
STATUTORY INSTRUMENTS

2012 No. 1483

The Social Security (Information-sharing in relation to Welfare Services etc.) Regulations 2012

PART 3

INFORMATION-SHARING IN RELATION TO WELFARE SERVICES ETC. UNDER SECTIONS 131 TO 133 OF THE 2012 ACT

Supply of relevant information by the Secretary of State

5.—(1) The purposes prescribed under section 131(1) of the 2012 Act (purposes for which the Secretary of State or a person providing services to the Secretary of State may supply relevant information to a qualifying person) are—

- (a) determining a person's eligibility or continued eligibility for a disabled person's badge;
 - (b) determining whether to make to any person any grant or payment listed in paragraph (2) and if so the amount of any such grant or payment;
 - (c) determining whether a person applying for or receiving a welfare service listed in paragraph (3) is liable to contribute towards the cost of that service and if so the amount of that contribution; and
 - (d) where the qualifying person is a local authority in England, identifying households eligible for support under the troubled families programme and providing appropriate types of advice, support and assistance to members of such households under that programme.
- (2) The grants and payments referred to in paragraph (1)(b) are—
- (a) a disability adaptation grant;
 - (b) a disabled facilities grant;
 - (c) a discretionary housing payment.
- (3) The welfare services referred to in paragraph (1)(c) are—
- (a) housing support services;
 - (b) the provision of domiciliary care;
 - (c) the provision of residential care.
- (4) In this regulation—
- (a) “disability adaptation grant” means a grant paid under Part 2 of the Housing (Scotland) Act 2006⁽¹⁾ to assist with the adaptation of a house for a disabled person to make it suitable for the accommodation, welfare or employment of that person;
 - (b) “disabled facilities grant” means a grant paid under Chapter 1 of Part 1 of the Housing Grants, Construction and Regeneration Act 1996⁽²⁾;

(1) 2006 asp. 1.

(2) 1996 c.53 as amended by the Housing Act 2004 (c.34).

- (c) “discretionary housing payment” means a payment made pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001⁽³⁾;
- (d) “domiciliary care” means care or assistance of any description provided to an adult person by reason of their age, health or any disability, whether provided continuously or not and whether or not provided at a place where they live, but excludes care or assistance provided to a person in residential care.

Holding purposes

6.—(1) The purposes prescribed under section 131(3) of the 2012 Act as purposes for which relevant information must be held by a qualifying person in order for them to use or supply it as set out in that subsection, are any of the following—

- (a) determining a person’s eligibility or continued eligibility for a disabled person’s badge or for housing support services;
- (b) determining whether to make to any person any grant or payment listed in regulation 5(2) and if so the amount of any such grant or payment;
- (c) determining whether a person applying for or receiving a welfare service listed in regulation 5(3) is liable to contribute towards the cost of that service and if so the amount of that contribution;
- (d) where the qualifying person is a local authority in England, identifying households eligible for support under the troubled families programme and providing appropriate types of advice, support and assistance to members of such households under that programme;
- (e) discharging any functions under Part 7 of the Housing Act 1996⁽⁴⁾ or (in Scotland) Part 2 of the Housing (Scotland) Act 1987⁽⁵⁾;
- (f) determining whether a person is in receipt of housing benefit;
- (g) determining the size of a dwelling occupied by a housing benefit claimant and the number of persons occupying that dwelling as their home;
- (h) identifying housing benefit claimants who are or may be affected by regulations relating to under-occupation, and providing appropriate types of advice, support and assistance to such persons;
- (i) identifying housing benefit claimants who are or may be affected by the benefit cap, and providing appropriate types of advice, support and assistance to such persons;
- (j) determining the amount of housing benefit payable to a housing benefit claimant by reference to the local housing allowance;
- (k) determining whether a person is in receipt of council tax benefit under section 131 of the Contributions and Benefits Act⁽⁶⁾;
- (l) determining whether a housing benefit claimant is likely to have difficulty in managing their financial affairs;
- (m) determining the probability that a housing benefit claimant will pay their rent;
- (n) determining whether the landlord of a housing benefit claimant—
 - (i) was to provide qualifying welfare services to that housing benefit claimant but has not done so, or

⁽³⁾ S.I. 2001/1167.

⁽⁴⁾ 1996 c.52.

⁽⁵⁾ 1987 c.26.

⁽⁶⁾ Section 131 is substituted by paragraph 4 of Schedule 9 to the Local Government Finance Act 1992 (c.14).

- (ii) is to provide qualifying welfare services to that housing benefit claimant but is unlikely to do so;
- (o) determining whether—
 - (i) the landlord of a housing benefit claimant is a social landlord,
 - (ii) a housing benefit claimant occupies as their home a dwelling which is exempt accommodation,
 - (iii) the tenancy of a housing benefit claimant is an excluded tenancy,
 - (iv) a housing benefit claimant occupies as their home a houseboat, caravan or mobile home, or
 - (v) a housing benefit claimant resides in a hostel.
- (2) In this regulation—
 - (a) “excluded tenancy” means a tenancy of a type falling within any of paragraphs 4 to 11 of Schedule 2 to the Housing Benefit Regulations or paragraphs 4 to 11 of Schedule 2 to the Housing Benefit (State Pension Credit) Regulations, as the case may require;
 - (b) “exempt accommodation” has the meaning given in paragraph 4(10) of Schedule 3 to the Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006(7) (transitional and savings provision);
 - (c) “hostel” has the meaning given in regulation 2(1) of the Housing Benefit Regulations or regulation 2(1) of the Housing Benefit (State Pension Credit) Regulations, as the case may require;
 - (d) “local housing allowance” means an allowance determined in accordance with paragraph 2 of Schedule 3B to the Rent Officers Order;
 - (e) “Rent Officers Order” means the Rent Officers (Housing Benefit Functions) Order 1997(8) or (in Scotland) the Rent Officers (Housing Benefit Functions) (Scotland) Order 1997(9);

