

Housing Benefit and Council Tax Benefit

General Information Bulletin

Department for Work and Pensions, The Adelphi, 1 - 11 John Adam Street, London WC2N 6HT
<http://www.dwp.gov.uk/housingbenefit/>

HB/CTB G8/2008

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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<ul style="list-style-type: none">• 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">- 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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Reminder about security

- 1 Access to the Customer Information System (CIS) is provided to Local Authority (LA) staff only for the administration of Housing Benefit (HB) and Council Tax Benefit (CTB). Administration includes any action of HB/CTB including appeal work, recovery of overpayments and the investigation of suspected benefit fraud.
- 2 Unless there is a claim for HB/CTB or outstanding administration action, CIS must not be accessed.
- 3 The CIS screen often shows a range of information, with only some of this being directly relevant to the HB/CTB decision being made. In line with data protection principles LAs should therefore not be copying CIS screens as standard practice as this could be considered excessive. Copies of CIS screens should only be stored on LA systems where there is relevant need for the information in its original format, for example, for audit purposes. In all other cases LAs should simply note the relevant information obtained from CIS relating to the current decision.

Inappropriate access to CIS

- 4 There have been a number of recent cases where CIS has been accessed where there is no legislative gateway to support that access, or where the CIS access levels and MoU would not permit, such as those detailed below.

Free school meal enquiries

- 5 While Local Education Authority (LEA) staff may obtain information from DWP, current access levels to CIS contain more information than is relevant for LEA access so such access would not be considered proportionate under the Data Protection Act. Even in cases where customer consent exists, HB/CTB staff can only provide information they already hold on their own system. They cannot access CIS to obtain information needed by the LEA.

Council Tax enquiries

- 6 We have also noted that some LA staff have accessed CIS for Council Tax (CT) arrears cases. No legislation exists to allow DWP information to be provided for this purpose. If customer consent to obtain DWP information exists, the Council Tax team would need to contact DWP direct for any information. LA staff must not access CIS in these cases.

Fraud staff

- 7 HB/CTB Fraud staff are permitted to access when investigating cases of suspected or actual HB/CTB fraud. From April 2008, they are also able to pursue fraud investigation on IS, JSA and Pension Credit claims, but only when this started as part of an HB/CTB investigation.
- 8 There have been a number of recent cases where LA fraud staff have accessed CIS without first checking for HB/CTB interest on the LAs own systems. In some cases this interest did not exist and therefore the access to CIS was not appropriate.

Security breaches

- 9 Inappropriate access and disclosure of Social Security information, including HB/CTB, is a criminal offence. LAs are required to report actual or suspected security breaches to the DWP LAST team, thoroughly investigate any incident, and take stringent action against anyone who has
- accessed CIS without business justification
 - deliberately disclosed information from CIS
 - misused personal customer data from CIS in any way
 - accessed CIS for non-HB/CTB administration
- 10 Staff should be aware that such actions could result in their access to CIS being removed. In serious cases, a person may be prosecuted, fined and/or imprisoned, or face a range of disciplinary action, which may result in a penalty up to and including dismissal.
- 11 If you have any enquiries about the content of this item please contact Olapeju.Akanwo@dwp.gsi.gov.uk

New Regulations: Reform of Extended Payments and Disregard of child maintenance

- 12 Two new sets of regulations have been laid before Parliament in April. The LAAs have been consulted on and supported both these sets of regulations.

The HB and CTB (Extended Payment) Amendment Regulations 2008 (SI 2008/959) – coming into force 6 October 2008

- 13 Under the existing schemes, in order to get an Extended Payment (EP), the current HB and/or CTB claim has to be ended. Changes to primary legislation made in the Welfare Reform Act 2007 recast the underpinning powers for EP to address this issue. The detailed rules are the same or similar to the current schemes, and remain in regulations to provide the flexibility to keep these under review. But for example, the existing rules that IS/JSA(IB) or IB/SDA must have ceased for work-related reasons and the existing qualifying periods relating to time on those benefits are retained. Employment and Support Allowance (ESA) will be added to the list of qualifying benefits from 27 October 2008.
- 14 When a person meets the qualifying conditions for an EP, there will be no need to make a claim – rather it will be for the LA to determine entitlement to an EP as part of processing the change of circumstance relating to the claimant entering work/changing their pattern of work. This includes checking that the claimant/partner has been in receipt of a qualifying benefit for at least 26 weeks: there will be no requirement upon the Secretary of State to certify that the 26 week period has been satisfied (as is already the case with the current IB/SDA based scheme).

