

Housing Benefit and Council Tax Benefit Circular

Department for Work and Pensions

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HB/CTB A17/2008

ADJUDICATION AND OPERATIONS CIRCULAR

WHO SHOULD READ	All Housing Benefit (HB) and Council Tax Benefit (CTB) staff
ACTION	For information
SUBJECT	Housing Benefit Data Service (HBDS) Timetable and revised process for transfer of the Housing Benefit Recoveries and Fraud Return (HBRF) for 2008/09

Guidance Manual

The information in this circular does not affect the content of the HB/CTB Guidance Manual.

Queries

If you

- want **extra copies of this circular/copies of previous circulars**, they can be found on the website at www.dwp.gov.uk/housingbenefit/user-communications/circulars/
- have any queries about the
 - **technical content of this circular**, contact Jan Ripley
Tel: 01792 885850
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Email: jan.ripley@dwp.gsi.gov.uk
 - **distribution of this circular**, contact Corporate Document Services Ltd Orderline
Email: orderline@cds.co.uk

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Housing Benefit Data Service (HBDS) timetable and revised process for the transfer of the Housing Benefit Recoveries and Fraud (HBRF) Return for 2008/09

Introduction

- 1 This circular refers to the Housing Benefit Recoveries and Fraud (HBRF) Return and contains
 - **the 2008/09 timetable for the quarterly return periods and revised deadline dates for transfer of the Housing Benefit Recoveries and Fraud (HBRF) Return**
 - **details of the revised process to be followed for transfer of this data between local authorities (LAs) and the Department for Work and Pensions (DWP)**
 - **a copy of the Guidance for Completion of the HBRF Return V3.0 and accompanying Template V3.0**
 - **'Frequently Asked Questions' and 'Top Tips' to support the accurate completion of this return**

Initial proposals

- 2 *Guidance for Completion of Housing Benefit Recoveries and Fraud Return (Appendix 1)* was released on 1 October 2007 and gave instructions for the transfer of this return between LAs and DWP.
- 3 Following the suspension of data transfers between LAs and DWP (and vice versa) at the end of last year (*HB/CTB Bulletin U3/2007 refers*), an in-depth review of data security has taken place. This review also included transfers of aggregate level data.
- 4 From April 2008, the transfer of personal level data between LAs and DWP, the HBMS and Single HB Extracts (circulars *HB/CTB A7/2008 and A9/2008 refer*), was resumed using a secure data encryption product to ensure the security of these transfers.
- 5 As a result of the review of the transfer of aggregate level data, the Department decided to implement the same secure data encryption product for the transfer of the HBRF Return.
- 6 This means that with immediate effect all transfers of the HBRF Return between LAs and DWP should be made using the PGP Encryption software rolled out to each LA, by the DWP Data Encryption Project, earlier this year.

General guidance

- 7 The timetable detailing the Periods of the Return and the revised deadline dates for transfer of this data to DWP is reproduced at *Appendix 2* (and is also included in the *Guidance for Completion of the Housing Benefit Recoveries and Fraud Return at Appendix 1*).
- 8 LAs are asked to ensure that their Responsible Encryptor (RE) is aware of the timetable and the date transfer of this data is planned. Data received after the deadline date cannot be processed and will result in performance information being missed for that quarter.
- 9 Please ensure that data is submitted in the correct format using the template provided (*Appendix 3*). If data fails to load and/or is not received by DWP, in the correct format, before the deadline date it will result in performance information being missed for that quarter.
- 10 The automated loading process may not pick up your data if it is not returned using the correct template and/or in the format detailed. LAs will be informed if data fails to load and/or is incorrectly formatted. Data can be re-submitted only within the quarter to which it relates, and before the deadline date. *Appendix 4* identifies common formatting issues – 'Top Tips' to help you ensure your data is formatted correctly.
- 11 When scheduling transfer dates, LAs are advised to allow time for clearance of any policy queries and/or formatting issues to ensure their data is received in the required format before the deadline date. *Appendix 5*, Frequently Asked Questions – highlights responses that have been compiled relating to queries raised during collection of Quarter 1 data.
- 12 LAs are asked to ensure that the deadline dates for receipt of data by DWP contained in this circular are taken into consideration when scheduling system downtime. HBDS require advanced notification when system downtime coincides with the data transfer period in order to consider alternative arrangements. HBDS should be alerted immediately if unexpected software issues jeopardise receipt of this data by the deadline date.
- 13 For further details relating to the timetable, deadline dates, data returns, data quality issues, data incidents, please contact

