

Housing Benefit and Council Tax Benefit

General Information Bulletin

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<http://www.dwp.gov.uk/housingbenefit/>

HB/CTB G12/2008

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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

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Delayed reviews of Pension Credit

- 1 As you know, Pension Credit customers aged 65 or over may have an assessed income period (AIP), during which time their retirement income (eg capital and private pensions) is deemed to stay the same. The AIP is a specific period of up to five years after which the claimant's circumstances are reviewed.
- 2 Pension Credit was introduced in October 2003 meaning cases are now overdue for a review. The Pension, Disability and Carers Service (PDCS) has not yet set a date for starting the review process. Until the review takes place you should continue to award HB/CTB on the basis of the information you have from PDCS. So if the guarantee credit is in payment, you should continue to award full eligible HB/CTB or if the savings credit only is in payment, you should continue to use the assessed income figure.
- 3 However, when the review process starts, the delay may mean that Pension Credit has been overpaid from the date the review should have taken place up to the date it took place, for example the guarantee credit was no longer payable or the savings credit only should have been reduced from the end of the AIP.
- 4 If this happens the usual rules will apply in HB/CTB. That is when the reduction in Pension Credit would result in a reduction of HB/CTB, the effective date of the change will be the start of the benefit week following the date you receive the notification from PDCS. This will mean that there will be no overpayment of HB/CTB when the Pension Credit overpayment is entirely due to PDCS delay in carrying out the review at the end of the AIP. The relevant regulations are 60(3) (HB(SPC)) and 51(3) (CTB(SPC)).
- 5 As is the usual practice, ETDs will be annotated with 'P' so that you are aware of the cause of the backdated change to Pension Credit.

Queries

- 6 If you have any queries about the delayed reviews, please contact Fiona McLeish.

Email: Fiona.McLeish1@thepensionservice.gsi.gov.uk

Issuing of cautions

- 7 With the introduction of the changes within the Welfare Reform Act 2007 to allow local authorities (LAs) to investigate and prosecute certain national benefits, the ability of DWP or LAs to issue a caution on behalf of each other has been re-examined.

- 8 It has now been agreed that if a caution is appropriate a LA can issue a caution on behalf of DWP, and vice versa, using delegation of functions.
- 9 Only the organisations administering the benefit in question can make the decision that the offer of a caution is appropriate, eg DWP for all national benefits and LAs for HB/CTB.
- 10 A written agreement must be signed on behalf of the Secretary of State or LA agreeing to the action to be taken by the other body. This agreement will confirm, if challenged, the authority of the organisation to issue the caution on behalf of the other body.
- 11 The written agreement is contained in forms AG1 (Part 1) AG1 (Part 2) and AG2. Jobcentre Plus and LAs should use these forms for all cases involving DWP benefits and HB/CTB where the offence is to be dealt with by way of a caution.
- 12 Further information is now available in the newly amended *Cautions* section of the *Fraud Procedures and Instructions manual*, together with the revised forms AG1 and AG2.
- 13 For any further advice or information about this subject, please contact Graham Dove, email: Fraud-Error-Policy@dwp.gsi.gov.uk

Statutory Instruments

- 14 The following Statutory Instruments (SI) have now been laid
- 2008 No 1432, The Financial Assistance Scheme (Miscellaneous Provisions) Regulations 2008, coming into force 4 June 08
 - 2008 No 1476, The Child Maintenance and Other Payments Act Order (Commencement) Order 2008, coming into force 10 June 08
- 15 Copies of SIs can now be downloaded from
- DWP's own website
<http://www.dwp.gov.uk/advisers/docs/lawvols/bluevol/>
 - the website of the Office of Publication Information
<http://www.opsi.gov.uk/stat.htm>

Recording of sanction & prosecution outcomes

- 16 With the introduction of the Fraud Referral and Intervention Management System (FRAIMS) within the Fraud Investigation Service a new form (FPA 6) has been devised for LAs to record the outcome of their sanctions and prosecutions, see *Annex A* sent with this bulletin.
- 17 This new form replaces the previous WIB 4a and WIB 4b.

- 18 A copy is enclosed for your information. Further details are available in the Fraud Procedures and Investigation manual.
- 19 LAs are therefore asked to use this form to send to their local FIS office.
- 20 We are currently carrying out a review of all the forms used in the cautions and Ad Pen process to identify those that are redundant. We will issue further guidance when the review has been completed.
- 21 For further advice or information about this subject, please contact Graham Dove, email: Fraud-Error-Policy@dwp.gsi.gov.uk

Current HB/CTB Circulars

- 22 Following the issue of HB/CTB Guidance Manual, Amendment 16, the current 'A' circulars are listed in the table below.

Number	Subject
A30/2003	Return to Work Credit
A17/2006 A17/2006 (Revised)	Targeting working age cases to reduce fraud and error in HB/CTB Reissued as A17/2006 (Revised)
A20/2006	Changes to Security Performance Measures
A5/2007	Submission of annual self-assessments against the HB/CTB Performance Standards for 2006/07
A13/2007	Details of the intended distribution of data collection modernisation funding
A2/2008	HB/CTB Performance Indicators from April 2008
A3/2008	Recovery from customers who have been declared bankrupt
A4/2008	HB/CTB Right Benefit Performance Indicator from April 2008
A5/2008	Guidance on completion of the Single HB Extract fields for the derivation of the performance data for the 'Right Time' and 'Right Benefit' indicators
A7/2008	Housing Benefit Matching Service (HBMS) Data Take on and Processing Schedule (DTOPS) 30
A8/2008	The Social Security (Miscellaneous Amendments)(No 2) Regulations 2008
A9/2008	Housing Benefit Data Services (HBDS) Timetable and process for the extraction and transfer of the Single HB Extract for 2008/09

- 23 You may destroy all other HB/CTB A circulars, but we recommend you keep at least one copy of each for reference purposes.

What's new on the web

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

Document Type	Subject	Link
HB Direct Issue 78 June 2008	Newsletter	http://www.dwp.gov.uk/housingbenefit/news/newsletter/2008/issue78-jun08.pdf
Information for LAs to establish indicators and measures to help alleviate pensioner poverty		http://www.dwp.gov.uk/housingbenefit/letters/letters/local-indicators.pdf
Bulletin G10/2008	In and out of work pilots – update and request for Pathfinder sites Statutory Instruments Local Housing Allowance & withdrawal of benefit claims Annex A Annex B	http://www.dwp.gov.uk/housingbenefit/news/newsletter/bulletins/2008/g10-2008.pdf
Bulletin G11/2008	Access to Tax Credit Data Local Authority Omnibus Survey, Summary report for wave-16 Customer Management System (CMS) Release 8 Summary and Final reports for, 'Reporting Changes in Circumstances: Tackling Error in the Benefits System' Reminder for the attention of appeals officers Updated contacts list Statutory Instruments DVLA Photocard Driving licence update - 10 Yearly Photo Renewal	http://www.dwp.gov.uk/housingbenefit/news/newsletter/bulletins/2008/g11-2008.pdf

Other publications issued this month

25 The following publication has been issued this month

- HB/CTB Guidance Manual - Amendment 16