

Housing Benefit and Council Tax Benefit

General Information Bulletin

Department for Work and Pensions, 6th Floor, Caxton House, Tothill Street, London SW1 9NA

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

HB/CTB G6/2012

June 2012

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 housing.correspondenceandpqs@dwp.gsi.gov.uk
Who should read	All Housing Benefit (HB) and Council Tax Benefit (CTB) staff
Action	For information

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Benefit Cap Update

1. Previous HB/CTB General Information Bulletins have advised that from April 2013, benefit payments for households will be capped at around the median earned income after tax and National Insurance for working families.

Update

2. The cap will be set at £500 per week for couples and lone parents and at £350 per week for single adults. The benefit cap will be delivered, from April 2013, via local authorities (LAs) through deduction from Housing Benefit (HB). In the future it will be delivered as part of Universal Credit.

Grace Period

3. The Government has now confirmed that there will be a grace period whereby the benefit cap will not be applied for 39 weeks to those who have been in work continuously for the previous 12 months and who lose their job through no fault of their own.

Benefit cap calculator

4. An online calculator is now available to use at www.direct.gov.uk/benefitcap. Claimants can use this to get an estimate of how much their HB could be reduced by if the amount of benefit they receive is more than the cap limits; and their circumstances remain the same until the cap is applied.
5. To answer the questions in the calculator claimants will need to know the weekly amount of award for each benefit or allowance they or someone in their household receives. This can be found on their award letter(s).
6. If they do not have their award letter(s) they can call the benefit cap helpline. The helpline staff will not have access to all their benefit information, but will be able to provide information and signpost claimants to the benefit enquiry line to find out about the benefits they receive and the weekly award amount.
7. The helpline number is **0845 6057064** or **textphone 0845 6088551** for people with hearing or speech impairments. The Welsh language helpline number is **0845 605 7066**. The helpline is open from 8am to 6pm Monday to Friday.
8. In late June 2012, a letter will be sent to claimants that are not currently in receipt of a mainstream benefit (not in regular contact with Jobcentre Plus) to inform them about the benefit cap and the help they can access, including the online calculator. Those claimants currently in receipt of mainstream benefits, including Jobseeker's Allowance (JSA), Employment Support Allowance/Incapacity Benefit (ESA/IB) and Income Support (IS) will be told about the calculator and other support via a telephone call from, or other interaction with, Jobcentre Plus staff.

Future benefit cap data scans

9. Data scans will be run to identify additional claimants potentially affected by the benefit cap. These claimants will have made a new claim to benefit since the last

scan was run or had a change in their circumstances that resulted in their current benefit payments exceeding the appropriate cap limit.

10. The next data scan will be issued by secure email to LAs from 9 July 2012 to the same contacts used in the last data scan, or to revised contacts that some LAs provided as part of that exercise. The email containing the data scan will include guidance on how to access the data.

Direct Mail letter to new claimants

11. Letters will be sent during July 2012 to those new claimants that will potentially be affected by the benefit cap. The Department for Work and Pensions (DWP) plans to send a further direct mail letter to all claimants potentially affected by the benefit cap, during September and October 2012. The frequency of further letters to new claimants is subject to review and will be influenced by the final design solution.

Delivering the benefit cap from April 2013

12. DWP is working closely with the LA Practitioners' Operational Group and LA IT Suppliers Group to explore the design options for delivering the cap from April 2013. This includes discussions around any potential additional funding required for LAs to support claimants and prepare for delivery of the cap from April 2013 and beyond. Further information will be provided as appropriate.
13. More information on the benefit cap can be found in HB/CTB General Information Bulletins G3, G4 and G5/2012.

Queries

For further information on the content of this item please contact:

Alan.sullivan@dwp.gsi.gov.uk

HB/CTB cases awaiting decision by the Upper Tribunal

14. Decision Making and Appeals (DMA) Leeds is aware of the following HB/CTB cases that are awaiting decision by the Upper Tribunal:
 - CH/101/2012: LA appeal concerning an overpayment arising from cessation of passporting benefit and subsequent under-assessment of non income-related benefit income
 - (Not yet registered): LA (Bristol City Council) appeal concerning eligible and increasing service charges, and Regulation 9(1) – commercial basis. Secretary of State has not joined
 - CH/1562/2010: LA appeal in *Burnip* look-alike (see below). Secretary of State has again been invited to join following recent developments
 - *Burnip v Birmingham City Council and Others* - [2012] EWCA Civ 629. This is the lead case concerning severely disabled tenants and the two bedroom rate for LHA to accommodate an overnight carer. Please note that the Secretary of State has applied to the Court of Appeal for permission to appeal to the Supreme Court. Cases that were stayed pending the outcome in this case remain stayed