Coral Smart
Tel: 0191 216 2837
Email: HBDataService@dwp.gsi.gov.uk

or the Newcastle HBDS Team (see *Appendix 6* for a complete contact list)

PGP background and support

- 14 HBDMS have already contacted each LA to identify the LA personnel who have been assigned RE status. The role of each LA's RE is to receive and issue the electronic PGP public key that allows the encryption/decryption and secure email transfer of data.
- 15 When transferring data, the file name, email heading and message will be agreed in advance between the LA's RE and HBDS Newcastle. All should be short and innocuous, and in no way identify that data is attached.
- 16 Twelve months support and maintenance has been purchased from PGP, allowing access to PGP engineers via telephone and email between 08:00 and 17:00 hours, Monday to Friday.
- 17 Further support is available on the PGP portal which includes a knowledge base, FAQs and tutorials. The site can be accessed at: <http://support.pgp.com>. Login ID and password details have already been supplied to the LAs RE's.

Transfer of the Housing Benefit Recoveries and Fraud (HBRF) Return to HBDS Newcastle

- 18 During week commencing 22 September 2008, HBDS Newcastle will issue an email to the RE at the LA containing the public keys to allow transfer of this data. If this email has not been received by close of play Friday 26 September the RE should contact:

Coral Smart
Tel: 0191 216 2837
Email: HBDataService@dwp.gsi.gov.uk

- 19 LAs should use the following process, with immediate effect, for transferring their HBRF Return to DWP
 - When an LA is ready to transfer their data to DWP the designated RE at the LA should contact HBDS Newcastle by telephone (0191 216 2837) to confirm details of the data transfer.
 - The RE should then transfer their HBRF Return to Coral Smart coral.smart@dwp.gsi.gov.uk (HBDS Newcastle), via PGP encrypted email, using the public keys provided (these should have been received by the RE during week commencing 22 September - *paragraph 18* refers).
 - Within one working day of receipt of this data in HBDS Newcastle the RE will receive a confirmation email. This email will also confirm whether the data is loadable and/or has been received in the correct format. The RE will also be contacted should there be any problems within the data transfer process.

- If an LA is unable to submit data within three hours of the telephone call informing HBDS Newcastle that they are ready to transfer data they should contact HBDS Newcastle by telephone (0191 216 2837) to advise of the problem.
- 20 It is important that all the steps in *paragraph 19* above are followed on **every** occasion that this data is transferred to DWP.
- 21 Any queries relating to this transfer process should be directed to
Coral Smart
HBDS Newcastle
0191 216 2837

Transfer of data via third party suppliers

- 22 Should an LA wish to sub-contract the sending of data to a third party supplier, the DWP will accept transfer of the HBRF Return via that supplier on the understanding that the Department's specified standards and procedures are strictly adhered to.
- 23 The responsibility for ensuring that data is transferred to DWP in the correct manner and at the correct time; and that the requisite records of that transfer are maintained cannot be delegated to a third party and remains the responsibility of the owning LA.
- 24 LAs should therefore satisfy themselves that any third party supplier they use has the necessary processes and procedures in place to meet this requirement.
- 25 Should any LA wish to use a third party supplier, they must notify the DWP in writing confirming their intention and accepting their responsibilities listed above. They should also give details of the supplier. These details should include the suppliers name together with the name, location, email address and telephone number of the suppliers' RE.
- 26 LAs wishing to use a third party supplier should email notification of their intention with details as above to HDDataService@dwp.gsi.gov.uk.
- 27 Queries relating to the use of third party suppliers should be directed to
Jan Ripley
Tel: 01792 885850
Mobile: 0773 331 5370
Email: jan.ripley@dwp.gsi.gov.uk

