

**EXPLANATORY MEMORANDUM TO**  
**THE SOCIAL SECURITY (CLAIMS AND INFORMATION) REGULATIONS 2007**

**No. 2007 No. 2911**

1. This explanatory memorandum has been prepared by the Department for Work and Pensions and is laid before Parliament by Command of Her Majesty.

2. **Description**

2.1 These regulations are in part standalone and in part amend the Social Security (Claims and Payments) Regulations 1987, the Housing Benefit Regulations 2006, the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006, the Council Tax Benefit Regulations 2006 and the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006.

2.2 The effect of the regulations is to enable:

- English County Councils to accept claims and information and evidence relating to claims and awards of benefits administered by the Department and (in the case of Housing Benefit and Council Tax Benefit) local authorities where the county council has entered an arrangement with the benefit administering authority to do so.
- such English County Councils to verify and forward to the administering authority, claims, information and evidence relating to such claims and awards of specified benefits
- Local authorities administering Housing Benefit to verify claims and award information that is not relevant to Housing Benefit or Council Tax Benefit but *is* relevant to benefits administered by the Department
- Local authorities to use Housing Benefit and Council Tax Benefit claim information to encourage, assist and advise customers to claim benefits administered by the Department.

The regulations will also *require*:

- A local authority administering Housing Benefit and Council Tax Benefit to use without further checking social security information received from and already used by the Department.
- This requirement will not apply where the information is received by the HB administering authority more than twelve months after it was used by the Department in connection with a DWP administered benefit claim or award or where, if it was supplied within this time, the HB administering authority has reasonable grounds for believing the information will have changed in the period

between its use and its supply. The requirement will also not apply where the date on which the information was used by the Department cannot be ascertained.

- The Department to use without further checking information received from and already used by a local authority administering Housing Benefit or Council Tax Benefit. The safeguards above also apply in these circumstances. The Department will also be required to use without further checking, information that has been verified by a HB administering authority (but not used by it in connection with an HB or CTB claim) except where there are reasonable grounds to believe that the information is inaccurate or where the information is received by the Department more than four weeks after it was verified by the local authority.

2.3 The regulations also specify the social security benefits affected by the above provisions and the benefits in connection with which local authorities and English County Councils can promote take up under sections 7B(1) and (3) of the Social Security Administration Act 1992.

### **3. Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None.

### **4. Legislative Background**

4.1 The regulations are made under sections 7A and 7B of the Administration Act which are, respectively, amended by and inserted by Section 41 of the Welfare Reform Act 2007. This is the first use of the new section 7B regulation making power and of the amended section 7A power, which enables, through these regulations, an English county council to accept claims for and information in connection with relevant benefits.

### **5. Territorial Extent and Application**

5.1 This instrument applies to Great Britain.

### **6. European Convention on Human Rights**

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

### **7. Policy background**

7.1 For some time the Department for Work and Pensions and local authorities which administer Housing Benefit (HB) and Council Tax Benefit (CTB) have shared certain functions at the claims gateway – for example a majority of claims to HB and CTB are now initially made via Jobcentre Plus or The Pension Service. Social security information (usually relevant to both the DWP benefit and HB/CTB) is collected alongside the claims and is then passed to the administering local authority by the DWP agency.

- 7.2 The Secretary of State for Work and Pensions is keen to reinforce this joint working and to simplify the claims administrative process by ensuring that social security information passed from DWP (having been used in connection with a claim for or to update an award of a DWP administered benefit) to a local authority administering HB is used by the importing authority without further checks being done on its accuracy.
- 7.3 Likewise, where a local authority administering HB passes social security information that it has used in connection with a claim for or an award of housing benefit or council tax benefit to the Department, that information must, where relevant, be used in connection with a person's claim for or award of a DWP administered benefit without further checks being carried out on it.
- 7.4 The practice of requiring one benefit administering authority to use without further checking, previously used social security information supports the Government's simplification agenda by enabling greater streamlining of the social security claims administration process. It also means a better service for customers who should, with a few exceptions, no longer be asked to provide the same supporting evidence more than once in respect of different benefits.
- 7.5 The measures contained in this Instrument are also intended to improve customer service by including English county councils as relevant authorities (when appropriate arrangements are made between these bodies and the benefit administering authority) to whom benefit claims can be made. The measures are also aimed at raising awareness of potential benefit entitlement and thereby increase the take-up of benefits, particularly amongst the elderly.
- 7.6 For example, joint teams comprising a mix of DWP, local authority (Housing Benefit) and English County Council staff, will now have legislative support to visit pensioners in order to increase their awareness of all the social security benefits they may claim, help them complete claim forms for a range of benefits, accept the completed forms and verify supporting documents.

#### *Consultation*

- 7.7 The Social Security Advisory Committee was consulted on these regulations and did not seek formal referral. The Local Authority Associations have been consulted and are broadly content with the regulations. Some concern was expressed about the potential effect on overpayments and subsidy of the requirement to use previously used information without further checking this. The Department has committed to keep the position under review. Concerns were also expressed by a part of the Local Government Association (LGA) in connection with the requirement that an arrangement be in place before English county councils can accept and verify claims and award information. It also wanted county councils to have access to social security information held by DWP. Current social security legislation does not permit this. The Department will meet with the LGA to discuss these concerns.

#### *Guidance*

- 7.8 Comprehensive guidance has been prepared and issued to local authorities and the affected DWP Agencies (Jobcentre Plus, The Pension Service and the Disability and Carer's Service).

#### *Consolidation*

- 7.9 Informal consolidation of the Instrument will be included in due course in the Department's "The Law Relating to Social Security" (The Blue Volumes) which are available on the internet at [www.dwp.gov.uk/advisers/docs/lawvol/index](http://www.dwp.gov.uk/advisers/docs/lawvol/index), at no cost to the public.

### **8. Impact**

- 8.1 A full regulatory impact assessment has not been produced for this Instrument as it has no effect on the costs of business, charities or the voluntary sector.
- 8.2 This instrument impacts on the public sector by conferring statutory functions on English county councils in terms of the taking, checking and forwarding of claims and associated information to a range of benefits. However, no new burdens are created or imposed since it is for county councils to choose whether to take up these functions.

### **9. Contact**

- 9.1 Matthew King at the Department for Work and Pensions Tel: 0207 712 2550 or e-mail: [Matthew.king@dwp.gsi.gov.uk](mailto:Matthew.king@dwp.gsi.gov.uk) can answer any queries regarding the instrument.