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Guidance

# LA Welfare Direct 7/2022

Updated 20 July 2022

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# Contact

If you have queries about the:

- technical content of this bulletin then contact details are given at the end of each article
- general content and distribution of this bulletin, contact [lawelfare.correspondence@dwp.gov.uk](mailto:lawelfare.correspondence@dwp.gov.uk)

# Who should read

All Housing Benefit staff

# Action

For information

# Editorial

I am sitting at a desk in the office in Sheffield as I write and things almost feel normal. However, this has made me reflect on just how much got done by so many that had to work from home full-time over the last two or so years both in the department and in local government.

I attended the Institute of Revenues Rating and Valuation spring conference in Leeds in May and presented on current issues and plans. My key message then, as it is now, is that we are extremely grateful for all you do and how well you do it. So much new work has come your way since the first lockdown, often at short notice, and at a time when you will have had staff off sick or unable to work. Whilst we have recently seen a small decline in the speed of processing performance nationally, the fact that most local authorities are still delivering in an acceptable timeframe when the caseload is changing (there are more supported accommodation cases proportionately) is testament to the commitment and resilience of local government. Nowhere more so than in the benefits teams.

At the end of the presentation, one attendee was pleased to have been thanked and said she would take this back to her team. So, I thought I would use this opportunity here to just say “thank you” to everyone. What you do to help people, many of whom are vulnerable, is amazing!

As ever, we continue to focus on continuous improvement activities and try to help you to deliver more and to live with declining budgets. The Verify Earnings and Pensions service and Housing Benefit Awards Accuracy Initiative remain key for us in our drive to reduce fraud and error. Both initiatives are delivering savings as

expected and we have seen a reduction in earnings related fraud and error in our surveys for the first time in years. We know that there are still many challenges in delivering these and are working hard to improve how we do this. You'll see an article about the workshops we are planning on these topics. Please do attend these to share your experiences and ideas.

I hope you manage to get some time off over the summer to rest and recuperate. There will continue to be challenges as we move into autumn and winter. Working together, I am confident we will continue to deliver for our customers.

Clare Elliott Head of the Local Authority Partnership, Engagement and Delivery division

## **Housing Benefit overlapping of liabilities**

1. The Housing Benefit (HB) regulations relating to unavoidable overlapping of liabilities state that HB can be paid on both dwellings for a period, not exceeding four benefit weeks, from the date on which the claimant has moved, as long as they could not reasonably have avoided liability in respect of both dwellings.
2. In cases where the claimant is receiving Universal Credit (UC) and HB because they are living in temporary accommodation or supported accommodation, we understand that there is confusion around whether HB can be paid if there is unavoidable overlapping of liabilities when the claimant moves into mainstream accommodation.
3. In these cases, the normal rules apply so local authorities (LAs) should consider if the claimant could have reasonably avoided the overlapping of liabilities. (For example, if the claimant could have served notice to the landlord earlier or not). This is the only consideration which needs to be made as the legislation allows the claimant to be treated as still meeting the conditions for receipt of HB for the previous address.
4. LAs should consider each claim on a case-by-case basis to determine if there is an unavoidable overlapping of rental liability and pay HB accordingly.
5. Do note, that these provisions do not apply to existing HB claimants who do not live in temporary accommodation or supported accommodation when a change of address triggers a migration to UC.

## **Reminder: Employee Authentication Service - Replacement audit findings assurance**

6. Further to Paul Selby's letter issued on 27 May 2022, regarding data sharing compliance, this is to remind LAs that the deadline to provide assurance that they have completed the actions outlined in Annex A of the letter is 29 July 2022 at the latest.

7. LAs are asked to provide assurance they have completed the following actions:

- Your senior accountable person will want assurance that processes are in place to ensure that individual user records on Employee Authentication Service (EAS) are always up to date. LAs need to put in place regular (at least annual) checks to ensure that a user's personal details are recorded correctly on each EAS account, and the details accurately reflect the:
  - user's current real name (please note the system allows the use of special characters such as a hyphenated name or an apostrophe in a name)
  - user's date of birth
  - first line of a user's home address (a house number or name is insufficient)
  - postcode of the user's home address
  - user's current official email address (please ensure, where appropriate, a GCSX, GSE or GSX address has been updated with a new email address)
- If you do not already have in place, please add the following contacts and their accurate details to the key contacts list on EAS:
  - Section 151/95 officer
  - Secure Print Officer
  - Revenue and Benefits managers
  - Organisation Administrators – (a minimum of two, but ensure there is an adequate number for business continuity)
  - System Access Managers – (a minimum of two, but ensure there is an adequate number for business continuity)
  - DIGICERT Officer
  - Checking Officer

Please update the details where appropriate if these key contacts already exist.