15. Thank you to those authorities that have let us know about cases they are appealing. Please notify us of cases at the point that the application for leave to appeal is made to the Upper Tribunal office, or the appeal is lodged following grant of leave by a First Tier Tribunal Judge. Please let us know if a case reference (CH/.. or CSH/..) has been allocated.

Queries

If you have any queries about cases before the Upper Tribunal Judges or courts, please contact us by email at:

dmaleeds.customersupportservices@dwp.gsi.gov.uk

or

fax on 0113 2324841

HB/CTB Policy and Strategy enquiries

16. This bulletin/update clarifies the circumstances under which the new generic e-mail box announced in HB/CTB G5/2012 should be used and to confirm that it is **not** intended to replace other generic boxes that already exist. The exception to this is the mailbox:

"hb-ctb.claimsandpayments@dwp.gsi.gov.uk"

17. The new email box is to be used when submitting queries on HB/CTB policy/strategy only, the full list can be found at paragraph 24 below. The email box has the following address: housing.benefitenquiries@dwp.gsi.gov.uk

18. For topics not listed in paragraph 24 you should continue to use the procedures which were in place prior to 4 June 2012.

19. The template guides the Enquirer to areas of the DWP web site that may assist in finding the answer without the need to contact DWP but will also help to ensure we receive sufficient information to deal with the enquiry and minimise the need to ask the Enquirer for more information.

20. Completed enquiry templates should be sent to a single email address, rather than, in most cases, checking who the responsible officer is and then sending it to their personal email address.

21. Enquiries not made in this way will be returned to the Enquirer for the completion of the enquiry template and forwarding to the email address above, as will enquiries sent to individuals' email addresses.

22. Once an enquiry has been submitted the Enquirer will receive an automated acknowledgement email. This will also include the template and will advise that if the enquiry has not been submitted on the approved template it will need to be resubmitted on the form.

23. If you have submitted an enquiry using the template and then at a later date have further questions, you need not fill in a new template and will only need to email your supplementary questions to the email box.

24. The following policy/strategy areas **only** are to be covered by the new mailbox:

- **Backdating**
- **Change of circumstances** (Regulations)
- **Claim forms**
- **Claims and payments**
- **Council Tax Benefit**
- **Data protection issues**
- **Discretionary Housing Payments** - policy
- **Extended Payments – HB/CTB**
- **Guidance Manual** – updates
- **Income and Capital** – including earnings and War Pension local scheme (but not student income/capital)
- **Local Housing Allowance**
- **Maximum rent**
- **Membership of the family** – HB/CTB
- **Support for Mortgage Interest** – Existing legislation for home owners with housing costs on IS/JSA (IB)/ESA and SPC
- **Non dependant deductions** in IS/JSA(IB)/ESA(IR)/SPC and HB/CTB
- **Pension Credit** – interaction with HB/CTB
- **Personal Allowances & Premiums**
- **Rent and Rent liability**
– Eligible rent rules including social sector and pre 1996 rules with exempt accommodation
- **Size criteria**
- **Shared accommodation rate** and single room rent restrictions
- **Service charges**
- **Students** – regulations regarding treatment of income and eligibility to claim
- **Tax Credits** – interaction with HB/CTB
- **Temporary Absence** – two homes, prisoners
- **Temporary Accommodation**
- **Uprating**

25. The link below takes you to the DWP HB contact list:

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

Queries

Please contact us by email on housing.benefitenquiries@dwp.gsi.gov.uk

Olympic Games

Background

26. With this summer's Olympics and Paralympics fast approaching, the DWP has been looking into ways we can support the Games and more specifically how we can support claimants seeking voluntary and temporary employment opportunities during this period.

27. We are keen to make sure that claimants do not experience any unnecessary impact or a delay in the payment of their benefits once their period of employment comes to an end.

