

**DWP Welfare to Work and  
Equality Group**

**The Housing Benefit and Council Tax  
Benefit (amendment) Regulations 2008 SI  
2008/2299**

## **1. Introduction**

1.1 The primary purpose of these regulations is to introduce changes to the process for claiming Housing and Council Tax Benefit when that claim is made alongside a DWP benefit. The regulations permit Housing and Council Tax Benefit claims to be taken by telephone at the same time as a customer is making a claim to certain DWP benefits: Pension Credit, Income Support, Jobseeker's Allowance, Incapacity Benefit and Employment and Support Allowance. Telephone claims for these DWP benefits have been in place in some form for some time, and the process has been considered in separate Equality Impact Assessments. This assessment therefore considers only the impact of the additional facility to take Housing and Council Tax Benefit claims by telephone at the same time.

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## **2. Purpose**

2.1 These regulations amend current legislation covering Housing Benefit and Council Tax Benefit for all customers.

2.2 The effect of these regulations will be to allow customers to make a telephone claim for Housing and Council Tax Benefit alongside a telephone claim for Pension Credit, Income Support, Jobseeker's Allowance, Incapacity Benefit or Employment and Support Allowance. There will be no need for the customer to complete or sign a claim form for their Housing or Council Tax Benefit, and their details will be automatically sent on to the relevant local authority for processing.

## **3. Equality Duties**

3.1 This impact assessment has been undertaken in order to assess the proposed change against the disability, race and gender equality duties, and under the Disability Discrimination Act 2005, the Race Relations Amendment Act 2000 and under the Sex Discrimination Act 1975, as amended by the Equality Act 2006. The requirements of the Welsh Language Act 1993 are also discussed.

## **4. Proposals for change**

4.1 As part of ongoing improvements in customer service and simplifying access to benefits, the Department has been developing telephone-based (teleclaim) methods for customers who wish to make a claim for benefit. Existing legislation already allows local authorities to offer a telephone service direct to their customers for Housing and Council Tax Benefit purposes. Around 30% of all new claims to these are made direct to local authorities, and therefore many of these will already be made using a telephone service.

4.2 However the majority of Housing and Council Tax Benefit claims (around 70%), are currently made via DWP alongside claims for Pension Credit, Income Support, Jobseeker's Allowance, Incapacity Benefit or Employment and Support Allowance.

- About 40% (1.1m annually) of new claims are made via Jobcentre Plus's Customer Management System (CMS) which produces a claim form that the customer has to sign.
- Around 30% of claims are made on a full or short version of the Department's HCTB1 form, which is issued by the Pension, Disability and Carer's Service to people claiming Pension Credit and, to a diminishing extent, by Jobcentre Plus in lieu of the CMS route.

4.3 People claiming Pension Credit can already do so by telephone<sup>1</sup>. The regulations presented here will allow a claim for Housing and Council Tax Benefit to be made alongside the Pension Credit claim, using the same process, but without the requirement for the customer to check, sign and return a pre-populated claim form to the local authority. This will come into force from October 2008.

4.4 In addition the regulations will allow claims for Housing and Council Tax Benefit that are combined with other DWP benefits to be made by telephone where that service is being offered for the DWP benefit<sup>2</sup>. This service is available for Income Support, Jobseeker's Allowance, Incapacity Benefit and Employment and Support Allowance. It is intended to initially introduce this telephone service towards the end of 2009 for claims made jointly with claims for Employment and Support Allowance, and will be introduced for the other benefits after that.

4.5 Where such telephone claims are made for Pension Credit (and other DWP benefits in the future), the provision of a similar service for Housing and Council Tax Benefit claims offers the customer a simpler means of making an application for all appropriate benefits at the same time. Furthermore, the information needed for the claim will be gathered by trained advisers, and will help to ensure that customers who might experience difficulty with completing the claim forms provide all necessary details so that a valid application is made at the earliest opportunity. This in turn will enable local authorities to make quicker assessments.