Note: The key contact 'DIGICERT officer' may exist for some LAs, do not delete this key contact. Only amend the details, where appropriate.

- Your senior accountable person will want assurance that you have processes in place to ensure users complete the mandatory Searchlight training package before they use the system and you have a method in place to record that they have done that.

8. If you have not done so already, please ensure your LA sends assurance to confirm all actions have been undertaken by no later than 29 July 2022 in a single email to [lawelfare.lasupport@dwp.gov.uk](mailto:lawelfare.lasupport@dwp.gov.uk). Please use 'Assurance – EAS Audit

findings' in the subject header of your email.

## Automated Transfer of LA Systems Schema changes

9. This is an advance notification to all LAs in England, Wales and Scotland that a new Automated Transfer of LA Systems (ATLAS) Schema will be implemented to include the new Scottish Government Benefit data.

### Impact on LAs

10. All LAs will be impacted by these changes as the Department for Work and Pensions (DWP) issues a single ATLAS Schema for the whole of Great Britain.

11. We are working with the LA IT software suppliers to make the required IT changes to HB systems. Your individual suppliers will advise when the software for your LA will be available.

12. More details will be provided in the August 2022 edition of this bulletin.

13. If you have any questions on the content of this article, email [lawelfare.ladsdeliveryteam@dwp.gov.uk](mailto:lawelfare.ladsdeliveryteam@dwp.gov.uk)

## Planned HB Award Accuracy Initiative and Verify Earnings and Pensions service workshops

14. The Local Authority Partnership, Engagement and Delivery (LA-PED) division is planning to hold regional workshops for participants of the HB Award Accuracy (HBAA) Initiative and the Verify Earnings and Pensions (VEP) service starting in October 2022.

15. The aim is to bring LAs together to:

- share lessons learned from our HBAA and VEP performance discussions with LAs to date
- provide the opportunity for LAs to feedback on both the Initiative and service and learn from each other.

16. This will contribute to identifying and understanding effective practices to support increased productivity and efficiency.

17. Following consultation with the Practitioners' Operational Group (POG) and BenX, these workshops will be held both virtually and face-to-face (across a number of locations).

18. We will write to you again shortly with further information.

19. In the meantime, we are looking for venues to hold these events, so if your LA is able to offer us a suitable room, please let us know by sending an email to [lawelfare.correspondence@dwp.gov.uk](mailto:lawelfare.correspondence@dwp.gov.uk) as soon as possible.

## **DWP measures to improve access to home ownership**

20. On 9 June 2022 the Prime Minister announced a broad package of measures that will improve access to home ownership.

21. The government recognises it may be challenging for low-income households on welfare to save, particularly in the current climate, but we want to remove barriers and support homeownership.

22. The package included four DWP measures:

- Local Housing Allowance for those buying a new home - We will look to change welfare rules so that people who receive housing support can use their benefit towards mortgage payments for a new mortgage instead of on rent. Under these proposals, claimants moving into home ownership will receive the lower of their mortgage payment or the Local Housing Allowance for the area they live in.
- Change capital rules for housing support - We are already encouraging young people to save for a home of their own through a lifetime ISA (Individual Savings Account) but penalise them for it if they need financial support. We will explore exemptions for Help to Buy and Lifetime ISA savings from eligibility rules, so that claimants will no longer be discouraged from saving towards their first house.
- Support for Mortgage Interest - We are also extending the support for existing homeowners to better support work incentives and provide support sooner to ensure homeowners have better protection against repossession, by making changes to Support for Mortgage Interest (SMI) entitlement. This measure will reduce the qualifying period for SMI from nine months to three months and remove the 'zero earnings rule' in UC.
- Exploring ways to use housing benefits bill more effectively - The government will also explore innovative ways to use government guarantees to bring forward a new supply of homes.

23. Some of the finer details, including the impact on HB entitlement, for these measures are still being worked up and agreed.

24. We will keep you informed as work progresses.

## **POG and LA Welfare Steering Group**

25. The last Practitioners' Operational Group meeting took place on 16 June 2022. Agenda items included:

- update on LA Welfare issues highlight report and LA-PED recovery plan
- supported housing – Written Ministerial Statement
- extension to the Housing Support Fund
- Move to UC
- new user interface for VEP service
- HBAA and VEP good practice workshops and future engagement events.

