

Practitioners Operational Group (POG) Meeting
Wednesday 7th May 2008
CIPFA Building, Robert Street London WC2N

Minutes

Attendance:

David Gleave	DWP HBSD (Chairperson)
Sabby Mahal-Riordan	DWP HBSD (Secretariat)
Gary Rodgers	DWP HBSD
Christine Watkins	DWP HBSD
Jane Autherson	DWP HBSD
Jason Barrett	DWP HBSD
Ursula Brennan	DWP
Fiona Mcleish	Pension Service
Chris Bullen	Jobcentre Plus Partnerships
Norman Foster	The Rent Service
Keith Wheeler	The Rent Service
Karl Thomas	The Rent Officer Service Wales
Lee Grafton	Government Connect
Neil Atkinson	Government Connect
Gwyn Thomas	Westminster City Council/ London Councils
Mark Underwood	LB Bexley
Lyn Sutherland	LB Barnet
Paul Ellary	LB Kensington & Chelsea/London Councils
Julie Holden	Tandridge District Council/LGA
Judith Johnson	Cherwell District Council/LGA
David Collier	Birmingham City Council
Alison Mcgrory	Solihull Metropolitan Borough Council
Jane McManus	Leeds City Council
Heather Neate	Audit Commission

Apologies:

Danielle Wells (DWP HBSD), Lesley Pigott (Camden/London Councils), Margo Hodgins (Glasgow), Frankie Cartwright (South Staffordshire), Marion Smith (West Dunbarton) and Michelle Charles (Debt Management)

1. Welcome and Introductions

David Gleave welcomed all attendees and introductions were made.

2. Minutes/Actions Points/Matters Arising

Minutes

LA representatives referred to the Pension Service update in the POG minutes dated 27th February and raised the following points:

- The Pension Service Guide book should be circulated to POG members again as not all members received a copy.
- Further clarity is needed on how proposed changes to the backdating periods would affect customers of pensionable age.
- Further clarity was required concerning the action the Pension Service would take to verify income.

The POG Secretariat confirmed that she did circulate the Pension Service Guide book to POG members but will circulate it again to ensure that all members have a copy.

In reference to the backdating period, the POG Secretariat explained that a colleague who was attending the meeting after lunch may be able to share information on the latest position on reducing the backdating period from 52 weeks to 3 months

Fiona Mcleish from the Pension Service confirmed that in Pension Credit cases income will have been verified before information is forwarded to LAs.

Action Points

Action Point 1/01/08: DWP to establish why LAs cannot access the MIS guidance and, if this is due to a technical problem, are there alternative ways for LAs to access guidance.

POG Secretariat confirmed that although some improvements to accessing information had been made there were still some outstanding access issues and therefore it was agreed to treat this action point as on-going.

LA representatives confirmed that they were able to access forms via the DWP website, but agreed that this action point should be treated as on-going and an update should be provided at the next meeting.

Action Point 2/01/08: DWP to consider amending the definition of RSL to include the situation when an ALMO may purchase a property.

POG Secretariat confirmed that this matter had been referred to the CLG to obtain a definition of an ALMO before a definitive response can be provided for this action point.

Action Point 5/11/07: Capital Figures- clarity required on whether exact figures should be used or whether capital figures could be rounded up. To liase with Jobcentre Plus on matter and report back.

Jobcentre Plus have confirmed that they have not changed guidance to instruct the rounding up of capital figures, unless LA representatives provide specific examples for Jobcentre Plus to investigate further this action point can be treated as cleared.

3. Rent Service Update

Norman Foster (England) and Karl Thomas (Wales) from the Rent Service provided the following update based on the papers circulated prior to the POG meeting:

- The caseload in April was very high, however in the first few days of May the caseload has started to come down. The overall trend is that the caseload is going down and a drop-off of 40% is expected
- The Social Processing Unit in Washington was closed due to Health and Safety issues for a day and this impacted on processing time
- The LHA rates for April and May remain stable, however the LHA rates for June will not be stable due to the market moving quite dramatically and this will effect LHA. In Wales early indications show that the LHA rates will remain stable in June.
- The Rent service in Wales was still receiving pre-tenancy determinations, which, in most cases have been submitted incorrectly.
- The Rent Service in Wales is planning to do a review of the broad rental market which should be completed by June 2009.
- The Rent Service acknowledged that LAs have had difficulties with the new IT download system and accept the deadline will not be met this month. The Rent Service will be sending out a Question & Answer document to all LAs.