28. The Games are likely to have a different impact in different parts of the country but we hope that this bulletin, which summarises the position, will be helpful for any local authority that has claimants who volunteer or take up temporary employment to help deliver a successful Olympic and Paralympic Games.

Introduction

29. The DWP Olympic Board has been charged with looking into the impact of an increased number of claimants taking up temporary employment or volunteering opportunities during the Olympic and Paralympic Games.

30. In doing this the Board has considered the following business areas:

- The Rapid Reclaim process and the possibility of claimants missing or delaying their Work Focussed Interviews (WFI)
- Claimants volunteering for the Olympics and Paralympics
- Claimants working in a different geographical location to where they normally live

The Rapid Reclaim process and the possibility of claimants missing or delaying their WFIs

31. The Rapid Reclaim process is designed to allow claimants to close and reopen their claims with minimal impact. It has been developed over time to cope with peak periods of temporary work and is deemed to be the best option in supporting the increased number of claimants moving in and out of temporary work during the Olympic and Paralympic Games.

32. However it is recognised that these are extraordinary circumstances and that there is scope for increased disruption, the possibility of working to continuity plans and an increased volume of Rapid Reclaims being made in the areas specifically affected by the Games. So it would be remiss of the department not to put extra planning provisions in place.

33. DWP has produced some planning scenarios of how many additional Rapid Reclaims there will be at the end of the Olympic and Paralympic Games respectively so have been able to identify the extra levels of work we will need to support.

34. Contact Centres and Benefit Centres have virtual networks which enable them to call on other resources across the country as required and have plans in place to deal with the extra volume of work arising from the Games.

35. The majority of claimants who will take up short term jobs are likely to be claiming at the Jobcentres most closely related to the Games' sites. Therefore the biggest risk to the Rapid Reclaim process being delivered within normal timescales is in having insufficient resources available to undertake WFIs. This is a vital part of the process that allows the reinstatement of benefit payments where a delay could impede a claimant receiving their benefit. Detailed plans for which have been drawn up to mitigate these risks.

Volunteering

36. Claimants volunteering for the Games will be asked to inform their adviser before they start volunteering. This will ensure that the volunteering activity is recorded, the

claimant and adviser agree what the claimant needs to do to be deemed available and actively seeking work during this period and that there is no interruption to the payment of their benefits.

Claimants working in a different geographical location to where they live

37. Claimants may choose to seek work in areas of the country where there will be additional employment opportunities during the Games period and can make arrangements with the DWP to provide evidence at a nearby local office. The areas chosen are likely to be those close to Olympic venues where local offices are already making plans to manage increased footfall.

38. Claimants will be asked to notify their adviser before taking up work in another area to where they live. Advisers will then be able to explain the process for remote signing and the Rapid Reclaim process that will support them back on to benefit.

Queries

If you should have any questions regarding these arrangements then please contact Sue Bonner using: olympic.games@dwp.gsi.gov.uk

Statutory Instruments

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

- 2012 No.1267, The Social Security and Child Support (Supersession of Appeal Decisions) Regulations 2012, coming into force 4 June 2012
- 2012 No.1388, The Automatic Enrolment (Offshore Employment) Order 2012, coming into force 1 July 2012
- 2012 No.1440 (C.55), The Welfare Reform Act 2012 (Commencement No.2) (Amendment) Order 2012
- 2012 No.1477, The Occupational and Personal Pension Schemes (Automatic Enrolment) (Amendment) (No.2) Regulations 2012, coming into force 2 July 2012
- 2012 No.1483, The Social Security (Information-sharing in relation to Welfare Services etc.) Regulations 2012, coming into force 2 July 2012

40. 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

The following items can be found on the website link shown

Document Type	Subject	Link
HB/CTB Circular S4/2012	Details of the government funding to LAs for DHPs in 2012/13 including carry over from	http://www.dwp.gov.uk/docs/s4-2012.pdf

	2011/12	
Bulletin G5/2012	Benefit cap update HB/CTB enquiries Statutory Instruments What's new Recently issued circulars	http://www.dwp.gov.uk/docs/g5-2012.pdf
HB Direct Issue 126 June 2012	Newsletter	http://www.dwp.gov.uk/docs/issue-126-jun-2012.pdf

HB/CTB Circulars issued recently

HB/CTB Circular S4/2012