26. Both groups' meetings are held bi-monthly (and alternately), so the next LA Welfare Steering Group (LAWSG) meeting is scheduled to take place on 21 July 2022.

27. If you have any questions regarding topics raised at these consultation groups, you can email [lawelfare.correspondence@dwp.gov.uk](mailto:lawelfare.correspondence@dwp.gov.uk)

## HB decisions by the Upper Tribunal

28. Decision Making and Appeals (DMA) Leeds is not aware of any HB cases that have been decided by the Upper Tribunal (UT) since June's edition of this bulletin.

29. A selection of [decisions of the UT are published](https://www.gov.uk/administrative-appeals-tribunal-decisions) (<https://www.gov.uk/administrative-appeals-tribunal-decisions>) on their website. Do be aware that there is an undefined time lapse between decisions being issued and their appearance on the website.

30. If you have any queries about cases before the UT Judges or courts, please contact us by email at [quarryhouse.dmaleedscustomersupportservices@dwp.gov.uk](mailto:quarryhouse.dmaleedscustomersupportservices@dwp.gov.uk)

## New Legislation

31. The following Statutory Instruments (SIs) have been laid:

- SI 2022 Occupational Pension Schemes (Governance and Registration) (Amendment) Regulations 2022, laid on 6 June 2022
- SI 2022/630 Social Security (Medical Evidence) and Statutory Sick Pay (Medical Evidence) (Amendment) (No. 2) Regulations 2022, laid on 10 June 2022
- SChemicals (Health and Safety) Trade and Miscellaneous Amendments Regulations 2022 SI 2022, laid on 23 June 2022

32. Copies of SIs can now be downloaded from [legislation.gov.uk](http://www.legislation.gov.uk) (<http://www.legislation.gov.uk/>)

## What's new on our HB pages on [GOV.UK](https://www.gov.uk/guidance/housing-benefit-information-guidance-and-good-practice-for-local-authority-staff) (<https://www.gov.uk/guidance/housing-benefit-information-guidance-and-good-practice-for-local-authority-staff>)

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

Document Type	Subject	Link
LAWD6/2022	Editorial Unpaid carer financial support scheme (Wales only) New HB guidance for supported housing claims Updated Discretionary Housing Payments guidance manual Cost of Living Payment Managed move of claimants to UC Invitation to the next Data sharing and IT consultation and engagement forum Publication of HB speed of processing statistics for October to December 2021	<a href="#">LAWD6/2026</a> <a href="https://www.gov.uk/government/publications/la-welfare-direct-bulletins-2022/la-welfare-direct-62022">https://www.gov.uk/government/publications/la-welfare-direct-bulletins-2022/la-welfare-direct-62022</a>

Document Type	Subject	Link
	<p>National Statistics on Fraud and Error in the benefits system (estimates) FYE March 2021 POG and LA Welfare Steering Group HB Decisions with the Upper Tribunal New Legislation What's new on our HB pages on <a href="http://www.gov.uk">www.gov.uk</a></p>	
HB S6/2021	<p>HB circular S6/2021 – Payments for the Verify Earnings and Pension service 2021-22 (Revised)</p>	<p><a href="https://www.gov.uk/government/publications/housing-benefit-subsidy-circulars-2021/s62021-payments-for-the-verify-earnings-and-pension-service-2021-to-2022">HB S6/2021 (Revised)</a> (<a href="https://www.gov.uk/government/publications/housing-benefit-subsidy-circulars-2021/s62021-payments-for-the-verify-earnings-and-pension-service-2021-to-2022">https://www.gov.uk/government/publications/housing-benefit-subsidy-circulars-2021/s62021-payments-for-the-verify-earnings-and-pension-service-2021-to-2022</a>)</p>
HB S8/2022	<p>S8/2022: Payment for the Verify Earnings and Pension service for the financial year ending March 2023</p>	<p><a href="https://www.gov.uk/government/publications/housing-benefit-subsidy-circulars-2022/s82022-payment-for-the-verify-earnings-and-pension-service-for-the-financial-year-ending-march-2023">HB S8/2022</a> (<a href="https://www.gov.uk/government/publications/housing-benefit-subsidy-circulars-2022/s82022-payment-for-the-verify-earnings-and-pension-service-for-the-financial-year-ending-march-2023">https://www.gov.uk/government/publications/housing-benefit-subsidy-circulars-2022/s82022-payment-for-the-verify-earnings-and-pension-service-for-the-financial-year-ending-march-2023</a>)</p>

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