

## Housing Benefit and Council Tax Benefit Circular

Department for Work and Pensions

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# HB/CTB A5/2012

### ADJUDICATION AND OPERATIONS CIRCULAR

<b>WHO SHOULD READ</b>	Section 151 Officers Legal Officers Managers in the following teams: - Housing Benefit and Council Tax Benefit. - Troubled Families Teams - Housing Options - Homeless Prevention Teams - Social Services - Supporting People Teams Other local authority depts who need to request social security information from DWP or HB/CTB teams; or who need to supply welfare services information to DWP or HB/CTB teams.
<b>ACTION</b>	For information
<b>SUBJECT</b>	Welfare Reform Act 2012 sections 130 to 133 and the Social Security (Information-sharing in relation to Welfare Services etc.) Regulations 2012

### Guidance Manual

The information in this circular affects the content of the *HB/CTB Guidance Manual*. Please annotate this circular number against section D3 paragraphs 3.190 and 3.430.

### Queries

- extra copies of this circular/copies of previous circulars can be found on the website at <http://www.dwp.gov.uk/local-authority-staff/housing-benefit/user-communications/hbctb-circulars/>
- for any queries about the technical content of this circular, contact [carol.foster-middleton@dwp.gsi.gov.uk](mailto:carol.foster-middleton@dwp.gsi.gov.uk)

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# Welfare Reform Act 2012 sections 130 to 133 and the Social Security (Information-sharing in relation to Welfare Services etc.) Regulations 2012

## 1. Introduction

- 1.1 This circular provides details about new data sharing powers in the **Welfare Reform Act 2012**, and the **Social Security (Information-sharing in relation to Welfare Services etc) Regulations 2012**.

Aim and scope of this circular

- 1.2 Due to the technical nature of the advice in this circular its key audience will be legal staff, section 151 officers, and others responsible for data protection, and managers working in local authority teams where information sharing of the nature described here is likely to take place.
- 1.3 Some examples are given here of what the new powers mean in practice. But due to the broad scope of the legislation it is not the aim of this circular to give very detailed advice here about the practical application of these new powers. This will be covered in separate guidance as referred to in paragraph 1.10.
- 1.4 This circular is not intended to be a substitute for specific legal advice from LA lawyers on particular data sharing proposals in relation to the data that LAs hold. Where LAs are considering how best to use and share data they hold they should continue to take into account the provisions of the Data Protection Act 1998 (DPA), in addition to the new measures described here. An overview of the DPA is provided in the guidance referred to in paragraph 1.10.

New legislation

- 1.5 **Sections 130 (Information-sharing in relation to provision of overnight care etc) and 131 (Information-sharing in relation to welfare services etc)** introduce new regulation making powers in respect of sharing data for certain welfare services, council tax and social security purposes. **Section 132 (Unlawful disclosure of information supplied under section 131)** makes it an offence to disclose information without lawful authority. **Section 133 (Sections 130-132: supplementary)** deal with certain supplementary matters.

- 1.6 **The Social Security (Information-sharing in relation to Welfare Services etc) Regulations 2012** prescribe certain matters in relation to Sections 130 and 131, and are set out in SI 2012/1483.
- 1.7 The measures described here are permissive and not mandatory. There is no requirement on DWP, LAs and other qualifying persons covered by this legislation to supply or use data under these new provisions.
- 1.8 The Act and regulations can be viewed free of charge at [www.legislation.gov.uk](http://www.legislation.gov.uk)
- 1.9 The regulations come into force on 2 July 2012.

**Special Note:**

The legislation permits DWP to supply data for the purposes set out in regulations from 2 July 2012. DWP has made arrangements to share data with LAs for the purposes of identifying people who might be supported under the Troubled Families Program. For all other purposes where DWP can supply data, we are considering how best to develop an IT based system for the exchange of data between DWP and LAs. **Until that work is completed we are unable to put in place any new data sharing arrangements and requests from LAs will continue on a 'business as usual' basis until further notice.**

This means that where LAs have arrangements in place locally to access DWP data, including any joint teams still in operation, they may continue to operate those arrangements. Otherwise LAs must submit requests to the relevant DWP office in order to seek claimant data in the normal manner. ***However, LAs will not need to obtain consent from claimants where data is being requested under the provisions of these new regulations.***

Additional guidance

- 1.10 The '**Guidance for local authorities on the use of social security data**' (2010) is being updated to take account of the provisions described in this circular. A publication date is not yet available but it is expected to be no later than the autumn of 2012. The current document can be accessed at [www.dwp.gov.uk/docs/data-sharing-guide.pdf](http://www.dwp.gov.uk/docs/data-sharing-guide.pdf) and still includes some useful advice about DPA requirements.