Guidance for completion of the HBRF Return

Housing Benefit Recoveries and Fraud (HBRF) Return

Change Control

V3.0	22/09/08 – update process for transfer of data between LAs and DWP and correct deadline date for receipt of Quarter 4 data
V2.0	22/11/07 – track changes removed and reference to splits for overpayment recoveries removed from specific guidance.
V1.0	30/09/07 – circulated to all software suppliers

General Notes

This return collects data from all Local Authorities every quarter from April 2008, for

- Overpayment recoveries
- Fraud investigations.

Period of returns

An Excel spreadsheet has been issued by DWP and each of the four returns per year should follow this format. There are two sheets on the spreadsheet supplied for the HBRF, LAs have the option to complete either the first or second sheet (with the second, string format being the preferred format) but should return the whole Excel workbook to DWP when making their return.

2008/09 HBRF returns should cover the following periods and be sent to the DWP by the following deadlines

Period	Deadline
1 April 2008 – 30 June 2008	25 July 2008
1 July 2008 – 30 September 2008	31 October 2008
1 October 2008 – 31 December 2008	30 January 2009
1 January 2009 – 31 March 2009	30 April 2009

Data received after the deadline date cannot be processed and will result in performance information being missed for that quarter.

Type of returns

Returns should be provided only in an Excel or csv format as per the HBRF template and should be returned, via email, to the email address below.

Transfer of HBRF Return to DWP

As a result of an in-depth review of data security, transfers of HBRF data between LAs and DWP should be made via email using the secure data encryption product (PGP encryption software) that was rolled out to LAs by the DWP Data Encryption Project earlier this year.

With effect from 1 October 2008 LAs should use the following process for transferring their HBRF Return to DWP

- When an LA is ready to transfer their data to DWP the designated Responsible Encryptor (RE) at the LA should contact HBDS Newcastle by telephone (0191 216 2837) to confirm details of the data transfer
- The RE should then transfer their HBRF Return to Coral Smart coral.smart@dpw.gsi.gov.uk (HBDS Newcastle), via PGP encrypted email using the public keys provided. (These keys should have been received by the RE during week commencing 22 September 2008)
- Within one working day of receipt of this data by HBDS Newcastle the RE will receive a confirmation email. This email will also confirm whether the data is loadable and/or has been received in the correct format. The RE will also be contacted should there be any problems within the data transfer process
- If an LA is unable to submit data within three hours of the telephone call informing HBDS Newcastle that they are ready to transfer data they should contact HBDS Newcastle by telephone (0191 216 2837) to advise of the problem

Any queries about the return of this data should be directed to:

Coral Smart

Tel: 0191 216 2837

Email: HBDDataService@dpw.gsi.gov.uk

Information to be provided

Table 1 below details the information that should be provided on the HBRF return and the section that follows the table provides some notes for completion.

