A very happy New Year to you all. Shortly before Christmas, I spoke at a South Eastern IRRV Association meeting in Gillingham. The organisers reminded me that this was the fourth consecutive year I have spoken at their December meeting. Hopefully this means I am not too boring a speaker(!), but for me this type of occasion is always useful to get an idea of your current concerns. (One of these was the recent Commissioner’s decision on rent free weeks. I am pleased to say that, though we won’t be appealing this decision, we will bring in regulations as soon as possible to reflect current practice.) Clearly, I am not able to attend every event and visit each authority, but Tom Taylor and I are continuing our visits (Salisbury this month) so do let us know if there are any events you are holding throughout the year; we will try wherever possible to provide DWP representatives to all of the invitations we receive.

The Chancellor delivered his Pre-Budget Report shortly after the last edition of HB Direct went to press. I am delighted that it contained an announcement about further funding to cover the administration cost of our reform programme over the next few years. Housing Benefit is covered in chapter 4 of the Report, which you can find on the Treasury website. It contained further confirmation of our intention to roll-out the Local Housing Allowance (LHA) to all private sector tenants, and to pilot in the social sector. There was also an announcement about our intention to change the way we treat tax credit income from April 2005. I am very pleased that Ministers have agreed the dates for the next group of authorities to implement the LHA (see article inside). Although not part of the formal evaluation, these authorities will play a very important role in the future development of the LHA.

Please see the article inside about the new Performance Development Team, one of the outcomes of our review of inspection, monitoring and support. I am delighted that BFI are launching the new consultancy service which combines the best features of the former Help Team and PIATs. BFI have also begun consultation on the benefits part of the CPA process, please do respond to this exercise if you can, as I appreciate how important this is for you. We will keep you informed of other measures arising from the review, particularly the new streamlined Performance Standards which you will hear a lot more about in the coming weeks.

Finally, we will shortly be contacting some of you to commission articles for our second edition of moredirect which will be published towards the end of March. This time we want to include a wider range of material from LAs, including individual contributions. So if there is an area you would particularly like to know more about, or you would like to contribute an article, please let us know as soon as possible.

Paul Howarth, Head of Housing Support Division
Email: Paul.Howarth@dwp.gsi.gov.uk

We included guidance on how to deal with a change of address within the local authority’s area, following the abolition of benefit periods, in paragraphs 20 – 24 of HB/CTB Circular A31/2004.

A number of you have contacted us to say that the advice given, to use the provisions of HB regulation 68(1), can create problems with some cases, in particular, those who frequently change address, for example hostel dwellers.

We based the guidance given in HB/CTB Circular A31/2004 on detailed legal advice and it remains the most appropriate option for dealing with changes of address for the majority of cases. However, we appreciate that there could be difficulties when dealing with customers who change address frequently and that these problems may lead to hostel owners either refusing to accept a tenant or losing money.

Therefore, for such cases, you may wish to calculate entitlement on a daily basis.

Please note that, in conjunction with your representatives in the Practitioners Operational Group, we are examining in detail the best way to amend regulations 68 and 69 so that they provide for more coherent and simplified ways of dealing change of circumstances. We will issue further guidance when the amendments are made.
The London Boroughs Housing Benefit Training Team

It is nearly four years since the Association of London Government decided to organise a London Housing Benefit Managers Group. The initial meetings were attended by a few inquisitive Benefit Managers anxious to find out if a shared purpose could make a real difference. The answer was a resounding ‘yes’ and nowadays all London boroughs are involved. The Group meets bimonthly and receives so many requests from external stakeholders to attend that a Steering Group is needed to oversee the agenda.

One of the early ideas of the Managers Group was to apply for funding from the DWP Help Fund to set up a pan-London Training resource. A training team of two was established in November 2002 and this has proved so successful that every one of the thirty-three London Boroughs recently voted with hard cash not just to continue with the project but also to enhance its scope. This support, together with a successful funding bid to the Performance Standards Fund means that the team will soon increase to four staff and will for the first time also cover counter-fraud training.

The training team reports directly to the Managers’ Group and is situated within the ALG offices at London Bridge. Want to know what other London Authorities are doing about a recent change in the legislation? Need to develop a training plan? What training courses are currently on offer? The training team are there to help. Some of its work has even suddenly appeared on the DWP website. Nothing is more flattering than imitation!

What else does the training team do? Here are just a few more examples of its work

- regular newsletter updates on circulars and Commissioner decisions
- holding training sessions on changes to the legislation at LA sites across London
- organising regular conferences on Housing Benefit topics
- developing training tools and advising on training needs
- problem solving, identifying and communicating ‘good practice’

Having a specific training resource has made a real difference to London Benefit Services over the last two years and I fully expect it to add to its success in the future.