Further legislation

- 1.11 We anticipate that further legislation will be brought into force before the end of 2012 enabling data to be shared for the purposes of assessing entitlement to local support for council tax, and local welfare reform (replacing elements of the social fund).

## 2. Description of the changes

### Section 130: legal provisions

- 2.1 The provisions in section 130 and associated regulations enable LAs to alert DWP or the LA Housing Benefit and Council Tax Benefit (HB/CTB) team to certain changes in a person's circumstances.
- 2.2. **Section 130 'Information-sharing in relation to provision of overnight care etc'** applies where a LA holds information in relation to a person who is receiving or is likely to receive a relevant service. Section 130(3) defines relevant service as:
- (a) overnight care in the person's own home provided by or on behalf of the local authority;
  - (b) a residential care service provided by or on behalf of a local authority;
  - (c) a service consisting of overnight hospital accommodation.
- 2.3 The LA may use the information for purposes relating to the payment of a relevant benefit to the individual, or supply the information to a person specified in section 130 (6). These are:
- (a) the Secretary of State;
  - (b) a person providing services to the Secretary of State;
  - (c) a local authority;
  - (d) a person authorised to exercise any function of a local authority relating to a relevant benefit;
  - (e) a person providing services relating to a relevant benefit to a local authority.
- 2.4 Section 130 enables LAs to supply prescribed information relating to the funding of a residential care service. Regulation (3) in the **Social Security (Information-sharing in relation to Welfare Services etc) Regulations 2012** sets out the specific information that can be shared, as follows:
- Whether a resident is meeting in full the cost of the provision to them of residential care and if so the date this commenced and the period over which the cost is intended to be met;
  - Whether the LA is funding or has funded in full or part the cost of the provision to a resident of residential care and if so;
    - (i) The date from which the funding commenced and the period covered or intended to be covered by it;

- (ii) The date the funding stopped or is intended to stop;
- (iii) The enactment under which the funding is being or was provided;
- (iv) Whether there exists any agreement enabling the local authority to recover the cost of the funding on the sale of the resident's home and if so, whether that recovery has commenced or when it is intended to commence;
- (v) Whether the local authority has entered into a deferred payment agreement with the resident, the date commenced and the period the agreement is intended to cover.

2.5 Section 130 (7) defines relevant benefit as Universal Credit; Housing Benefit; Council Tax Benefit; and any prescribed benefit. Regulation (4) in the **Social Security (Information-sharing in relation to Welfare Services etc.) Regulations 2012** prescribes the following further benefits: Attendance Allowance; Disability Living Allowance; income-based Jobseeker's Allowance; income-related Employment and Support Allowance; Income Support; and State Pension Credit.

2.6 When Disability Living Allowance is replaced by Personal Independence Payment, we intend to amend the provisions in this legislation to include PIP.

***What this means in practice***

LAs who become aware that a person they know of has been admitted to hospital or residential care, can alert the LA HB/CTB team, or DWP, in order to ensure any benefits in payment are adjusted as necessary.

Where a person is moving into residential care the LA can confirm to DWP whether or not the LA is contributing towards the cost of that place and if so, provide details.

LAs who know that a person they have been assisting needs overnight care at home can confirm this to the LA HB team, so that the correct amount of housing benefit can be calculated.

Policy rationale: moves in and out of hospital or residential care

2.7 Enabling LA staff to pass on information more easily about moves in and out of hospital or residential care will provide an additional route for reporting these events. This should help to ensure more awards are assessed promptly and accurately at a time when the claimant may not realise the need to report the change. This is not intended to be an onerous task or to involve the setting up of complicated or bureaucratic

procedures. The LA is not required to check up on people's movements in and out of hospital or care. However where they are aware of such a change, and they have the resources to be able to pass on this information, LA staff will be able to do so without needing to obtain the person's individual consent, although it would be sensible to let people know how their data is being used or shared.

- 2.8 Where a person has moved into residential care and receives a social security benefit, there can be an impact on the amount of benefit paid if the LA contributes towards the cost of that place. DWP therefore requires information from LAs about any funding arrangements that are agreed with the person receiving the care.