Table 1: Information to be captured on HBRF, from April 2008

HBRF field	Question
Overpayments	
1	Total value of HB overpayments outstanding at the start of the quarter
2	Total value of HB overpayments identified during the quarter
3	Total value of HB overpayments recovered during the quarter
4	Total value of HB overpayments written off during the quarter
Fraud Investigations	
5	Number of full time equivalent fraud investigators at the end of the quarter
6	Number of cases referred to the LA fraud investigation section during the quarter
7a	Number of cases subject to investigation by the fraud section, that were closed during the quarter
7b	Total number of cases under investigation that related to DWP administered benefits (included in 7a) that were closed during the quarter
8	Number of cautions offered and accepted during the quarter
9a	Number of administrative penalties offered and accepted during the quarter
9b	Number of administrative penalties offered and accepted with a DWP benefit interest (included in 9a) during the quarter
10a	Number of cases accepted for prosecution during the quarter
10b	Number of cases accepted for prosecution with a DWP benefit interest (included in 10a) during the quarter
11a	Number of prosecutions resulting in guilty outcomes (includes guilty pleas and verdicts) during the quarter
11b	Number of prosecutions resulting in guilty outcomes (includes guilty pleas and verdicts) with a DWP benefits interest (included in 11a) during the quarter

Notes for completion

General notes

If no information is available for specific items, leave cells blank.

Enter 0 if there are no appropriate claims/cases.

Do not fail to return the HBRF even though some data cannot be provided in the timescale. If missing data becomes available at a later date, telephone DWP to establish if it can still be used.

Overpayment Recoveries

Overpayment means any amount paid as HB when there was no entitlement under the regulations, whether on the initial decision or as subsequently revised or superseded or further revised or superseded, and includes any amount paid on account under [HB R 93](#); [HB SPC R 74](#) which is in excess of entitlement to HB as subsequently decided, [HB R 99](#); [HB SPC R 80](#).

Underlying entitlement [HB R 104](#); [HB SPC R 85](#), any amount of HB which would otherwise have been payable in respect of the whole or part of an overpayment period should be deducted from the amount overpaid (**1** and **2**). It should not be included as recovered in **3**.

1 to 4, entries are needed for Rent Rebate and Rent Allowance.

Exclude technical overpayments and uncashed cheques from total amounts of overpayment, items **1** and **2**, and from any amounts recovered, item **3** or written off, item **4** associated with these types of overpayment.

- Include all other types of overpayment, i.e.
 - LA official error overpayments
 - Departmental official error overpayments
 - Fraud, claimant error and 'other' overpayments (other overpayments do not fit into any of the other categories, e.g. when a claimant receives a backdated payment of earnings or benefit that must be taken into account retrospectively)
 - Indicative Rent Level (IRL) overpayments

1 Total value of HB overpayments outstanding at the start of the quarter

Enter the totals. Bring forward any overpayments identified in previous quarters and neither recovered nor written off at the start of this quarter, i.e. the total outstanding debt as under:

- Quarter 1 all outstanding debt from previous years
- Quarter 2 all outstanding debt from previous years + debts identified in quarter 1
- Quarter 3 all outstanding debt from previous years + debts identified in quarters 1 and 2
- Quarter 4 all outstanding debt from previous years + debts identified in quarters 1, 2 and 3

Note: Exclude all recovered and written-off amounts. Totals from earlier quarters could change throughout the year if amendments are made at a later date, e.g. if underlying entitlement is belatedly applied.

2 Total value of HB overpayments identified during the quarter

Enter the totals. Include the total value of all overpayments identified during the quarter, regardless of when the overpayment occurred.

3 Total value of HB overpayments recovered during the quarter

Enter the total HB overpayments recovered. Include amounts recovered from overpayments identified during previous quarters. Do not include reductions in overpayments due to underlying entitlement as HB recovered.

Recovered overpayment means:

- payments physically received and attributed to the overpayment debt during the quarter
- money actually recovered by deductions from payments of HB made during the quarter
- money from arrears of HB owed to the claimant in accordance with [HB R 102\(1\)](#); [HB SPC R 83 \(1\)](#)
- money from sale of debt to collection agency. Sale amount is recovered, not debt amount
- money recovered by debt agencies acting for LAs
- money recovered by Debt Management by deductions from other benefits

Do not count as recovered:

