

# 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/housingbenefit/>

**HB/CTB G4/2009**

**9 March 2009**

<b>Contact</b>	Queries about the <ul style="list-style-type: none"><li>• technical content of this bulletin, contact details are given at the end of each article</li><li>• distribution of this bulletin, <b>contact Corporate Document Services Ltd Orderline</b><ul style="list-style-type: none"><li>- Email: <a href="mailto:orderline@cds.co.uk">orderline@cds.co.uk</a></li></ul></li><li>• bulletin in general, <b>contact Kath Murphy</b><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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## Spotlight on Customer Error

- 1 The London Borough of Waltham Forest has joined forces with the Department for Work and Pensions (DWP) in a pilot campaign to tackle Housing Benefit Customer Error.
- 2 The '*If It's New Tell Us Too*' campaign will run throughout March with the aim of encouraging housing benefit customers to report their changes in circumstances promptly, as well as raising awareness of the types of change they need to report and how they can do it.
- 3 Targeted direct mail shots, press ads and outdoor advertising will be used to urge housing benefit customers to '*Tell Us Too*'. PR activity will also help to spread the campaign messages in key areas of the borough.
- 4 Said Ilona Blue, Head of the DWPs Local Authority Performance Division: "This is a high impact campaign designed to make customers think about the amount of housing benefit they are receiving and the responsibility they have to report change as soon as it happens. It's not just about identifying overpayments but also giving claimants an opportunity to check they are getting what they are entitled to. "
- 5 You can find out more about 'If It's New Tell Us Too' by emailing the campaign communications team at [comms.supportteam@dwp.gsi.gov.uk](mailto:comms.supportteam@dwp.gsi.gov.uk)

## Reviewing the changes to the HB/CTB backdating rules

- 6 *HB/CTB Bulletin G2/2009* advised that DWP will be reviewing the changes to the HB/CTB rules which came into force on 6 October 2008, and that an online questionnaire would be published at the beginning of March which welfare rights advisers, LA staff, etc. could use to submit evidence and information for this review.
- 7 The questionnaire and notes for its completion have now been published on the consultations page of the [dwp.gov.uk](http://www.dwp.gov.uk) website, and can be accessed via the following link <http://www.dwp.gov.uk/consultations/2009/>
- 8 DWP is currently developing an automated version of this questionnaire which can be fully completed and submitted online, and anticipate that this will be available from April. In the meantime Word and PDF versions have been published, and email and post details for submitting completed questionnaires can be found in the accompanying notes.
- 9 All questionnaires received by 31 July 2009 will be included for consideration in the review.

## Queries

- 10 Any enquiries relating to these changes should be sent to [Richard.Grennan@dwp.gsi.gov.uk](mailto:Richard.Grennan@dwp.gsi.gov.uk)

## Pension Credit Reviews

- 11 If a customer is entitled to Pension Credit they may be set an assessed income period, depending on their circumstances. If an assessed income period is set the customer does not have to tell The Pension Disability and Carers Service (PDCS) about changes to pensions, savings or investments during the specified period unless any change could mean they get more Pension Credit. A normal assessed income period is set for five years.
- 12 From 6 April 2009, new Pension Credit legislation will come into effect that provides the ability to extend an assessed income period indefinitely for customers aged 80 or over.
- 13 To qualify, the Pension Credit customer will need to be entitled to a normal assessed income period and be aged 80 or over.
- 14 There will be no requirement to claim this entitlement, PDCS will identify eligible customers from 06 April 2009 and notify them by letter.
- 15 The notification will explain to the customer that the assessed income period set will continue indefinitely and whilst this remains in place they do not have to tell PDCS about changes to pensions, savings or investments.
- 17 PDCS anticipate that there will be over 1 million existing customers who will be entitled to an indefinite assessed income period from 6 April 2009.
- 18 The current PDCS and LA processes in respect of HB and CTB will remain unchanged with the introduction of this new Pension Credit legislation.
- 19 Any customer reporting a change in circumstances who is entitled to an indefinite assessed income period will be dealt with by PDCS in the normal manner. If this means the change reported does affect the existing Pension Credit award, this will be communicated to the relevant LA by the Electronic Transfer of Data (ETD) process.
- 20 It should be noted that in isolation the setting of an indefinite assessed income period will not trigger an ETD to the relevant local authority.
- 21 Any Pension Credit overpayments identified as a consequence of the change in legislation that are not attributable to the customer will be the responsibility of PDCS. If this happens the usual rules for HB/CTB will apply as detailed below.
- 22 Where a reduction in Pension Credit would result in a reduction of HB/CTB, the effective date of change will be the start of the benefit week following the date the LA receives the notification from PDCS. This in effect will mean no overpayment of HB/CTB where the Pension Credit overpayment is entirely due to an error within the existing PDCS procedures.
- 23 If you need to confirm whether a Pension Credit customer has been set an indefinite assessed income period you can check this by using the Customer Information System (CIS).
- 24 From 6 April 2009 there will be an interim solution on CIS, if a customer has been set an indefinite assessed income period, CIS will display the relevant assessed income period start date for the customer followed by a generic end date of 31 December 2099.