#### Sending data to DWP

- 2.9 Where LAs supply personal information to DWP they must ensure it is sent in an appropriate manner so that personal information is protected. Staff who have access to a GSI account should use that.

#### Duty to report changes

- 2.10 The new provisions relating to sharing information are permissive, not mandatory. There is no duty on LAs to report moves into or out of hospital/care as they will not always be aware of such changes. Therefore, this does not remove the claimant's duty to report a change and does not affect the rules relating to overpayments.

#### **Example 2.1**

Mrs Smith is in receipt of Housing Benefit and Disability Living Allowance. She is in poor health and has no close family. Social services provide day care. Her health has deteriorated significantly, and the social worker arranges for her to be admitted to hospital. At the same time the social worker alerts DWP and the LA HB team so that Mrs Smith does not have to worry about remembering to do this herself. The social worker can send this notification off without needing to seek Mrs Smith's consent, although she does reassure Mrs Smith this action has been taken on her behalf.

**Example 2.2**

After a stay in hospital Mrs Smith is discharged to a residential care home. Due to her low income, the LA contribute towards the cost of the placement. DWP send a form to the LA asking for details about the funding package as this will affect her entitlement to Disability Living Allowance. The LA are able to complete the form and return it to DWP without needing to seek Mrs Smith's consent

Policy rationale: people who need overnight care at home

- 2.11 New HB rules have been introduced which mean that some disabled people are entitled to receive a higher rate of benefit where they need an extra room for a non resident overnight carer. (For more information on the rules relating to HB and overnight care see circular A3/2011.) To decide whether people are entitled to this extra help, LA HB teams will require evidence that the person needs a carer who stays overnight in their home. In many cases the LA will hold information about the person including whether overnight care is required, and may even have helped to arrange the provision of a carer. Typically this will be held by the social services department.
- 2.12 Section 130 enables LAs to share this information with the relevant LA HB team to decide whether a person who receives overnight care at home is entitled to extra help with their HB. The ability to share information without needing to seek the person's consent first will help to ensure that their application for help with housing costs is dealt with quickly and the correct amount is awarded.

LA arrangements for sharing data

- 2.13. It will be up to each LA to decide how best to share such information, and to agree a process for doing so. Social services teams may want to take a pro active approach, referring cases to the HB team where they think a person may be entitled to the extra help with housing costs. Or they may prefer to wait for the HB team to seek confirmation of a person's care needs before sharing any information. HB and Social Services teams may want to set out the details in a Memorandum of Understanding, and have a special template that staff can use when requesting or providing data. At all times due account must be given to the requirements of the Data Protection Act, ensuring information is properly protected and only shared where necessary.



**Example 2.3**

Mr Smith is a single person living in a two bedroom property and in receipt of HB based on the one room LHA rate. The Social Services dept is aware that Mr Smith receives overnight care from a non resident carer. The social worker alerts the LA HB team so that they can make sure Mr Smith receives an increase in his HB, which includes an amount for the second bedroom.

## Section 131: legal provisions

- 2.14 Section 131 '**Information-sharing in relation to welfare services etc**' enables data to be shared for prescribed purposes relating to welfare services, council tax, housing benefit and other relevant social security benefits.
- 2.15 Section 131(1) provides that the Secretary of State (or a service provider) may supply relevant information to a qualifying person for prescribed purposes relating to welfare services or council tax.

***What this means in practice***

Specific purposes must be prescribed in regulations. For details of what is contained in the 2012 regulations see paragraphs 2.25 to 2.27 below for details.

- 2.16 Section 131(2) enables a qualifying person who holds relevant information for a prescribed purpose relating to welfare services to supply that information to the Secretary of State or his service provider, for a prescribed purpose relating to a relevant social security benefit.

***What this means in practice***

LAs can provide details of a person's welfare service to DWP. Regulations do not yet prescribe any purposes under this provision, but from 2013 it could for example allow the LA to confirm that a person is receiving help through the Supporting People programme, which may be relevant information for the way their housing costs are assessed under Universal Credit.

- 2.17 Section 131(3) enables a qualifying person who holds relevant information for a prescribed purpose relating to welfare services or housing benefit to use that information themselves or supply it to another qualifying person, for purposes relating to welfare services, housing benefit or council tax.

***What this means in practice***

Specific purposes must be prescribed in regulations. For details of the 2012 regulations see paragraphs 2.28 to 2.30 below.