- 15 In contrast to the current schemes, the LA that was administering HB/CTB immediately before the claimant or claimant's partner took up work shall fund and administer the EP, even if the recipient moves out of that LA's area. This is to avoid the claimant needing to re-claim any balance of their EP after moving, although they would need to apply to the new LA for any in-work HB/ CTB in the usual way. This is already the case in the current scheme when claimants move from a Rent Allowance property in one LA area to a Rent Allowance property in another LA area during the EP period.
- 16 As now, the method of calculating the EP is in the regulations. The amount of the EP will be the higher of the out-of-work entitlement or the in-work entitlement. The effect of this is to ensure that the claimant is entitled to *at least* the amount of HB/CTB they were receiving before they started work or increased their income from work, during the EP period. However, in the small number of cases where a claimant moves LA during the four week EP period and becomes entitled to a higher rate in that area of in-work benefit, then they would receive the surplus in-work amount from the new LA.
- 17 Further detailed guidance is due to be issued in June.

Queries

- 18 Contact for queries: phillipa.fallowfield@dwp.gsi.gov.uk

The Social Security (Miscellaneous)(No.2) Regulations 2008 (SI 2008/1042) - coming into force 19 May 2008 and 27 October 2008 (for the child maintenance disregard)

- 19 The majority of the amendments in this package of regulations are designed to rectify or clarify the consolidated set of HB and CTB Regulations which came into force in 2006. Otiose references are also removed. They therefore do not represent changes in policy.
- 20 The more substantive amendments are below.

Disregard of Child Maintenance in HB/CTB

- 21 An increase in the child maintenance disregard was announced in the October 2007 Pre Budget Report
- from £10 to £20 per week in IS, JSA(IB) and income-related Employment and Support Allowance (ESA). This will be increased again to £40 from April 2010
 - from £15 per week to a full disregard in HB and CTB
- 22 Amendments to the other income-related benefits will be made in the summer but will come into force at the same time (27 October 2008).

Removal of pensioner premiums in HB and CTB

- 23 With the introduction of Pension Credit in October 2003, the HB and CTB regulations were amended to complement Pension Credit. Effectively, from that date, parallel HB/CTB schemes operate for working age and pension age customers.

- 24 As Pension Credit does not have pensioner premiums, neither from that date did HB/CTB for pension age customers. However, we did not want to dispense with pensioner premiums in the working age HB/CTB schemes until we were sure that removing them would not create any problems for the operation of the HB/CTB schemes, particularly in relation to LA IT systems.
- 25 We now believe it would be safe to remove the pensioner premiums from the working age HB/CTB Regulations.

Decisions and Appeals Regulations

- 26 A correction amendment is made to the structure of regulation 7(2) of the Social Security and Child Support (Decisions and Appeals) Regulations 1999 in line with a commitment the Department gave to the Joint Committee on Statutory Instruments in November 2007.
- 27 Circular giving further information is due shortly.

Queries

- 28 If you have any queries please contact: richard.metcalfe@dpw.gsi.gov.uk

Change of name

- 29 From Monday 14 April 2008 the group of which ACI Leeds is a part will change its name from 'Legal and Special Policy Group' to 'Legal Group'.
- 30 As a consequence of this change various divisions and directorates are also changing their names.
- 31 'ACI Leeds' will change to 'DMA Leeds' and any requests for guidance should now be e-mailed to DMA-Office-Support-L@dpw.gsi.gov.uk
- 32 The postal address is
- Decision Making and Appeals (Leeds)
Part of Legal Group
Office Support
Room GS 36
Quarry House
Quarry Hill
Leeds
LS2 7UB

Statutory Instruments

- 33 The following Statutory Instruments (SI) have now been laid
- 2008 No 650, The Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) (Amendment) Regulations 2008, coming into force 1 April 2008
 - 2008 No 794, The Employment and Support Allowance Regulations 2008, coming into force 27 October 2008
 - 2008 No 909, The Pension Protection Fund (Pension Compensation Cap) Order 2008, coming into force 1 April 2008
 - 2008 No 911, The Occupational Pension Schemes (Levy Ceiling) Order 2008, coming into force 1 April 2008
 - 2008 No 975, The Employment and Support Allowance (Transitional Provisions) Regulations 2008, coming into force 1 September 2008
 - 2008 No 1050, The Occupational Pension Schemes (Transfer Values) (Amendment) Regulations 2008, coming into force 1 October 2008
- 34 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>