- the value of overpayment debt
 - transferred to other accounts of the LA, e.g. sundry debtors or the Housing Revenue Account, unless and until payment is received and attributed to the overpayment debt through those routes
 - written off
- the overpayment debt if sold to a debt agency - only the sale amount is recovered
- underlying entitlement, [HB R 104](#); [HB SPC R 85](#)

4 Total value of HB overpayments written off during the quarter

Enter the total value of overpayment debt the LA has written off during the quarter because there is presently no reasonable prospect of recovery, see [Section 4.710 et seq HB/CTB Overpayments Guide](#), or because the overpayment is a non-recoverable overpayment. Include overpayment debt sold to a collection agency, i.e. the amount of debt sold net of the sale price. Do not include overpayment debt temporarily transferred to a suspense account, e.g. pending further contact from the claimant.

Fraud Investigations

5 Number of full time equivalent fraud investigators at the end of the quarter

Enter the number of full-time equivalent fraud investigators in post at the end of the quarter.

A fraud investigator means a member of staff whose principal or only duty is to undertake fraud investigations. Include staff on maternity leave, but do not count vacancies.

6 Number of cases referred to the LA fraud/investigation section during the quarter

Enter the total cases passed to your fraud section for investigation during the quarter. Include referrals by HB/CTB section staff, anonymous telephone calls and referrals from other agencies or individuals.

Questions 7,9,10 and 11

For questions 7,9, 10 and 11 we expect that all cases should be included in the part (a) of the questions and then of those that have a DWP benefit interest that is part of the investigation are recorded in part (b). So different events would be counted as summarised in the table below:

Type of investigation or sanction	Part (a) of questions	Part (b) of questions
HB only	1	0
Both HB and a DWP benefit	1	1
DWP benefit investigated but not HB	1	1

The reason we require this additional information is to allow us to monitor the impact of the reversal of the Howell decision which is due to come into effect from April 2008. This will give LAs powers to investigate and prosecute cases with a DWP benefit, and effectively allow them to prosecute and impose sanctions *on the* DWP benefit. This is currently not possible and although LAs can work with DWP as part of a joint investigation into a case which has both a HB/CTB interest and a DWP benefit interest, LAs cannot currently prosecute or impose sanctions on the DWP benefit. Thus the data provided in part (b) of questions 7, 9, 10 and 11 should only refer to cases which are happening as a result of the policy change from April 2008 and the LAs are the ones investigating or prosecuting on the DWP benefit. Any joint investigations/joint working between LAs and DWP should still be counted in the part (a) of these questions but not in part (b) if the LA is not specifically investigating or prosecuting the DWP benefit.

Clarification about cases where there was a DWP benefit interest

For clarification, DWP benefit includes Income Support, Jobseekers Allowance, Pension Credit, Incapacity Benefit, and Employment Support Allowance (when introduced).

7a Number of cases subject to investigation by the fraud section, that were closed during the quarter

Enter the total number of cases where a fraud investigation was closed during the quarter. A fraud investigation is work carried out to gather evidence on a claimant, landlord or associated party, who is suspected of fraud, e.g. interviewing witnesses or suspects, undertaking surveillance.

Do not include cases referred to the fraud section where the fraud officer decided, after preliminary enquiries, the case did not merit further action. For example, if 100 employee names are checked against benefit records and 20 appear to have undeclared earnings, only count 20 investigations.

7b Total number of investigations relating to DWP benefits during the quarter

Enter the total number of cases where the LA completed an investigation into a case, included in 7a, where entitlement to a DWP benefit was investigated.

Note: Items **7b, 9b, 10b, and 11b should not be completed** until after primary legislation has been changed to enable LAs to investigate national benefits alongside HB and CTB. This is currently planned for March/April 2008. Guidance will be issued before March/April 2008 specifying when these items should start being captured..

8 Number of cautions offered and accepted during the quarter

Enter the quarterly number of claimants, landlords and colluding employers where your LA offered a formal caution as an alternative to prosecution and the claimant, landlord or employer accepted the caution, refer to Home Office circulars 59/1990 and 18/1994 for formal cautions and the Fraud Investigators Manual (FIM).

