

Universal Credit data sharing with social landlords.

A consultation on draft regulations.

Highland Council welcomes the opportunity to respond to the consultation on the draft *Social Security (Information-Sharing in Relation to Welfare Services Etc.) Amendment Regulations 2015*.

Highland Council provides social housing to 13,700 households across its local authority area. 73% of our tenants currently receive help through housing benefit towards their rental liability.

Consultation Questions

Social Sector Landlords

Q1 We envisage social landlords would provide a range of support to their vulnerable tenants, what types of support would you as a social landlord provide your tenants?

A1 We currently provide a wide range of support services to our tenants. This includes individual support for each tenant provided by their Housing Management Officer. This may include help with applying for housing benefit / universal credit, assistance with applications for Discretionary Housing Payments, assessments for additional housing support and advice and information on tenancy sustainment. For those tenants who need more specialist or intensive support, we will assist tenants with accessing the right services for their needs. This includes income maximisation and money advice services as well as referrals to other appropriate services such as advice agencies, employability and health.

Q2. Our intention is to enable DWP to provide minimum information about the claimant aimed at identifying tenants claiming UC or being UC recipients. Would that information be sufficient for you to provide support to your tenant?

A2. We welcome the proposal that DWP will provide minimum information to enable social landlords to be able to identify tenants who have claimed or receive Universal Credit. However our experience of being a 'live' UC site has identified that data relating to the claimant's name, address and date of claim is not sufficient to enable us to help prepare and provide appropriate support to our tenants.

Evidence of the small number of UC claims to date has identified issues relating to;

- Some tenants incorrectly, or failing to complete the housing details when making a claim for UC.
- Insufficient information being provided to the tenant in relation to the amount of housing costs that they have been awarded. Some tenants are unaware that they are affected by the regulations relating to under occupancy.

The consequences of tenants incorrectly or failing to complete the housing details when making their UC claim is that tenants will quickly fall into rent arrears. If tenants fail to claim or incorrectly claim the housing cost element of their UC entitlement they could potentially face eviction through non-payment of rent. The Decision and Appeals Regulations 2013¹ specifies that claimants have a duty to notify the DWP about relevant changes of circumstances that affects their entitlement to Universal Credit. If a tenant fails to notify the DWP of their rental liability when making their claim and does not immediately rectify their circumstances, the change will only take effect from the first day of the assessment period in which they notify the change. These regulations² further specify that no account must be taken of the fact that the claimant or any person acting for them was ignorant or misunderstanding of the time limits imposed by the regulations. A small number of tenants have already experienced the implications of these regulations and required assistance in requesting backdated housing costs, which have not always been granted.

In respect of the under occupancy criteria, a number of tenants have been subject to the reduction in their UC housing cost element as a result of under occupying their property. Tenants affected by the under occupancy criteria need to receive appropriate advice and information as to how they can meet the shortfall between their UC entitlement and their rental liability. This advice would include discussing mitigating actions and applying for additional help towards their housing costs through Discretionary Housing Payments.

An extension to the data sharing regulations to allow for the provision of the amount of housing costs awarded and the start date and end dates of the UC claim would allow social landlords to provide advice and support in relation to payment of rent, ensuring that tenants have declared the correct rental liability and property details, budgeting support and assisting tenants with applications for discretionary housing payments.

Identifying tenants in receipt of UC would enable us to effectively apply for alternative payment arrangements rather than utilising resources to apply for alternative payments arrangements in cases where the tenant may no longer be in receipt of UC.

Q3 What do you think would be the implications of not having the information which DWP is proposing to supply under these regulations?

¹ <http://www.legislation.gov.uk/ukxi/2013/381/schedule/1/made>

² <http://www.legislation.gov.uk/ukxi/2013/381/regulation/36/made>

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A3. The lack of data sharing between the Department for Work and Pensions (DWP) and landlords presents a concern for the long term implications for the housing service and our tenants. These implications include;

- Increased risk of rent arrears and associated impact on bad debt provision and funding of the Housing Revenue Account;
- The resources that will be required to manage the long term impacts on rent arrears.
- Higher demand on homelessness services.
- Potential impact on temporary accommodation if evicted tenants are considered intentionally homeless.
- Increased demand from tenants seeking advice and assistance.
- Inability to identify vulnerable tenants at the earliest opportunity before they begin to experience difficulties. This may cause undue distress to some tenants.
- Changes to the landlord/tenant relationship. The current arrangement where a landlord can directly assist tenants in relation to housing benefit claims administered within the Council will no longer apply if the landlord is unable to engage with DWP on behalf of their tenants. Current arrangements of direct payments under housing benefit allows us to respond quickly to assist tenants who are struggling or may need support with their housing benefit claim or access to discretionary housing payments.
- Potential impact of sanctions, although the housing element cannot be sanctioned there is a risk that sanctions may significantly impact a tenant's ability to pay their rent.

We are already experiencing an increase in the level of rent arrears for those tenants who we believe to be in receipt of UC.

Q4. What concerns do you think your tenant may have about their information being shared with you as a social landlord?

A4. The proposed data sharing regulations would enable social landlords to identify and provide advice, support and information to those tenants who are most in need of these services.

At present any Housing Benefit entitlement is credited direct to the rent accounts of our tenants. The proposal to disclose information relating to UC claimants would not be dissimilar to the level of data that is currently provided through Housing Benefit. We therefore do not foresee any concerns from our tenants as to the proposed level of data that is being shared.

Private sector landlords – No response required

Q5. What kind of support would you be able to provide your tenants if similar information was provided to you by DWP?

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Q6. What concerns do you think your tenant may have about their information being shared with you as a private landlord?

General (Social and Private)

Q7. These regulations allow social landlords to make decisions about the use of data in order to support their tenants; would you think that is sufficient to ensure the proportionate use of data?

A7. Yes it is considered that these regulations would be sufficient to ensure the proportionate use of data.

Highland Council is happy for all of the above information to be made publically available.

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