

## Housing Benefit Circular

Department for Work and Pensions

Caxton House, Tothill Street, London SW1H 9NA

# HB A8/2017

### ADJUDICATION AND OPERATIONS CIRCULAR

<b>WHO SHOULD READ</b>	All Housing Benefit staff
<b>ACTION</b>	For information
<b>SUBJECT</b>	The Social Security (Emergency Funds) (Amendment) Regulations 2017

### Guidance Manual

The information in this circular does affect the content of the HB Guidance Manual. Please annotate this circular number against BW1 *paragraphs W1.270 – W1.281*, BW2 *paragraph W2.620 and Annex B*, BP1 *paragraphs Pa.270 – P1.28*

### Queries

**extra copies of this circular/copies of previous circulars** can be found at <https://www.gov.uk/government/collections/housing-benefit-for-local-authorities-circulars>

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# **The Social Security (Emergency Funds)(Amendment) Regulations 2017**

## **Introduction**

1. Following the recent tragic terrorist attacks in Manchester and London, emergency funds have been set up to help those affected. Manchester City Council launched a 'We love Manchester Emergency Fund' (WLMEF) and in London the 'London Emergencies Trust' (LET) has been set up.
2. The Social Security (Emergency Funds)(Amendment) Regulations 2017 (SI 2017/689] which were laid on 16 June 2017 and came into force on 19 June 2017, make amendments to the Housing Benefit Regulations 2006 (SI 2006/213) and the Housing Benefit (persons who have attained the qualifying age for state pension credit) Regulations 2006 (SI 2006/214).

## **Background**

3. Both WLMEF and LET are adopting similar principles to the London Bombings Relief Charity Fund (LBRCF) which was set up in 2005, which were to:
  - relieve sickness or disability, whether physical or mental, of victims of the disaster and their dependants
  - relieve financial need among victims of the disaster, including families and dependents of those killed or injured
  - support such other charitable purposes as the Trustees shall consider appropriate
4. Normally, only compensation payments for personal injuries are disregarded for the purposes of calculating entitlement to Housing Benefit (HB). However, an exception was made for the LBRCF payments and legislation was amended in 2005 to provide a full disregard of payments. A similar approach has been taken to the payments which will be made by WLMEF and LET.

## **Treatment of payments from the WLMEF and LET**

5. From 16 June 2017, all payments made by either the WLMEF or the LET are fully disregarded for the purposes of calculating HB. The disregard applies equally to existing and new claims.
6. The disregard mirrors existing provisions for people receiving payments from the LBRCF. It applies to all payments regardless of the recipient, in other words, all payments made to the following:

- qualifying person, in other words, the injured/deceased person
- qualifying person's:
  - spouse / civil partner / partner
  - child

7. This means that payments are disregarded as income and capital.

### **Discretionary Housing Payments**

8. Discretionary Housing Payments (DHPs) can be paid to those in receipt of HB or the housing element of Universal Credit who face a shortfall in meeting their housing costs. These payments are very flexible and can be considered where, in the local authority's (LA's) opinion, further financial assistance towards housing costs are required.
9. We would encourage you not to exclude any applications for DHPs in England and Wales from claimants where they have received a payment from the WLMEF or the LET.
10. DHPs are devolved in Scotland and Scottish Government would similarly encourage LAs in Scotland to do likewise.