Using purposes connected with welfare services and housing benefit

7.—(1) This regulation applies to relevant information held by a qualifying person for any purpose listed in regulation 6 except the purpose listed in regulation 6(d).

- (2) The purposes set out in paragraph (3) are prescribed—
 - (a) under section 131(3)(a) of the 2012 Act as purposes for which the information may be used by that qualifying person; and
 - (b) subject to regulation 11, under section 131(3)(b) of the 2012 Act as purposes for use in relation to which the information may be supplied by that qualifying person to another qualifying person.
- (3) The purposes are any purposes connected with—
 - (a) the purposes referred to in regulation 6(a), (b), (c) or (e);
 - (b) applying any of the following regulations—
 - (i) regulation 13C(5) of the Housing Benefit Regulations (cases where a maximum rent (LHA) is not to be determined);

(7) [S.I. 2006/217](#). Paragraph 4 is substituted by [S.I. 2007/2870](#).

(8) [S.I. 1997/1984](#). Schedule 3B is inserted by article 4 of the Rent Officers (Housing Benefit Functions) Amendment Order 2007 ([S.I. 2007/2871](#)) and amended by [S.I. 2008/3156](#), [2009/2459](#) and [2010/2836](#).

(9) [S.I. 1997/1995](#). Schedule 3B is inserted by article 13 of the Rent Officers (Housing Benefit Functions) Amendment Order 2007 ([S.I. 2007/2871](#)) and amended by [S.I. 2008/3156](#), [2009/2459](#) and [2010/2836](#).

- (ii) regulation 96(3) or (3A) of the Housing Benefit Regulations⁽¹⁰⁾ (circumstances in which payment may be made to a landlord);
- (iii) regulation 13C(5) of the Housing Benefit (State Pension Credit) Regulations (cases where a maximum rent (LHA) is not to be determined);
- (iv) regulation 77(3) or (3A) of the Housing Benefit (State Pension Credit) Regulations⁽¹¹⁾ (circumstances in which payment may be made to a landlord);
- (c) determining whether the qualifying person who uses the information or to whom it is supplied holds other relevant information about a housing benefit claimant for any purpose prescribed in regulation 6.

Using purposes connected with the troubled families programme

8.—(1) This regulation applies to relevant information held by a qualifying person which is a local authority in England for the purpose listed in regulation 6(d) or the purpose listed in regulation 6(i).

(2) The purposes set out in paragraph (3) are prescribed—

- (a) under section 131(3)(a) of the 2012 Act as purposes for which the information may be used by that qualifying person; and
- (b) under section 131(3)(b) of the 2012 Act as purposes for use in relation to which the information may be supplied by that qualifying person to another qualifying person.

(3) The purposes are any purposes connected with the troubled families programme.

(4) This regulation permits relevant information to be supplied to another qualifying person only where that other qualifying person is also a local authority in England.

Using purposes connected with under-occupation and benefit cap

9.—(1) This regulation applies to relevant information held by a qualifying person for any purpose listed in regulation 6(f) to (i).

(2) The purposes set out in paragraph (3) are prescribed—

- (a) under section 131(3)(a) of the 2012 Act as purposes for which the information may be used by that qualifying person; and
- (b) under section 131(3)(b) of the 2012 Act as purposes for use in relation to which the information may be supplied by that qualifying person to another qualifying person.

(3) The purposes are any purposes connected with—

- (a) identifying housing benefit claimants who are or may be affected by regulations relating to under-occupation, and providing appropriate types of advice, support and assistance to such persons;
- (b) identifying housing benefit claimants who are or may be affected by the benefit cap, and providing appropriate types of advice, support and assistance to such persons.

Qualifying persons

10.—(1) For the purpose of regulation 6(f) to (i) and regulation 9, a social landlord is prescribed to be a qualifying person under section 131(11)(g) of the 2012 Act.

⁽¹⁰⁾ Relevant amending instruments are [S.I. 2007/2868](#) and [2010/2835](#).

⁽¹¹⁾ Relevant amending instruments are [S.I. 2007/2868](#) and [2010/2835](#).

(2) The provisions of section 132 of the 2012 Act (offence of unlawful disclosure) apply to social landlords and persons associated with them by reason of the person's office or employment or otherwise.

Excepted matters

11.—(1) Regulation 7(2)(b) does not permit relevant information held by a Welsh body or a Scottish body for a purpose listed in regulation 6(a), (b), (c) or (e) to be supplied by that body to another qualifying person for use in relation to the same or any other such purpose.

(2) This regulation does not apply if the information was supplied by, or is derived from information supplied to another person by, the Secretary of State or a person providing services to the Secretary of State or a person engaged in the administration of housing benefit.