If both claimant and landlord or claimant and employer are cautioned, count each party separately, ie this will result in two cautions.

NB – there is no comparable (b) for question 8 because LAs will not have the power to offer cautions on DWP benefits.

9a Total number of administrative penalties offered and accepted during the quarter

Enter the quarterly number of claimants, landlords and colluding employers where your LA offered an administrative penalty as an alternative to prosecution, and it was accepted (refer to Social Security Administration Act 1997 and FIM)

Only count cases, and not the number of different benefits under scrutiny. For example, if more than one DWP benefit were considered in the sanction, then this would contribute one towards the quarterly total. But if both claimant and employer, or claimant and landlord receive an administrative penalty then count each party separately.

9b Number of administrative penalties offered and accepted with a DWP benefit during the quarter

Enter the quarterly number of claimants or third parties (such as employer) where your LA offered an administrative penalty as an alternative to prosecution, it was accepted, and there was a DWP benefit considered in the sanction.

Only count cases, and not the number of different benefits under scrutiny. For example, if HB and IS were considered in the sanction then this would contribute as one towards the quarterly total. But if both claimant and employer, or claimant and landlord receive an administrative penalty then count each party separately.

10a Total number of cases accepted for prosecution during the quarter

Enter the quarterly number of cases laid with a court where, following acceptance by the court for prosecution, a summons was issued. This also includes colluding landlords and employers.

Count the number of cases accepted for prosecution, and not the total number of benefits accepted for prosecution.

For Scottish local authorities, all cases submitted to the Procurator Fiscal can be counted as accepted for prosecution.

10b Number of cases accepted for prosecution with a DWP interest during the quarter

Enter the quarterly number of cases laid with a court where, there was a DWP benefit considered in the prosecution and following acceptance by the court for prosecution, a summons was issued. This also includes colluding landlords and employers.

Only count cases, and not the number of different benefits under scrutiny. For example, if HB and IS were considered in the prosecution then this would contribute as one towards the quarterly total. But if both claimant and employer, or claimant and landlord are prosecuted, then count each party separately.

For Scottish local authorities, all cases submitted to the Procurator Fiscal can be counted as accepted for prosecution.

11a Total number of prosecutions resulting in guilty outcomes (includes guilty pleas and verdicts) during the quarter

Enter the quarterly number of cases where the claimant, landlord or colluding employer have been found guilty of fraud, irrespective of the sentence imposed.

Only count cases, and not the number of different benefits under scrutiny. For example, if HB and IS were considered in the successful prosecution then this would contribute as one towards the quarterly total. But if both claimant and employer, or claimant and landlord are prosecuted, then count each party separately.

For Scottish local authorities, all cases submitted to the Procurator Fiscal can be counted as a successful prosecution.

11b Number of prosecutions resulting in guilty outcomes (includes guilty pleas and verdicts) with a national benefit interest during the quarter

Enter the quarterly number of benefit cases where the claimant, landlord or colluding employer have been found guilty of fraud, irrespective of the sentence imposed, and a DWP benefit was considered in the Sanction.

Count the number of cases that resulted in a successful prosecution, and not the number of benefits successfully prosecuted.

For Scottish local authorities, all cases submitted to the Procurator Fiscal can be counted as a successful prosecution.

Timetable – 2008/2009

HBRF returns should cover the following periods and be sent to the DWP by the following deadlines:

Period of return	Deadline date for receipt by DWP
1 April 2008 – 30 June 2008	25 July 2008
1 July 2008 – 30 September 2008	31 October 2008
1 October 2008 – 31 December 2008	30 January 2009
1 January 2009 – 31 March 2009	30 April 2009

HBRF Return Template V3.0

The new template supersedes previous versions of this template and should be used for submission of this return with immediate effect.

