an assessment on the impact of homelessness?

Action Point 02/April/10: POG members to review the draft operational guidance (which will cover the above) on 'One Strike' at the next meeting.

8. EAS Update

David Wright provided the following update on EAS:

- The Department has taken 3 LA secondees to help out with the implementation of EAS with particular reference to developing training.
- The solution design development for EAS has been completed, although there is slight delay in the technical side.
- The EAS is approaching its early adopter phase and will be running 3 training events in London for LA agents. DWP are currently looking for LA participants whose staff can attend these events. All participants will receive additional support and at the end of this phase all relevant staff in your LA will be live on EAS.
- If you are interested in finding out more about the early adopter phase then please see website at www.dwp.gov.uk/eas If you would like to take part then please email: eas.info@dwp.gsi.gov.uk

9. AOB

Right Time Indicator

LAs asked why they were being sent letters about performance against this when it is no longer a national indicator.

DWP explained that it was still important for us to monitor performance. However, their comments would be passed to LAPD.

Data Sharing

Cathy Payne said that DWP would appreciate comments on the draft data sharing guide circulated. She also noted their desire for wider data sharing powers.

The next POG meeting is scheduled for Wednesday 16th June 2010.