

# Housing Benefit and Council Tax Benefit

## General Information Bulletin

Department for Work and Pensions, 1<sup>st</sup> Floor, Caxton House, Tothill Street, London SW1 9NA

<http://www.dwp.gov.uk/local-authority-staff/housing-benefit/>

**HB/CTB G1/2012**

**25 January 2012**

<b>Contact</b>	Queries about the <ul style="list-style-type: none"><li>• <b>technical content of this bulletin</b>, contact details are given at the end of each article</li><li>• <b>distribution of this bulletin</b>, contact <a href="mailto:housing.correspondenceandpqs@dwp.gsi.gov.uk">housing.correspondenceandpqs@dwp.gsi.gov.uk</a></li></ul>
<b>Who should read</b>	All Housing Benefit (HB) and Council Tax Benefit (CTB) staff
<b>Action</b>	For information

## Contents

para

Direct payment of housing costs support.....	1
Sheltered Accommodation –we need your help.....	4
Statutory Instruments.....	13
What's new on the web.....	15
HB/CTB circulars issued recently.....	16

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## **Volunteer authorities and housing associations to test direct payments of housing costs support**

1. On Thursday 19 January 2012 the Department announced the successful local authority (LA) and housing association partnerships who will participate in the Demonstration Projects that will see claimants in the social rented sector directly receiving monthly housing benefit payments and paying rents to landlords themselves for the first time.
2. Attached to this bulletin, as a separate document, is a copy of the message that was issued by email last week. This message is also available at <http://www.dwp.gov.uk/newsroom/press-releases/2012/jan-2012/dwp004-12.shtml>

### **Queries**

3. If you have any enquiries relating to this message or would like further information about the project please contact [Jon.hobson@dwp.gsi.gov.uk](mailto:Jon.hobson@dwp.gsi.gov.uk)

## **Sheltered Accommodation – help us with a quick survey**

4. We would be grateful for your help in gauging the potential impact of a change in legislation that we are proposing to make in response to a recent Upper Tribunal decision (CH/322/2011) in a Housing Benefit appeal.
5. In legislation, schedule 1 sets out what are ineligible service charges and that heating, lighting and cleaning of communal rooms are ineligible unless the property is sheltered accommodation. There is no statutory definition of sheltered accommodation.
6. We need to clarify the legislation as the Judge decided that, on the facts of the case, the claimants should have help with these costs as they were living in supported housing that had shared rooms. The property was a group home but the decision could equally apply to any type of supported housing in a shared property. This runs contrary to the policy intent and so we plan to amend the legislation to clarify what is meant by sheltered accommodation when looking at helping with the heating, lighting and cleaning of the rooms of common use.
7. We are satisfied that shared or group homes do not have any of the common features of sheltered accommodation. Although the decision is still subject to further appeal, the change will ensure that those in any form of shared housing should meet their living expenses from their own resources.
8. The planned legislative change will mean that a dwelling with exclusive use of a bedroom only can not be sheltered accommodation, in this context. This will ensure a consistency of treatment with others who share the property they live in.
9. We would be grateful to know from you if this change in legislation will impact on your claimant base. We would like to hear from those who do include help with these costs in Housing Benefit in line with the Upper Tribunal's decision.

10. For those who may be affected, we would be grateful for details of the type of accommodation and claimant characteristics as well as numbers of those likely to be affected. We are not expecting you to give precise figures, an estimate would be sufficient. If you are able we would also like an estimate of the average benefit loss that might be experienced.
11. If you have claimants who would be affected, we would be grateful for a response by **Wednesday 8 February 2012** so we can gauge the likely affect of this change.

## Queries

12. Please contact us by e mail on [Dave.Jones@dwp.gsi.gov.uk](mailto:Dave.Jones@dwp.gsi.gov.uk)

## Statutory Instruments

13. The following Statutory Instruments (SIs) have been laid

- 2011 No.731, The Pension Protection Fund (Pension Compensation Sharing and Attachment on Divorce etc) Regulations 2011, CORRECTION
- 2011 No.2973, The Occupational Pension Schemes (Employer Debt and Miscellaneous Amendments) regulations 2011, coming into force 27 January 2012
- 2011 No. 3033 (C.112), The Pensions Act 2008 (Commencement No.11) Order 2011, came into force 3 January 2012
- 2011 No. 3034 (C.113), The Pensions Act 2011 (commencement No.1) Order 2011, came into force from 1 January 2012
- 2012 No.68(C.3), The Welfare Reform Act 2009 (Commencement No.7) Order 2012, came into force 19 January 2012

14. Copies of SIs can now be downloaded from DWP's own website <http://www.dwp.gov.uk/publications/specialist-guides/law-volumes/the-law-relating-to-social-security/> and the website of the Office of Publication Sector Information <http://www.opsi.gov.uk/stat.htm>

## What's new on the web

15. The following items can be found on the website link shown

Document Type	Subject	Link
HB/CTB Circular A14/2011	Changes made to the use of the shared accommodation rate	<a href="http://www.dwp.gov.uk/docs/a14-2011.pdf">http://www.dwp.gov.uk/docs/a14-2011.pdf</a>
HB/CTB Circular A1/2012	HB & CTB: 2012/13 Upgrading	<a href="http://www.dwp.gov.uk/docs/a1-2012.pdf">http://www.dwp.gov.uk/docs/a1-2012.pdf</a>

<b>Bulletin G10/2011</b>	<p>Gender reassignment project</p> <p>HB/CTB cases awaiting decision by the Upper Tribunal</p> <p>Statutory Instruments</p> <p>Latest update to the Fraud guide</p> <p>What's new on the web</p>	<a href="http://www.dwp.gov.uk/docs/g10-2011.pdf">http://www.dwp.gov.uk/docs/g10-2011.pdf</a>
<b>Bulletin U6/2011</b>	Debt Relief Orders and Overpayment recovery	<a href="http://www.dwp.gov.uk/docs/u6-2011.pdf">http://www.dwp.gov.uk/docs/u6-2011.pdf</a>
<b>HB Direct issue 121 January 2012</b>	Newsletter	<a href="http://www.dwp.gov.uk/docs/issue-121-jan-2012.pdf">http://www.dwp.gov.uk/docs/issue-121-jan-2012.pdf</a>
<b>Press release</b>	Direct payments of housing cost support	<a href="http://www.dwp.gov.uk/newsroom/press-releases/2012/jan-2012/dwp004-12.shtml">http://www.dwp.gov.uk/newsroom/press-releases/2012/jan-2012/dwp004-12.shtml</a>

## HB/CTB Circulars issued recently

16. The following circulars have been issued recently

HB/CTB A13/2011  
HB/CTB A14/2011  
HB/CTB A1/2012