- 2.18 Section 131(4) provides that relevant information supplied under section 131(1) or 131(3) to a qualifying person may be supplied by that person to another person who provides qualifying welfare services for purposes connected with the provision of those services.

***What this means in practice***

Information shared under section 131(1) or (3) could be supplied to a third party such as a charity or other voluntary or private sector body, providing that the information will be used for a purpose connected to the provision of a relevant welfare service.

- 2.19 A qualifying person is defined in section 131(11) as
- a local authority;
  - a person authorised to exercise any function of such an authority relating to welfare services
  - a person providing services to a local authority relating to welfare services (for example where the welfare service has been contracted out;
  - an authority who administers HB;
  - a person authorised to exercise any function of such authority relating to HB;
  - a person providing to such an LA services relating to HB;
  - a person prescribed or of a description prescribed by the secretary of state;
  - a person exercising a function relating to council tax, or providing a service to a local authority relating to council tax
- 2.20 Section 131(12) defines council tax as any local tax to fund local authority expenditure.
- 2.21 Section 131(12) defines relevant information is defined as information relating to-
- any relevant social security benefit, or
  - welfare services.
- 2.22 Section 131(12) defines welfare service as services which include the provision of accommodation, support, assistance, advice or counselling to individuals with particular needs, and for these purposes, 'assistance' includes assistance by means of a grant or loan or the provision of goods or services.

2.23 Section 131(5) provides that services are qualifying welfare services if a LA or a person prescribed by the Secretary of State contributes to the cost of providing the service.

2.24 The **Social Security (Information-sharing in relation to Welfare Services etc.) Regulations 2012** prescribe the purposes where information can be shared in accordance with section 131.

### Supply of data by DWP

#### Purposes

2.25 Regulation 5 sets out the purposes prescribed under section 131(1) The effect will be to allow social security data to be supplied by DWP to LAs and others for the following purposes:

- Determining a person's eligibility or continued eligibility for a disabled person's badge;
- Determining whether to make to any person any grant or payment listed in regulation 5(2);
- Determining if the person applying for or receiving a service listed in regulation 5(3) should contribute towards it and the amount of any contribution;
- Identifying households in England eligible for support under the Troubled Families programme, and providing appropriate help and support.

2.26 The welfare services prescribed at regulation 5 (2) in the 2012 regulations are as follows:

- **the payment of a disability adaptation grant:** provision of grants to people in Scotland, to adapt a disabled person's home, awarded to people on a low income;
- **the payment of a Disabled Facilities Grant:** provision of grants to people in England or Wales, to adapt a disabled person's home, awarded to people on a low income;
- **the making of a Discretionary Housing Payment:** financial help for people on HB or CTB when a LA considers that help with housing costs is needed. An assessment of overall income is taken into account, along with other factors.

2.27 The welfare services listed in regulation 5(3) are as follows:

- **the provision of domiciliary care:** this covers non residential services like day care, home helps and meals. Under 'Fairer Charging' rules people are expected to pay a charge for each service, which is subject to a means test;
- **the provision of residential care:** a means test is used to determine how much a person must pay towards the fees for their place in a residential home.

- **the provision of housing support services:** this covers Housing Support in Scotland, and Supporting People services in England and Wales. These are services which complement domiciliary care and include things like advice, counselling and supported accommodation. Like domiciliary care there are charges for any services, but these are usually free to people on Housing Benefit, and means tested for those on low incomes.

### Special Note

**Paragraphs 2.25 to 2.27:** until such time as a process is put in place for the transfer of data from DWP to LAs and others, the provisions in section 131(1) of the 2012 Act, and regulation 5 of the 2012 regulations, will only be used to permit the supply of data without claimant consent, to LAs, for the purposes of administering the Troubled Families Programme.

For all other purposes where DWP can supply data, we are considering how best to develop an IT based system for the exchange of data between DWP and LAs. **Until that work is completed we are unable to put in place any new data sharing arrangements and requests from LAs will continue on a 'business as usual' basis until further notice.**

This means that where LAs have arrangements in place locally to access DWP data, including any joint teams still in operation, they may continue to operate those arrangements. Otherwise LAs must submit requests to the relevant DWP office in order to seek claimant data in the normal manner. **However, LAs will not need to obtain consent from claimants where data is being requested under the provisions of these new regulations.**

## Sharing data between LAs and others

### Holding purposes

2.28 Regulation 6 sets out the purposes prescribed under section 131(3) for which relevant information **held** by a qualifying person can then be **used** or supplied as provided for in regulations 7, 8 and 9. The relevant purposes are as follows:

- (a) determining a person's eligibility or continued eligibility for a disabled person's badge or for housing support services;
- (b) determining whether to make to any person any grant or payment listed in regulation 5(2) and if so the amount of any such grant or payment;
- (c) determining whether a person applying for or receiving a welfare service listed in regulation 5(3) is liable to contribute towards the cost of that service and if so the amount of that contribution;

- (d) where the qualifying person is a local authority in England, identifying households eligible for support under the troubled families programme and providing appropriate types of advice, support and assistance to members of such families under that programme;
- (e) discharging any functions under Part 7 of the Housing Act 1996 or (in Scotland) Part 2 of the Housing (Scotland) Act 1987;
- (f) determining whether a person is in receipt of housing benefit;
- (g) determining the size of a dwelling occupied by a housing benefit claimant and the number of persons occupying that dwelling as their home;
- (h) identifying housing benefit claimants who are or may be affected by regulations relating to under-occupation, and providing appropriate types of advice, support and assistance to such persons;
- (i) identifying housing benefit claimants who are or may be affected by the benefit cap, and providing appropriate types of advice, support and assistance to such persons;
- (j) determining the amount of housing benefit payable to a housing benefit claimant by reference to the local housing allowance;
- (k) determining whether a person is in receipt of council tax benefit;
- (l) determining whether a housing benefit claimant is likely to have difficulty in managing their financial affairs;
- (m) determining the probability that a housing benefit claimant will pay their rent;
- (n) determining whether the landlord of a housing benefit claimant—
  - (i) was to provide qualifying welfare services to that housing benefit claimant but has not done so, or
  - (ii) is to provide qualifying welfare services to that housing benefit claimant but is unlikely to do so;
- (o) determining whether—
  - (i) the landlord of a housing benefit claimant is a social landlord,
  - (ii) a housing benefit claimant occupies as their home a dwelling which is exempt accommodation,
  - (iii) the tenancy of a housing benefit claimant is an excluded tenancy,
  - (iv) a housing benefit claimant occupies as their home a houseboat, caravan or mobile home, or
  - (v) a housing benefit claimant resides in a hostel.

#### Welfare services and HB: using purposes

2.29 Regulation 7 sets out the purposes for which information as listed in regulation 6 save for information held in relation to the troubled families programme) that is held by a qualifying person can then be used for purposes connected with welfare services and housing benefit. Those purposes are as follows:

- the purposes referred to in regulation 6(a), (b), (c) or (e);
- applying any of the following regulations—

- (i) regulation 13C(5) of the Housing Benefit Regulations (cases where a maximum rent (LHA) is not to be determined);
  - (ii) regulation 96(3) or (3A) of the Housing Benefit Regulations (circumstances in which payment may be made to a landlord);
  - (iii) regulation 13C(5) of the Housing Benefit (State Pension Credit) Regulations (cases where a maximum rent (LHA) is not to be determined);
  - (iv) regulation 77(3) or (3A) of the Housing Benefit (State Pension Credit) Regulations (circumstances in which payment may be made to a landlord);
- determining whether the qualifying person who uses the information or to whom it is supplied holds other relevant information about a housing benefit claimant.

Under occupation and benefit cap: using purposes

2.30 Regulation 9 sets out the purposes for which information held in regulation 6(f) to (i) can be used. Those purposes are:

- identifying housing benefit claimants who are or may be affected by regulations relating to under-occupation, and providing appropriate types of advice, support and assistance to such persons;
- identifying housing benefit claimants who are or may be affected by the benefit cap, and providing appropriate types of advice, support and assistance to such persons.

**Paragraphs 2.27 to 2.30: What this means in practice**

The combined effect of regulations 6, 7, 9 and 10 enable LAs to share information between and within themselves and with relevant service providers, or in limited circumstances, with social landlords, as follows:

**Benefit cap:** LA HB teams and social landlords can share information to help identify people who will be affected by the cap on benefit, and who as a result may need help or support. LA HB teams in England can also provide benefit cap information to the Troubled Families team for purposes connected with supporting troubled families.

**Discretionary Housing Payments:** benefits data held by the HB team can be used to help decide if a person is entitled to a DHP.

**Disabled Facility Grants:** benefits data held by the HB team can be shared with another part of the LA or another LA, to be used to help decide if a person is entitled to a grant on the basis of being in receipt of HB/CTB, or having a low income.