- [Download the new template from the Housing Benefit website.](#)

‘Top Tips’ – common formatting problems identified

This appendix aims to identify formatting problems that have compromised the loading of HBRF data. This list is by no means exhaustive but seeks to highlight the common issues and clarify requirements:

DO:

- ❖ **use the template attached to this circular to return your data**
- ❖ **provide your correct six figure LA number**
- ❖ **provide ‘total’ figures only**
- ❖ **use only numeric entries in fields - text such as N/A, unknown etc is not acceptable**

DO NOT:

- ❖ **create links or formula in the template**
- ❖ **alter the layout of the template**
- ❖ **re-name the worksheets**
- ❖ **delete any of the worksheets**
- ❖ **provide a breakdown of figures**
- ❖ **password protect your template**
- ❖ **create your own spreadsheet**
- ❖ **put text in fields**
- ❖ **include ‘pence’ – figures should be provided to nearest ‘pound’ only (amounts over 50p should be rounded ‘up’ and amounts of 50p and under should be rounded ‘down’)**
- ❖ **breakdown fields – individual, personal data is not required for any field**

Frequently Asked Questions

This appendix has been compiled in response to a number of individual queries that have been raised in connection with completion of the HBRF Return.

Completion of the Template

Overpayments (Fields 1- 4)

1. **Field 1 guidance states this field should contain: "any overpayments identified in previous quarters and neither recovered nor written off at the start of this quarter..." This suggests it should be exactly as field 15 in Stats 124. However guidance also states "Exclude all recovered and written-off amounts."**

You should only exclude overpayments recovered or written off in the previous quarter. Even though the "note" at the end says "exclude all recovered and written-off amounts", it clearly states above "Bring forward any overpayments identified in previous quarters and neither recovered nor written off at the start of this quarter, i.e. the total outstanding debt as under." If you are excluding overpayments recovered and written off in the quarter you are reporting on, then you are not recording the total value of overpayments you had at the start of the quarter. I am afraid your software supplier is interpreting the guidance incorrectly.

2. **Do I include the old sundry debtor's debt in the Rent Rebate or Rent Allowance fields?**

We are aware some Local Authorities are unable to split information between Rent Rebate and Rent Allowance, so for this current year please record the total amount of outstanding debt in the Rent Allowance field. For 2009/10 we are considering adding a total box for items 1-4 to overcome this problem.

Fraud Investigations (Fields 5 – 11b)

Field 5 - Number of full time equivalent fraud investigators at the end of the quarter

1. **Should this figure include a Fraud Team Leader, whose duties do not include direct investigation?**

Guidance for completing this field states it applies to anyone who is employed to investigate benefit fraud and not the administration of fraud investigators. Therefore the team leader should not be included in field 5.

Field 6 - Number of cases referred to the LA fraud investigation section during the quarter

1. **Are HMBS (fraud) referrals and FPA forms inviting joint working, to be included in this figure?**

As we want all cases referred to fraud investigation, both would be included.

2. **Field 6 asks for the number of cases referred to the investigation section during the quarter. The definition states total cases passed to the section for investigation. Do you want the number passed for investigation or the number passed and accepted?**

Please record all cases referred to the fraud/investigation section, including any subsequently rejected.

Field 7 – Number of cases subject to and under investigation

1. **7b - What is the meaning of “that related to DWP administered benefits”?**

7b relates to cases which also have DWP benefits in payment.

Field 8 – Number of cautions offered and accepted during the quarter

1. **Why do we not have a cautions split to reflect the Howell reversal?**

At the time of developing HBRF return for 2008/09, advice from DWP was LAs could not offer cautions on behalf of DWP benefits. Since then (and as publicised to LAs in circular HB/CTB G12/2008 on 23/06/08), the advice from DWP has changed, so we are currently consulting on including an additional part b) for cautions - if this is accepted, we will be drawing up a new template for 2009/10 which will include a split for cautions.

