

# Housing Benefit and Council Tax Benefit

## General Information Bulletin

Department for Work and Pensions, 1<sup>st</sup> Floor, Caxton House, Tothill Street, London, SW1H 9NA  
<http://www.dwp.gov.uk/housingbenefit/>

**HB/CTB G11/2010**

**21 July 2010**

<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 Corporate Document Services Ltd Orderline<ul style="list-style-type: none"><li>- Email: <a href="mailto:orderline@cds.co.uk">orderline@cds.co.uk</a></li></ul></li><li>• <b>bulletin in general</b>, contact Kath Murphy<ul style="list-style-type: none"><li>- Email: <a href="mailto:Kath.Murphy@dwp.gsi.gov.uk">Kath.Murphy@dwp.gsi.gov.uk</a></li></ul></li></ul>
<b>Who should read</b>	All Housing Benefit (HB) and Council Tax Benefit (CTB) staff
<b>Action</b>	For information

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## Contacting Child Benefit Centre

- 1 In HB/CTB Bulletin G3/2009 we advised local authorities (LAs) who wanted to contact HM Revenues and Customs (HMRC), Child Benefit Office for information they should make the request in writing on headed note paper and FAX it to 0191 225 1254.
- 2 HMRC has advised us they are currently receiving unparalleled levels of enquiries from LAs. They are working through the backlog and in the meantime ask that LAs avoid issuing duplicate requests.
- 3 In the near future HMRC hopes to enhance security and introduce a process, which will withdraw the FAX option to make use of the GCSX mail account now available to all LAs.
- 4 If you have any enquires relating to the implications of this bulletin please contact Stakeholder Engagement team Benefits and Credits, HMRC
  - Nora Burwood [nora.burwood@hmrc.gsi.gov.uk](mailto:nora.burwood@hmrc.gsi.gov.uk)
  - Arshad Dadabhoy [Arshad.dadabhoy@hmrc.gsi.gov.uk](mailto:Arshad.dadabhoy@hmrc.gsi.gov.uk)
  - Linda Lewis [linda.lewis@hmrc.gsi.gov.uk](mailto:linda.lewis@hmrc.gsi.gov.uk)

## HB/CTB cases awaiting decision by the Upper Tribunal

- 5 Decision Making and Appeals (DMA) Leeds is aware of the following HB/CTB cases that are awaiting decision by the Upper Tribunal
  - CH/851/2010: 'Burnip' look-alike – see CH/2823/2009 (Local Housing Allowance (LHA) - disabled student – carer's room) previously notified.
  - CH/813/2010: HB overpayment: claimant's failure to disclose changes to Incapacity Benefit (IB). HB assessments took account of IB(STL) for approx 18 months.
  - CH/107/2010: LHA awarded at shared accommodation rate but claimant disputes it should be one bedroom self contained rate.
  - CH/1073/2010: Discrimination – HRA Articles 14, 8 and 1(1).
- 6 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

- 7 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](mailto:DMALEEDS.CUSTOMERSUPPORTSERVICES@DWP.GSI.GOV.UK) or
  - fax on 0113 2324841

## Treatment of foster children in the HB assessment

- 8 An Upper Tier decision has recently been handed down on two cases involving the treatment of foster children and the application of the size criteria (CH/1608/2009 and CH/3000/2009). The ruling is that a foster child should be treated as an occupier for the purposes of the application of the size criteria in Local Housing Allowance (LHA) cases.
- 9 This decision is contrary to DWP policy and amending legislation will be brought forward at the earliest opportunity to put the situation beyond doubt. In the meantime you will want to consider how best to take account of this ruling. In these cases Regulation 7(2) of The Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001 will apply (error of law). Any supersession will apply from the date of the supersession decision or, if an application for review of the HB award is made, the date of that application. If an application has already been made the supersession will apply from the date of the ruling. You may therefore wish to consider how you identify such cases.
- 10 You may also wish to keep a record of such cases so that they can be identified easily when our amending regulations come into force in Autumn 2010.

## Queries

- 11 If you have any queries about this subject please contact Lynne Isaacson email: [Lynne.Isaacson@dwp.gsi.gov.uk](mailto:Lynne.Isaacson@dwp.gsi.gov.uk)

## Statutory Instruments

- 12 The following Statutory Instruments (SIs) have now been laid
- 2008 No.3157, The Social Security (Miscellaneous Amendments) (No.7) Regulations 2008, correction
  - 2009 No.3072 C.134, The Child Maintenance and Other Payments Act 2008 (Commencement No.6) Order 2009, correction
  - 2009 No.3228, The Social Security (Miscellaneous Amendments) (No.5) Regulations 2009, correction
  - 2010 No.1676, The Social Security (Claims and Payments) Amendment (No.3) Regulations 2010, coming into force on 29 July 2010
- 13 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>