Peter de la Mothe

Training team contact details

Ian Jones lan.jones@alg.gov.uk
Jan Roxby Janet.roxby@alg.gov.uk 0207 934 9641

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Reg 11

We are aware that a growing number of you are increasingly facing a subsidy shortfall for certain vulnerable tenants in supported accommodation because you are unable to restrict the rent through the ‘saved’ version of HB regulation 11, as suitable alternative accommodation is not available. We will be undertaking a review of the HB arrangements in this area within the next months and will keep you informed of developments.

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BFI consultation for CPA 2005

BFI is proposing to change the way it conducts its assessments of HB and CTB services in LAs and is inviting comments on its new approach as part of the wider CPA consultation led by the Audit Commission.

BFI proposes that from April 2005 our assessments of benefit services will be based primarily on achievement against a new version of the Performance Standards. Linking CPA assessments with the Performance Standards will provide continuity, and a clear, standard baseline of what an effective and efficient benefits service should be achieving in terms of outputs and key processes.

BFI’s approach and methodology aims to minimise the amount of intrusion and work required for authorities, whilst still achieving reliable conclusions and scores.

Full details of BFI’s proposals can be found on its website: www.bfi.gov.uk

If you would like to comment on BFI’s proposals for assessing benefit services for CPA 2005, please send your views to cpa@audit-commission.gov.uk. The closing date for comments is 18 February 2005.

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CMS Customer Statement Retrieval

Please note that the DWP filestore at Heywood will be closed from Monday 10 January 2005 until Sunday 16 January 2005 inclusive. This will not affect any Customer statements that are still held within local Jobcentre Plus offices. Full guidance on Storage and Retrieval of the Customer Statement is included in section 10 of ‘Customer Management System - A Guide for Local Authorities’ found at www.dwp.gov.uk/housingbenefit/cms/2003/cms-la-guide.pdf
Best Value/Statutory Performance Indicators
In the November issue of HB Direct we informed you that we would be monitoring performance against the change of circumstances PI to establish whether the nine day standard was still realistic in light of the changes brought about by the abolition of benefit periods.

We have now had the second quarter’s MIS data and there is still no discernible shift in the number of days authorities are taking to process changes of circumstances and we therefore have no statistical basis on which to review the nine day standard.

However, it is clear from correspondence and anecdotal evidence that not all LAs are measuring the time to action changes of circumstance in the same way. There is also some uncertainty about the way in which benefit systems are measuring processing times – both for new claims and changes.

We are also receiving a lot of general enquiries on all the HB/CTB PIs and how certain scenarios would impact on measurement.

In view of this we have decided to take a wider look at all the HB/CTB PIs, not just changes of circumstance, to ensure that not only are we measuring the right things but that our definitions and guidance for the individual PIs are unambiguous.

We will be starting work early in the New Year and one of our first tasks will be to write to the major HB/CTB software suppliers to establish how their benefit systems currently calculate processing times.

We would also welcome feedback from you on areas that cause particular difficulty or examples of how benefit systems calculate the PIs. Please e-mail your contributions to Aeon.Channer@dwp.gsi.gov.uk by the end of January.

Delaying overpayment recovery pending a possible appeal
Given that a decision on the recoverability of an overpayment is appealable, we feel the sensible approach is to postpone the actual recovery of the overpayment until the prescribed time for appealing has expired. This does not reflect a requirement in regulations, but DWP guidance on HB and CTB (consistent with guidance on DWP-administered social security benefits) recommends postponement. This is covered in the HB/CTB Overpayments Guide, paragraphs 4.07 and 6.25.

There are various reasons, not only the many welfare issues, why we consider it good practice to adopt this approach. Giving the one-month period allows the customer time to organise their finances, in order for the recovery to commence. They may wish to make a full repayment, rather than having a weekly deduction. It also gives customers time to query the overpayment, possibly exercising their right to ask for a full written statement of how it has been calculated. The customer may want to come to some agreement, asking for a different method or recovery rate to be used. It also, of course, allows them time to seek advice, with regards to requesting a revision or actually appealing against the overpayment decision.

A recent Local Government Ombudsman’s report found a local authority to be guilty of maladministration because it started recovery immediately before the claimant had an opportunity to appeal. We feel that the reasons for delaying recovery one month while the appeal rights’ period has expired is justified and will encourage any LA not implementing this process to be aware of the problems this may cause.

If you have any queries or comments please contact Jane.Autherson@dwp.gsi.gov.uk

Risk Score Methodology
Please note that from 1 February 2005, the e-mail address used for risk score enquiries IAD-riskscore@dwp.gsi.gov.uk will no longer be in operation. If you wish to know more about the risk score methodology please see General Bulletin G8/2004.

Extended Payments
Some authorities have asked why it is necessary to end the current HB/CTB claim where a customer qualifies for an Extended Payment.

The reason for this is that special rules apply within the Extended Payment regime which make it different from the usual arrangements for HB/CTB. These rules ensure, among other things, that people moving between different authorities do not lose all or part of their Extended Payment as a result of the move.

We appreciate that these rules are complicated, and we are looking at the various ways in which the Extended Payment scheme could be simplified, but we may need to amend primary legislation to achieve this. We aim to make the changes as soon as an opportunity arises.