Secondment opportunity

- 35 An opportunity has arisen to work as part of the Housing Benefits Modernisation Projects Team here in DWP Housing Benefit Strategy Division on a temporary basis for a period of up to twelve months.
- 36 The work of the team includes
- Liaising with Jobcentre Plus in a number of areas including:
 - Modernisation projects such as the rollout of the In and Out of Work Pilot that has recently been trialled.
 - Customer Management System (CMS) including the development of new releases and providing live support for Local Authorities
 - Providing guidance for LAs and conducting evaluation
 - The team are undertaking a similar role in the development of the products that are to be introduced to support Employment and Support Allowance (ESA).
 - Liaison with The Pension Service (TPS) including the Pensions Transformation Programme.
- 37 LA secondees have worked with the team in the past and provide an invaluable insight into the impacts and issues encountered at the operational level as a result of DWP policy and process changes.

What skills do you need?

- 38 A good sense of humour always helps, however you do need more. A sound working knowledge of HB/CTB regulations is essential and any previous experience of policy work would be helpful. You need to have the ability to work on your own initiative, possess good interpersonal skills and have the ability to talk to people at different levels.
- 39 The majority of the team are based near Blackpool however there is the opportunity to work from London or Birmingham.
- 40 If this opportunity interests you, please contact Ben Aylott on 020 7712 2359 or at Ben.Aylott@dwp.gsi.gov.uk to discuss the post further.
- 41 The deadline date for applications is Friday 9th May 2008.

What's new on the web

- 42 The following items can be found on the website link shown

Document Type	Subject	Link
Circular HB/CTB 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	http://www.dwp.gov.uk/hbctb/circulars/2008/A5-2008.pdf
Circular HB/CTB A6/2008	The Social Security (Miscellaneous Amendments) Regulations 2008 (No 698) In Work Credit	http://www.dwp.gov.uk/hbctb/circulars/2008/A6-2008.pdf
Circular HB/CTB S2/2008	Details of the allocation of funding for the implementation of Employment and Support Allowance (ESA)	http://www.dwp.gov.uk/hbctb/circulars/2008/S2-2008.pdf
Circular HB/CTB S3/2008	Rent Rebate Subsidy Limitation information 2008/2009	http://www.dwp.gov.uk/hbctb/circulars/2008/S3-2008.pdf

Document Type	Subject	Link
Bulletin G6/2008	<p>HB Error Awareness e-learning</p> <p>Housing Benefit and Council Tax Benefit Appeals - Change of Processing Centre in the Midlands Area</p> <p>Security Performance Measures 2007/08</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/news/newsletter/bulletins/2008/g6-2008.pdf
Bulletin G7/2008	<p>Amendment to HB/CTB Circular A16/2007: War Pension Rates 2008 Appendix D, Annex 1</p> <p>Partnership Agreement for Benefit Administration, Security and Fraud between Jobcentre Plus and LAs</p> <p>Statutory Instruments</p>	http://www.dwp.gov.uk/housingbenefit/news/newsletter/bulletins/2008/g7-2008.pdf
HB/CTB Performance and Good Practice Guide	Good Practice Guide	http://www.dwp.gov.uk/housingbenefit/performance-guide/index.asp
LA Efficiency web-page	Updated section now includes an efficiency checklist and Performance Development Team reports, case studies and hints and tips	http://www.dwp.gov.uk/housingbenefit/la-efficiency/
HB/CTB Discretionary Housing Payments Best Practice Guide	Good Practice Guide	http://www.dwp.gov.uk/housingbenefit/manuals/DHPGoodPracticeGuide-v1.pdf
HB Direct issue 76 April 2008	Newsletter	http://www.dwp.gov.uk/housingbenefit/news/newsletter/2008/Issue76April2008.pdf

HB/CTB Circulars issued this month

- 43 The following HB/CTB Circulars have been issued this month
- Circular A6/2008
 - Circular A7/2008
 - Circular S3/2008

Other publications issued this month

- 44 The following publication has been issued this month
- HB/CTB Guidance Manual - Amendment 15