## Current HB/CTB Circulars

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

Number	Subject
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
A10/2008	Additional information for LAs on the 2008/09 HB/CTB Right Benefit and Right Time Performance Indicators and Comprehensive Performance Assessment 2008
A23/2008	2008/09 HB/CTB Right Benefit and Right Time Performance Indicators and Publication of Performance Data and HB Recoveries and Fraud
A24/2008	Amendments to the HB Overpayments and Excess CTB Regulations, which include changes to the provisions relating to 'recovery from a partner' Introduction of a new overpayments subsidy classification called 'Administrative delay' Changes to the definition of a Fraud overpayment in the Subsidy Order
A26/2008	Guidance to LAs on the In and Out of Work Processes and The Housing Benefit and Council Tax Benefit (Amendment) (No. 3) Regulations 2008 SI No 2987
A3/2009	2008/09 HB/CTB Right Time Performance Indicator : Update for LAs
A5/2009	Sale and rent back arrangements
A8/2009	2009/10 HB/CTB Right Benefit Performance Indicator - Update for Local Authorities (LAs)

A10/2009	The Social Security (Use of Information for Housing Benefit and Welfare Services Purposes) Regulations 2008
A11/2009	Dealing with changes in circumstances
A13/2009	2009/10 Single HB Extract – Guidance for Local Authorities (LAs)
A14/2009	Process for the transfer of the Housing Benefit Recoveries & Fraud (HBRF) Return from 1 June 2009 (Quarter 1 2009/10 onwards)
A15/2009	HB overpayments and excess CTB issues
A20/2009	The HB/CTB pensioner time for claiming provisions: Upper Tribunal decision in Leicester City Council v LG, CH/0392/2009
A21/2009	Preventing homelessness due to mortgage and landlord repossession
A22/2009	Future provision of performance data for the Right Benefit Indicator
A23/2009	HB Overpayments and Excess CTB issues
A26/2009	Amendment to the Local Housing Allowance Guidance
A3/2010	Permitted work: obtaining details from Jobcentre Plus
A4/2010	War Pensions: Uprating 2010/11
A5/2010	Right Time Indicator – Publication of Performance Information for 2009/10 Quarters 1 and 2
A6/2010	Referring Housing Benefit overpayments to Debt Management
A7/2010	Data Take On and Processing Schedule (DTOPS) for the extraction and transfer of the Single Housing Benefit Extract (SHBE) from 29 March to 24 September 2010
A9/2010	Citing Upper Tribunal decisions in appeal responses
A10/2010	Right to reside – parent and primary carer of a child in education
A11/2010	The Social Security (notification of changes of circumstances) Regulations 2010
A12/2010	The eligible rent for those living in social housing in England
A13/2010	Further guidance on the National Insurance Number condition of entitlement
A14/2010	The conversion of awards of IB, SDA and IS on grounds of incapacity to ESA: changes to HB/CTB
A15/2010	Process for the Transfer of the Housing Benefit Recoveries and Fraud (HBRF) Return from 1st April 2010

- 15 You may destroy all other HB/CTB A circulars, but we recommend you keep at least one copy of each for reference purposes.
- 16 You will also find copies of all HB/CTB 'A' circulars on the DWP website at <http://www.dwp.gov.uk/local-authority-staff/housing-benefit/user-communications/hbctb-circulars/>

## What's new on the web

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

Document Type	Subject	Link
HB/CTB Bulletin G10/2010	Off-benefit recovery and recovery from estates  Working Benefits workshops in June and July 2010  Local Housing Allowance guidance and leaflets  What's new on the web  HB/CTB Circulars issued recently	<a href="http://www.dwp.gov.uk/docs/g10-2010.pdf">http://www.dwp.gov.uk/docs/g10-2010.pdf</a>
HB/CTB Circular A14/2010	Conversion of people in receipt of Incapacity Benefit (IB), Severe Disablement Allowance (SDA) and Income Support (IS) on grounds of incapacity to Employment and Support Allowance (ESA) - changes to HB/CTB	<a href="http://www.dwp.gov.uk/docs/a14-2010.pdf">http://www.dwp.gov.uk/docs/a14-2010.pdf</a>
HB/CTB Circular A15/2010	Process for the Transfer of the Housing Benefit Recoveries and Fraud (HBRF) Return from 1st April 2010	<a href="http://www.dwp.gov.uk/docs/a15-2010.pdf">http://www.dwp.gov.uk/docs/a15-2010.pdf</a>
HB Direct Issue 103 July 2010	Newsletter	<a href="http://www.dwp.gov.uk/docs/issue-103-july-2010.pdf">http://www.dwp.gov.uk/docs/issue-103-july-2010.pdf</a>
HB/CTB Guidance Manual Amendment 22	Amendment to guidance	<a href="http://www.dwp.gov.uk/local-authority-staff/housing-benefit/claims-processing/operational-manuals/housing-benefit-guidance/">http://www.dwp.gov.uk/local-authority-staff/housing-benefit/claims-processing/operational-manuals/housing-benefit-guidance/</a>

## **HB/CTB Circulars issued recently**

18 The following HB/CTB Circulars have been issued recently

HB/CTB Circular A13/2010

HB/CTB Circular A14/2010

HB/CTB Circular A15/2010

HB/CTB Circular S4/2010