LA representatives welcomed the Rent Service update but asked for further clarity on the June LHA rate figures and why some figures were going up and others going down.

Norman Foster confirmed that there are two factors which influence this:

- The Rent Service is committed to doing a 12 monthly data cycle
- The size of the database is changing

Sometimes the above does not make a difference as the data has no effect on the median, but the data at the top and bottom can be impacted. Also other

factors can have an impact, for example there has been an increase in rent in some parts of North London.

It is possible that changes that occurred six or seven months ago may have an impact now as the behaviour patterns of landlords appear to be changing. When significant changes do occur the Rent Service will flag them up.

LA representatives requested clarity on what was the preferred method for LAs to forward the pre-determination tenancy details to the Rent Service.

Norman Foster confirmed that the preferred method was anything other than via post. E-mail would be appropriate provided there were no security issues.

4. Overpayment Classification

Jane Autherson explained the proposal to introduce a new overpayment classification for the Subsidy Order relating to administrative delay. The proposal had been agreed by the joint DWP/LAA Subsidy Working Group.

The reason for the new category is that legal opinion is that delays due to administrative reasons, for example shortage of staff, cannot automatically be equated with official error.

The proposal means that if a change of circumstance is not processed by the next pay-day, LAs will have to decide whether this is due to official error or to administrative delay, and to categorise it accordingly. LAs will need to be aware that, should they decide that it was administrative delay rather than error, they will still have to justify that decision if the claimant appeals.

The administrative delay category will be subject to the same subsidy thresholds as for LA error, therefore LAs should not be affected in terms of subsidy.

Detailed guidance will be issued by April 2009, which will advise LAs on the general principles to be adopted when deciding which category should apply to individual cases.

Jane also explained two other proposed Subsidy Order changes: (a) to merge the technical overpayment and excess CTB categories; and (b) to align the fraud definition in the Subsidy Order with that in the regulations.

LA representatives noted the proposals and comments made by Jane Autherson. They confirmed that they accepted the proposals and advised that it would be for the Steering Group to decide which consultation group clears the guidance on the overpayment classification change.

5. ESA Update

Gary Rodgers provided the following update on ESA:

Steering Group had decided that the ESA Impact Group should cease due to the fact that the remaining issues relating to ESA were operational in nature and therefore could be dealt with via POG.

Gary asked the LA representatives whether there were any ESA operational issues they would like to discuss at the next POG.

LA representatives welcomed the decision that ESA operational issues will become a part of the POG agenda.

However, LA representatives did raise operational issues regarding the advice to be given in couple cases where who claims HB/CTB could affect whether or not a Disability Premium can remain in payment. Gary explained that Ministers had been aware of these issues, which also affect other benefits, when making decisions about the ESA and the HB/CTB post-ESA structure. That being the case, the current situation is a *fait accompli*, but guidance will highlight such issues.

LA representatives also expressed concerns about the IT implications of introducing ESA and the funding LAs may receive. A tranche of funding has already been allocated to LAs, but LA representatives remained concerned about the on-going costs of running two IT systems (ie to cater for both IB cases and ESA cases) as well as the cost of adjusting LA IT systems for future enhancements of DWP IT.

Gary Rodgers confirmed that the department does recognise that there are on-going issues which may require further funding.

6. Government Connect Presentation

Lee Grafton conducted a presentation on Government Connect. He explained that Government Connect was secure infrastructure for Shared Services Delivery and Transformational Government and the project is being funded by CLG, DWP and DCSF.

This project will provide a secure network for LAs and DWP to share data. So far only 50 LAs have not engaged. This could be due to:

- Changes to Unitary Councils which come into effect in April 2009. Most unitaries are indicating that they want to wait until after the unitary comes into effect to implement Government Connect.
- A lot of LAs have outsourced their applications and services to external suppliers. As these suppliers exist entirely outside of the GSi, we need to

discuss with them how they intend to bring their data centres up to the accredited GSi standards.