**Domiciliary (Non Residential) Care:** LAs can seek benefit information from LA HB teams in order to complete the financial assessment which determines how much a person might have to pay towards the cost of their care.

**Preventing Homelessness:** LA HB teams can share information with other parts of the LA such as Housing Options, Homelessness Prevention teams, or Social Services Departments. Social security or welfare services data can be used or shared in order to identify and support people at risk of becoming homeless. This could include information about the impact of benefit changes, such as reductions in LHA or an application for Discretionary Housing Payments. It could also include information that indicates a person affected by benefit changes is vulnerable and may need support.

**LHA purposes:** LAs (typically the Supporting People team) can confirm to the LA HB team that a person is living in supported accommodation (this affects how their HB is assessed); or that a person is vulnerable and having difficulty managing (as they may need HB paid direct to the landlord).

**Residential Care:** LAs can seek benefit information from LA HB teams in order to complete the financial assessment which determines how much a person might have to pay towards the cost of their care.

**Supporting People:** LA HB teams can confirm that a person is getting HB and therefore entitled to free or reduced cost Supporting People services. In Scotland these services are provided as part of Housing Support.

**Social sector size criteria:** LA HB teams and social landlords can share relevant data to help identify and support people affected by the new rules.

## Qualifying person

2.31 Section 131 of the 2012 Act includes a definition of qualifying person, and this includes all LAs, and relevant service providers. In addition, regulation 10 in the 2012 regulations provides that for the purpose of regulation 6(f) to (i) and regulation 9, a social landlord is prescribed to be a qualifying person. The offence provisions of section 132 of the 2012 Act apply to social landlords.

### ***What this means in practice***

LAs can share relevant information with other LAs. For example the HB team in a District can supply information to the Social Care team in a County Council, so they can complete a Fairer Charging assessment.

LAs can share relevant information within the same authority. For example in a Unitary Authority the HB team can supply information to the Housing Dept to help support a person at risk of homelessness.

LAs can share relevant information with a service provider that is delivering a prescribed welfare service. For example some Supporting People functions may be contracted out to a service provider. Where it is necessary, the LA can supply social security information to that service provider to help decide whether a person needs to pay for the service.

LAs and social landlords can share relevant information with each other to help identify people affected by the benefit cap and under occupation measures. This is likely to involve social landlords supplying details about numbers of bedrooms in a property and HB teams providing details about a tenant's HB award, where this has been affected by the new rules.

## Troubled Families programme: using purposes

2.32 Regulation 8 sets out that information held in accordance with regulation 6(d) or 6(i) can be used for any purpose connected with the Troubled Families programme. This only applies to LAs in England.



***What this means in practice***

DWP can supply social security information to LAs in England to help them identify households who are eligible for support as provided by the Troubled Families Programme. DWP will confirm whether a relevant person is in receipt of a working age benefit and whether they are on the Work Programme. Arrangements are already in place to enable this supply of data.

In addition, LA HB teams can supply benefit data to the Troubled Families team, relating to whether a person is affected by the benefit cap. The Troubled Families team can only use this and other social security data it is supplied with, for purposes connected to the Troubled Families Programme.

## Section 132

2.33 Section 132 of the 2012 Act makes it an offence for a person to disclose information that has been supplied under section 131 without lawful authority. This includes DWP and LA staff, service providers, and social landlords.

## Section 133

2.34 This section sets out a number of supplementary provisions including a definition of 'local authority' as follows:

- (a) a county or district council in England;
- (b) an eligible parish council (within the meaning of Chapter 1 of part 1 of the Localism Act 2011);
- (c) a London borough council;
- (d) the Common Council of the City of London in its capacity as a local authority;
- (e) the Council of the Isles of Scilly;
- (f) a county or county borough council in Wales;
- (g) a council constituted under section 2 of the Local Government etc (Scotland) Act 1994;

## Contacts

For queries relating to the technical content of this circular please email [carol.foster-middleton@dwp.gsi.gov.uk](mailto:carol.foster-middleton@dwp.gsi.gov.uk)

For queries relating to the Memorandum of Understanding (MoU) between the Department for Work and Pensions (DWP) and local authorities, which sets out the framework and operating policy through which authorities will access DWP and Her Majesty's Revenue and Customs (HMRC) customer data for the administration of Housing Benefit and Council Tax Benefit (HB/CTB), please email :

[HBSDSECURITY.TEAM@DWP.GSI.GOV.UK](mailto:HBSDSECURITY.TEAM@DWP.GSI.GOV.UK) or  
[Malcolm.mattack@dwp.gsi.gov.uk](mailto:Malcolm.mattack@dwp.gsi.gov.uk)

## ANNEX A

### SUMMARY OF DATA SHARING PURPOSES

This is a summary of how the regulations described in this circular are most likely to be used. It is not a definitive list of purposes where data can be shared, and does not cover all possible persons who could use, supply or receive data. It is intended to be a helpful ‘at a glance’ summary of the most common reasons for sharing or using data under these regulations.