Field 9 - Number of administrative penalties offered and accepted during the quarter

1. **Is this counted at time of acceptance, or after the 28 day cooling off period, as that might take it into the next quarter?**

You should be recording ad pens on HBRF return on day 29 as LA would not know if the person has accepted it until then and if they don't they'll have to consider prosecution as an alternative. If this takes it to the next quarter then it should be counted in the next quarter.

2. **Do we also record Administration Penalties offered by the DWP on our behalf when part of a joint investigation here (as the text specifically states "...where your LA offered....")**

Yes.

Fields 10 and 11 - Prosecution

1. **Item 10a asks for cases where court summons have been issued to be detailed. What happens to cases accepted for prosecution where the summons is issued outside of the quarterly return? Do we enter it on the next quarterly return?**

It is assumed the issuing of summons is the next step after accepting a case for prosecution so providing a case has been accepted for prosecution in the current quarter then it doesn't matter when the summons is issued - this case would still be counted in the current quarter. If the case is accepted for prosecution in the next quarter then it should be counted in the next quarter, regardless of when the summons is issued

2. **Question 10b - What is the meaning of "Number of cases accepted for prosecution with a DWP interest?"**

As stated in the guidance we want to capture new work under the new powers, hence we do not want cases counted that do not make use of the new powers. Hence, joint working cases where section 46 powers were not invoked are not to be included in part b) as these occurred before the new powers were granted.

3. **Are we only counting those cases taken through our own legal services rather than where the DWP have taken the lead and prosecutions proceed via SOL P?**

With regard to recording of sanctions & prosecutions on DWP benefits, it is where the LA is the lead (in a joint working case) or on their own and therefore will use their own solicitor or DWP's Prosecution Division (if they have an SLA with them).

General - Fields 7,9,10 and 11

1. **Guidance ensures "b" type columns are intended to count cases where LA's investigated a DWP benefit without them. But you also include tables suggesting where HB/CTB and a DWP benefit are both being investigated, it should count once in both "a" and "b" columns. This happens most often in joint working cases but subsequent paragraphs say these are not included. Which is it?**

Essentially data provided in part (b) of Items 7,8,9,10,and 11 should only refer to cases that are happening as a result of the policy change from April (reversal of the Howell decision) and LAs are the one investigating or prosecuting on a DWP benefit. Any joint investigations/joint working between LAs and DWP that would have taken place prior to the reversal of the Howell decision should still be counted in (a) of these questions but not in (b) if the LA is not specifically investigating or prosecuting the DWP benefit.

- 2. Please provide clearer guidelines on what counts as the LA investigating or prosecuting a "DWP Interest Benefit".**

As stated in the HBRF guidance, we want to capture new work under the new powers; hence we do not want cases counted that do not make use of the new powers. Hence, joint working cases where section 46 powers were not invoked are not to be included in part b) as these occurred before the new powers were granted.

Collection process

- 1. I have already submitted data for the current quarter but there is an error in this data, how can I correct this?**

Data can be re-submitted, only within the quarter to which it relates, by **fully** completing a new template. The new template should be returned to HBDS Newcastle using the approved transfer process (paragraph 19 refers), and **before** the deadline. The email accompanying the transfer should be clearly annotated to indicate that this is replacement data. No comments should be added to the template itself. Any amendments received after the deadline will not be actioned and may result in incorrect performance data being published.

- 2. I have noticed that there is an error in data that I submitted for a previous quarter, how can I correct this?**

HBDS Newcastle is unable to process any submissions or amendments received **after** the quarterly deadline to which the data relates. Therefore amendments to a previous quarter's data cannot be accepted.

- 3. I want to provide comments on the data included in this return – how should I do this?**

No additional information should be included on the template. The automated loading process will not pick up additional comments and may cause the data to fail to load. Any additional comments should be included on the email accompanying the data return.

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