

EXPLANATORY MEMORANDUM TO
THE WELFARE REFORM ACT (RELEVANT ENACTMENT) ORDER 2009
2009 No. 2162

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

2. Purpose of the instrument

2.1 This Order, which replaces The Welfare Reform Act (Relevant Enactment) Order 2008 (SI 2008 No 2114 – “the 2008 Order”), is made under the data sharing powers contained in section 42 of the Welfare Reform Act 2007 (“the 2007 Act”). Those powers allow data to be shared so that tenants who apply for help under the Supporting People programme do not have to provide the same information twice and staff administering the Supporting People programme do not have to seek informed consent from tenants to obtain details of their entitlement to a social security benefit.

2.2 Since April 2009 Supporting People has been funded under section 31 of the Local Government Act 2003 (“the 2003 Act”), rather than section 93 of the Local Government Act 2000 as stated in the 2008 Order, so a new order is needed to reflect this change.

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

3.1 None

4. Legislative Context

4.1 Legislation allows information relating to certain income-related benefits, i.e. housing benefit, income support, income-based jobseeker’s allowance and state pension credit, administered by the Department for Work and Pensions or local authorities, to be supplied to the local authority Supporting People teams for purposes connected with applying for a grant towards housing-related welfare services.

4.2 Section 42(1) of the Welfare Reform Act 2007 confers power to share data for these purposes where it is in connection with a grant paid under a ‘relevant enactment’. The Welfare Reform Act (Relevant Enactment) Order 2008 specified section 93 of the Local Government Act 2000 as the power to make grants to local authorities in England and Wales towards the expenditure incurred in relation to welfare services (which includes the Supporting People programme). However since April 2009, Supporting People has been funded under section 31 of the 2003 Act. This Order therefore designates section 31 as a relevant enactment for the purposes of section 42(1) of the 2007 Act, and revokes the 2008 Order.

5. Territorial Extent and Application

5.1 This instrument applies to England and Wales.

6. European Convention on Human Rights

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

7. Policy background

7.1 The Supporting People programme was introduced on 1 April 2003. Supporting People teams for local authorities in England and Wales administer grants from the Department for Communities and Local Government and the National Assembly for Wales to provide welfare services. These services provide housing-related welfare services to assist vulnerable groups in society, including the elderly, people suffering from substance abuse and people with mental health or learning difficulties.

7.2 The primary purpose of such support is to help people to remain in their own homes and live independently. Some examples of housing-related support include enabling individuals to access their correct benefit entitlement, ensuring they have the correct skills to maintain a tenancy, and providing the assistance of a support worker. Examples of people assisted include those who have been homeless, ex-prisoners, people with drug or alcohol problems and those with a history of tenancies breaking down. Around 1.2 million people benefit from this support.

7.3 As part of the development of Supporting People services, the Government decided that, unless otherwise exempt, clients in receipt of housing benefit, income support, jobseeker's allowance or incapacity benefit would not need to undergo a second means test to allow assistance with their Supporting People charges. This simplified administration and reduced the need for clients to supply financial data more than once. Following a Government commitment to amend the law to allow for greater flexibility in data-sharing, provisions were included in section 42 of the 2007 Act.

7.4 In September 2008 these new powers came into force to enable more flexibility in the sharing of information between the Department for Work and Pensions and local authorities (LA), and between different LA teams in connection with the provision of housing related welfare services to vulnerable people under the Supporting People programme.

- ***Consolidation***

7.4 As this is a new, free-standing Order, the issue of consolidation does not arise.

8. Consultation outcome

8.1 The Local Authority Associations were consulted about the original policy and have been advised of this latest amendment. The Social Security Advisory Committee has also been advised of this small change.

9. Guidance

9.1 No further guidance is required as there is no policy change.

10. Impact

10.1 There is no impact on business, charities or voluntary bodies.

10.2 The impact on the public sector is negligible.

10.3 A full impact assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 As there is no change in policy there is no monitoring or review requirement as there is no change in policy as a result of the new Order

13. Contact

13.1 Phillip De Souza at the Department of Work and Pensions, telephone number 020 7449 5323, email address phillip.de-souza@dwp.gsi.gov.uk can answer any queries regarding the instrument.