- 25 A further release of CIS scheduled for 3 August 2009 will revise how you can identify whether a customer has been set an indefinite assessed income period. CIS will then display the relevant assessed income period start date for the customer followed by an end date of 00/00/00, denoting that an indefinite assessed income period has been set.
- 26 For cases that cannot be operated on the Income Support Computer System (ISCS) and are clerical, PDCS will issue the following notifications if they are eligible for an indefinite assessed income period
- NHB(PC) clerical (GUAR): PDCS decision notice to LA for guarantee credit or guarantee credit and savings credit cases, or
  - NHB(PC) clerical (SAV): PDCS decision notice to LA for savings credit cases
- 27 The forms will be annotated with an assessed income period end date as 00/00/00, which reflects the end date as it would appear on ISCS and CIS.

## Queries

- 28 If you require any further advice or information please contact  
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## Treatment of Employment and Support Allowance and HB/CTB – transition from the assessment phase to the main phase

- 29 Employment and Support Allowance (ESA), has two main phases. The assessment phase is the initial stage that is payable for 13 weeks. After completion of the Work Capability Assessment (WCA) customers enter the second stage, the main phase.
- 30 ESA was introduced on 27 October 2008. As a result, some customers will now be ending their assessment phase and moving into the main phase. We are aware of instances where, due to higher than expected take-up, Jobcentre Plus has not completed the Work Capability Assessment (WCA) by the end of week 13 of the ESA claim. In these circumstances you are reminded that you should continue to award HB/CTB on the basis that the assessment phase rate is still in payment. CIS will continue to show that the customer is in the assessment phase of ESA. Once the decision has been made by Jobcentre Plus on whether the main phase should be awarded an ETD will be produced to notify you in the normal manner and CIS will then be updated. This approach is covered further in *HB/CTB Circular A11/2008 para 68*.
- 31 Where this situation is occurring Jobcentre Plus should use normal liaison channels to alert their associated LAs of any delays in completing the ESA 13 week review.

- 32 The legal position is that an automatic suspension of the HB/CTB award should not take place at week 14 regardless of whether there is an outstanding WCA decision for customers or partners on ESA. The LA has a right to suspend an award in individual circumstances, but must first review the award and only suspend where there is a justifiable reason to do so. Because this should involve a case by case review, it would not be appropriate to operate a blanket policy of suspending all claims pending a decision from Jobcentre Plus on the ESA status.
- 33 We are aware that some IT systems include the option to automatically suspend such cases at 14 weeks. If this is the case the LA will have to take manual action to prevent or correct this.

## Handling Overpayments

- 34 Where the ESA customer is also the HB/CTB customer then a reassessment of ESA should not result in an overpayment - the components would cancel each other out. In a minority of cases a small overpayment may take place if the HB customer is the partner of the ESA customer.
- 35 The majority of these overpayments will be classed as 'Other'. This is because those overpayments are not the fault of the customer, the LA or the DWP. Some benefits' procedures unavoidably take a long time to process.
- 36 Please refer to the HB/CTB Overpayments Guide, *Classification and recoverability, paras 2.60-2.62*. The overpayments would be recoverable and the LA would be able to claim 40% subsidy for them.

## Queries

- 37 If you have any further queries on this issue please contact the HBSD team on [HBSDMP.WWEG@dwp.gsi.gov.uk](mailto:HBSDMP.WWEG@dwp.gsi.gov.uk)

## Statutory Instruments

- 38 The following Statutory Instruments (SIs) have now been laid
- 2009 No. 82 (C.7), The Pensions Act 2008 (Commencement No. 2) Order 2009, coming into force from 26 January 2009
  - 2009 No.325 (C.16), The Pensions Act 2004 (Commencement No.12) Order 2009, coming into force from 1 March 2009
  - 2009 No.362, The Social Security (Habitual Residence) (Amendment) Regulations 2009, coming into force 18 March 2009
  - 2009 No.396, The Child Support (Miscellaneous Amendments) Regulations 2009, coming into force from 6 April 2009
  - 2009 No.406 (C.27), The Pensions Act 2007 (Commencement No.3) Order 2009, coming into force from 1 March 2009
- 39 Copies of SIs can now be downloaded from DWP's own website <http://www.dwp.gov.uk/advisers/docs/lawvols/bluevol/> and the website of the Office of Publication Information <http://www.opsi.gov.uk/stat.htm>