Performance Development Team
Chris Pond launched the new Performance Development Team this week. The team has taken the established expertise and experience of the former Help Team and BFI Performance Improvement Action Teams to form a new consultancy service. Support from the new team is available free to all authorities who are keen to make service improvements in the administration of Housing Benefit, and the focus will be on advice tailored to local needs, concentrating on practical ways of achieving change. The Team is managed by Tony Thompson, one of the Benefit Fraud Inspectorate programme managers. Demand is likely to be high so act quickly! More information can be found on the BFI website at www.bfi.gov.uk
Local Housing Allowance - 2nd Wave Group

A further nine authorities will implement the LHA from April this year. To distinguish them from the Pathfinder authorities these authorities will be known as the 2nd Wave Group. Our Minister, Chris Pond has recently confirmed their go-live dates as

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<tr>
<th>Authority</th>
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<tbody>
<tr>
<td>Wandsworth</td>
<td>11 April</td>
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<tr>
<td>South Norfolk</td>
<td>6 June</td>
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<tr>
<td>Guildford</td>
<td>4 July</td>
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<td>East Riding of Yorkshire</td>
<td>18 April</td>
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<td>Norwich</td>
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<td>Salford</td>
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<td>St Helens</td>
<td>23 May</td>
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<td>Pembrokeshire</td>
<td>20 June</td>
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<tr>
<td>Argyll and Bute</td>
<td>30 May</td>
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We will now be following the appropriate legislative procedures and including the above dates in regulations which will be laid in early February and come into force at the beginning of March.

As you are aware a detailed evaluation of the nine Pathfinder authorities is underway which will inform the way ahead for LHA. We will work closely with the 2nd Wave Group to help us learn further lessons for national roll out.

We will also be producing a detailed newsletter about LHA for distribution in the Spring. The aim of this newsletter will be to provide you with a more detailed update on the progress of the LHA and future plans. In particular the newsletter will pass on some useful early preparation tips, to enable you start taking some simple planning steps to ease the transition to LHA when national roll out begins.

IRRV Conference and Exhibition Stand

Over the last two years at the IRRV Conference Exhibitions, you may have seen our DWP stand promoting the Help Team. We have recently widened the scope of this stand to encompass a broad range of HB related issues. Our new exhibition stand at the forthcoming IRRV Benefits Conference in Harrogate in February will continue to cover this wider range of activity.

We aim to provide representatives from a number of areas who will manage this exhibition stand, including

- Tuesday 1 February: representatives will include Mont Goldman, team member from the Replacement RAT project
- Wednesday 2 February: representatives will include Mont Goldman, John Viggers from HB Security Division and a LHA team member

In addition, we will also provide a brochure giving an overview of the different projects underway in HB.

If you attending this conference please do try to come and see us at stand number 17.

Contact: Mont Goldman, telephone: 020 7962 8360, email: mont.goldman@dwp.gsi.gov.uk

Customer Management System

CMS Release 2 went live on 13 December 2004. Although many of the changes will not affect LAs, the main areas you may wish to note are

- expanded address details, the flat/room or bedsit number will now be recorded as part of the address
- separate bank account details can now be collected for HB payments. (This will be covered in Section 11 of the updated Customer Management System - A guide for LAs)
- the LA Input Document can be produced independently but only in certain circumstances, eg where a claim to the primary benefit has been withdrawn or work focused conditionality has not been satisfied for the primary benefit. The input document will be annotated if either of these circumstances applies (Section 8)
- CMS Release 2 introduced functionality to electronically transfer data to DWP systems and as result there has been an enhancement to the verification and calculation screens for IS and JSA. This is called the Enable Benefit Calculation (EBC). The relevant results pages of the EBC will be photocopied and attached to the relevant LA Input Document and sent to the LA. Any irrelevant information will be ‘blacked out’ to satisfy Data Protection. This solution provides more verification information than received under CMS Release 1 (Section 11)

The new version of the guide with these updates will be posted on the intranet in January.

The full guide can be found at www.dwp.gov.uk/housingbenefit/cms/2003/cms-la-guide.pdf

Commissioners Decision - appeals

The following advice is prompted by an amendment to the HB and CTB (Decisions and Appeals) Regulations 2001 that came into force on 21 December 2004. The changes merely bring the regulations into line with current policy and practice, as set out in earlier memos and bulletins.

Procedures for dealing with misconceived appeals (appeals with no prospect of success) were suspended in March 2002. This was because a Commissioner, in R(CS) 5/02, held that they did not comply with the law. All references in regulations to misconceived appeals, including the provisions relating to oral hearings and striking out of such appeals, have been deleted.

In R(IS) 6/04 the Commissioner held that provisions denying the right of appeal from a decision that a claim was defective should not be applied as they were contrary to the European Convention on Human Rights. The schedule in the regulations setting out which decisions carry no appeal rights has been amended. All decisions relating to the time and manner in which claims to HB and CTB should be made now carry the right of appeal.