

WELFARE REFORM ACT 2012

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 5: Social security: General

Section 131: Information-sharing in relation to welfare services etc

669. *Section 131* replaces the information sharing gateway in section 42 of the WRA 2007 and broadens the scope of data sharing that is provided for under the existing section 42. It also extends these provisions to Scotland. It allows ‘relevant information’ to be shared between the Secretary of State, local authorities, and authorities administering housing benefit, while housing benefit continues, including their service providers and persons exercising their functions. It can be shared in relation to the provision of a welfare service, council tax and certain housing benefit purposes. It also allows the supply of relevant information in connection with the provision of assistance under arrangements made by local authorities in England or others once community care grants and crisis loans that are not alignment loans cease to be provided by the discretionary social fund (see section 70).
670. Welfare services are defined in *subsection (12)*. Welfare services include Supporting People services in England and Wales (these provide counselling, help managing day to day life, and security alarms for people who live at home); Housing Support services in Scotland (similar to Supporting People); domiciliary care in the UK (covers support such as day care, meals, and home helps for people who live at home); and residential care in the UK (provided for people who cannot manage to live independently at home). For each of these types of welfare service there is a means tested charge.
671. In addition the definition covers other types of welfare service such as assistance provided once community care grants and those crisis loans that are not alignment loans cease. Examples of further services covered are the provision of: Disability Facilities Grants; Blue Badge parking permits; Discretionary Housing Payments; or assistance to families with multiple disadvantages.
672. *Subsection (1)* will allow the Secretary of State, or a person providing services to him, to supply relevant information to the persons or bodies listed in *subsection (11)* for certain purposes relating to a welfare service or council tax. This will, for example, help local authorities decide if a person is liable to pay towards a service such as a home help or day care, and if so how much they should contribute towards its cost. It will also help local authorities assess how much a person is able to pay towards the cost of residential care. The information may also be needed for decisions on whether to provide assistance under localised schemes, such as help with council tax.
673. *Subsection (2)* allows a local authority providing welfare services (and others such as service providers) to supply relevant information to the Secretary of State (or the Secretary of State’s service providers) in certain circumstances. This information can only be supplied for a prescribed purpose. This subsection may be used, for example, to allow local authorities administering Supporting People grants to advise DWP whether a person is vulnerable and requires housing costs to be paid direct to the landlord.

*These notes refer to the Welfare Reform Act 2012
(c.5) which received Royal Assent on 8 March 2012*

674. Relevant information is defined in *subsection (12)* as information relating to any relevant social security benefit, as well as welfare services.
675. *Subsection (3)* replaces and extends the regulation-making power in section 42(2). The power may be used to enable qualifying persons (the persons listed in subsection (11)) to use information held for one purpose for other purposes, subject to those purposes being purposes relating to welfare services, council tax or housing benefit. The power may also be used to enable information to be supplied to another such person for use in the same or another circumstance relating to welfare services, council tax or housing benefit. This will be used to allow the types of information exchange that take place between local authority Supporting People teams and Housing Benefit teams. These teams may use the information to help them decide if a person is entitled to free help from Supporting People, or when making certain decisions relating to a person's housing benefit. It may also be used for the purpose of calculating any charges for a welfare service and to help decide whether to provide assistance once certain discretionary social fund payments cease. It will also be used to help local authorities assess whether a person is eligible for help with their council tax under any local scheme that may be available.
676. *Subsections (6)* and *(8)* provide that the Secretary of State must not use the power provided by subsection (3) to enable the supply for an excepted purpose of excepted information held by a Welsh body or a Scottish body. *Subsections (7)* and *(9)* define excepted information and excepted purposes for Wales and Scotland respectively.