LAs can start sharing data they hold under these provisions with immediate effect.

Purpose and scope	Likely flow of data	Type of data
<p><b>Benefit cap</b> (Great Britain) Restrictions on amount of HB a person can receive. Purpose is to identify and then support people affected by the new rules.</p>	<p>Between Different parts of a LA, or different LAs, and between LAs and social landlords</p>	<p>Details of HB award and any shortfall in amount can be supplied to a landlord so that the landlord and LA can consider what help might be provided.</p>
<p><b>Blue Badges</b> (Great Britain) Parking permits for disabled people</p>	<p>From DWP or LA HB team</p> <p>To LA staff dealing with Blue Badges</p>	<p>Yes/no to whether a person is getting high rate mobility component in DLA, which is a criteria for a Blue Badge.</p>
<p><b>Disabled Facility Grants</b> (England and Wales) to help disabled people on low incomes who need adaptations to their homes.</p> <p><b>Adaptations for disabled people</b> (Scotland)</p>	<p>From DWP or LA HB team</p> <p>To LA staff dealing with DFGs</p>	<p>Yes/no to whether HB or CTB is in payment.</p> <p>Otherwise, details of any other DWP benefit in payment so LA can complete a financial assessment of means.</p>

<p><b>Domiciliary (non residential) care</b> (Great Britain) Services provided to people in need, which are charged for. Fees reduced for people on low incomes.</p>	<p>From DWP or LA HB team</p> <p>To LA team doing the Fairer Charging assessment</p>	<p>Details of DWP benefits in payment so that LA can complete a financial assessment (Fairer Charging)</p>
<p><b>Discretionary Housing Payments</b> (Great Britain) Financial help for people on HB/CTB unable to meet all of their housing costs.</p>	<p>From DWP or LA HB team</p> <p>To LA staff administering DHPs</p>	<p>Details of HB/CTB award, plus any other DWP benefits in payment</p>
<p><b>Homeless functions</b> (Great Britain) LAs have duties under housing legislation to help prevent or reduce homelessness.</p>	<p>Between  LA HB teams, other parts of the same LA, or other LAs</p>	<p>A range of social security (including details of the HB award) or welfare related information may be shared, in order to identify and support people at risk of homelessness</p>
<p><b>Residential Care</b> (Great Britain) People on low incomes assessed for ability to pay care home fees.</p>	<p>From DWP or LA HB team</p> <p>To LA staff dealing with financial assessments</p>	<p>Details of DWP benefits in payment so that LA can complete a financial assessment</p>
<p><b>Social sector size criteria</b> (Great Britain) New benefit rules linking amount of HB to number of bedrooms. Purpose is to identify and then support people affected by the new rules.</p>	<p>Between  LA HB teams, other parts of the same LA, or other LAs, and between LAs and social landlords</p>	<p>Landlord can confirm property details to help identify people affected by the new rules. LA HB team can share details about the HB award to help decide what support might be available.</p>

This

<p><b>Supporting People</b> (England and Wales) <b>Housing Support</b> (Scotland) Services to help people with particular needs to continue to live independently at home. Charges are made, but reduced to people on low incomes and usually free to people on HB.</p>	<p>Between DWP and LA HB teams and LA staff dealing with financial assessment for Housing Support or Supporting People</p>	<p>Details of DWP benefits in payment so that LA can complete a financial assessment for Supporting People/Housing Support purposes; Welfare details from Supporting People/Housing Support team so that LA can make certain HB decisions.</p>
<p><b>Troubled Families</b> (England) Programme aimed at helping certain families with multiple needs to turn their lives around.</p>	<p>From DWP or LA HB teams  To LAs in England</p>	<p>Confirmation that a person is receiving a working age benefit, and whether benefit cap has been applied. Details of participation in Work Programme.</p>