The Project is expected to be completed by April 2009

The installation of Government Connect would be free to install and run for three years. After the three years the cost should come out of central funding within LAs.

LA representatives welcomed the presentation; however, they requested further clarification on whether LA staff dealing with restricted data will be required to undergo a police check

Action Point 01/05: Lee Grafton to clarify whether LA staff that deal with restricted data will be required to undergo a police check.

It was also noted that the security compliance between DWP and the Rent Service was very different, for example the Rent Service did not have GSI, whilst the Welsh Rent Service does have GSi and DWP has GSi. It was agreed that these issues needed to be taken forward in order to get a more consistent approach.

7. Introducing a New Change of Circumstance Form

Jason Barrett (on behalf of Carol Foster-Middleton) introduced the above item and confirmed that the department had been working on developing a new form for nearly 2 years. The aim was to standardise the system whereby changes of circumstance are reported by Prison Service staff. However this change will not currently be introduced in Scotland.

Jason asked for LA representative feedback on the new change of circumstance forms which were circulated prior to the meeting.

LA representatives provided the following feedback:

- Guidance stating that forms to be returned within 7 to 14 days, this should be re-worded to “soon as reasonable”.
- The wording for Part B is unclear, who is giving the information.
- On form HCTB7 in Part B the wording should be “the earliest date I should be released”.
- Is it possible to extend the Prisoner’s number box?
- Procedural issue – this seems to be a manual process, are there any plans to refer the information electronically.

Jason confirmed that the issues raised would be taken up with the Prison Service. He also pointed that there were no immediate plans to make the process electronic, but this is something that could be considered under Government Connect once it is fully rolled out. However, legislation would be needed to e-enable this process unless all LAs had taken the opportunity to e-enable changes of circumstance already.

Backdating

Jason Barrett also provided an update on the forthcoming changes to the Backdating period (changing from 52 weeks to 3 months for customers of both pensionable and working age). A full impact assessment on reducing the backdating period had been completed and the Social Security Advisory Committee (SSAC) has put a memorandum on the website highlighting the main issues.

However, LA representatives stated that the SSAC website only had information relating to Pension Credit and not HB/CTB

Jason confirmed that the SSAC website should have information on both Pension Credit and HB/CTB

Action Point 02/05: Carol Foster Middleton to circulate a copy of the issues raised by SSAC in relation to HB/CTB.

8. EEA National Guidance Update

Ursula Brennan provided the following update on EEA National guidance:

- Unfortunately, Ursula did not have the opportunity to include the latest EEA National guidance within the HB guidance and that is probably why individual LAs were getting more up to date information when they contacted her directly.
- Policy is being developed covering the impact of recent Commissioners' decisions and a circular will be issued shortly highlighting the latest developments
- Ursula has visited several LAs to talk about Persons from Abroad guidance and she is always looking for the best ways to communicate the latest guidance to LAs.

LA representatives welcomed the update from Ursula and suggested one of the quickest ways to communicate information would be through General Bulletins. Also in reference to form HB/CTB1 LA representatives felt that the question asked should say “have you lived in the UK for 5 years” rather than 2 years.

Ursula stated that she would consider sending latest guidance out via a General Bulletin and in reference to the time spent in the UK, she stated that amending Right to Reside forms is not a demonstration of time spent in the UK, she pointed out that asking nationality questions is bound by legal agreement.

However, some clerical forms have already been amended under a project led by Jobcentre plus and the Pension Service.

Action Point 03/05: Ursula to issue guidance on the latest amendments as soon as possible

9. AOB

Judith Holden raised concerns about claims being withdrawn and then a week later reclaimed to “transfer to LHA”. Gwyn Thomas also mentioned that there is a commissioner’s decision on the HB information website area in relation to whether claimants can withdraw Jobseekers Allowance, which may have an impact on the issue raised by Judith.

Since this meeting, General Bulletin G10/2008 has been issued. Page 4 of this bulletin provides a response to the issues raised above.

Action Point: 04/05: DWP to provide further clarity on linking rules in reference to LHA

The Next POG meeting is scheduled for Wednesday 18th June 2008.