4.6 These regulations also allow for changes of circumstance to be reported using the teleclaim service.

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<sup>1</sup> The Pension Service has carried out impact assessments on the application process for Pension Credit. These can be viewed online at:

<http://www.thepensionservice.gov.uk/aboutus/impact-assessments/pension-credit-disability.asp> and

<http://www.thepensionservice.gov.uk/aboutus/impact-assessments/pension-credit-race.asp>

<sup>2</sup> An impact assessment covering clients' access to Jobcentre Plus services can be viewed online at:

[http://www.jobcentreplus.gov.uk/JCP/stellent/groups/jcp/documents/websitecontent/dev\\_015325.rtf](http://www.jobcentreplus.gov.uk/JCP/stellent/groups/jcp/documents/websitecontent/dev_015325.rtf)

4.7 The existing method of making a clerical claim (or reporting a change of circumstances) directly with the local authority will remain. Customers who wish to do so will still be able to claim by completing the claim forms themselves.

## **5. Who will benefit mainly from this proposal or change?**

### Customers

5.1 The new telephone claim process will offer a simpler and more streamlined method of making a Housing Benefit/Council Tax Benefit claim for customers applying for DWP benefits. A trained adviser will be able to take a claim for all appropriate benefits at the same time, and this will increase the likelihood of ensuring that all required information is obtained and that a valid claim is made at the earliest opportunity.

5.2 This new service will benefit in particular customers who experience difficulty in completing claim forms, for example people whose written English skills are limited or who have learning difficulties, and who either are deterred from making a claim at all or who would face a delay in their application being processed because they have been unable to complete the forms fully.

5.3 The majority of customers will find the claim process less onerous as they will no longer have to complete and submit a written claim form themselves, and it will be easier to report a change in circumstances, as where a teleclaim service is available, customers will also be able to use this to report changes such as a new address.

5.4 Where customers might experience difficulty in using a telephone service, for example disabled people with speech or hearing impairments or customers for whom English is not a first language, alternative means of application will continue to be available.

### Local authorities

5.5 Local authorities will receive more claims fully completed and this will improve their performance with regard to the decision making process. As the initial claim will be more likely to include the information required to decide entitlement, more claims will be processed without the need to ask customers for additional information.

### Government

5.6 The regulations support the Government's simplification agenda by enabling greater streamlining of the social security claims administration process.

## **6. What information and or data has been obtained to impact assess this proposal or change?**

6.1 The Social Security Advisory Committee approved the new process when the draft regulations were submitted to them in March 2008. The Local Authority Associations were formally consulted at the same time on the proposals and approved them.

6.2 The new teleclaims process forms part of a wider package of reform, including changes to the backdating rules for Pension Credit, Housing Benefit and Council Tax

Benefit<sup>3</sup>, which were the subject of formal and informal consultations with key stakeholders. A number of major stakeholders were very supportive of the proposal to introduce the teleclaims service.

6.3 In addition, The Pension, Disability and Carers Service (PDCCS) ran a series of conferences for local authority staff on the proposed new service and this change has been well received as a customer service improvement for pensioners. Local authorities also welcomed the simplification of their administrative processes.

## **7. What is the impact of the proposal or change on different groups?**

7.1 The change will apply initially to all new customers applying for Pension Credit, Housing and Council Tax Benefit. Eventually it will apply to customers who claim Housing and Council Tax benefit jointly with other DWP benefits, where a telephone service is being offered for the DWP benefit. For joint claims with Employment Support Allowance, this is likely to be available from October 2009.

### Disabled people

7.2 The teleclaims process could prove difficult to use for certain disabled people - for example, people with hearing, speech or mental health impairments, or with learning difficulties. Both The Pension Service and Jobcentre Plus offer alternative methods of claiming - including home visits and face to face interviews - for anyone who would experience difficulty with using the teleclaims system, and aim to identify customers who need alternative provision at the outset.

7.3 All customers will be asked if they have any additional communication needs such as Large Print, Braille, Typetalk, Textphone, audio forms, sign language or induction loop. Processes have been put in place to deal with all these scenarios. The statement of details, which lists all the information taken by the teleclaims adviser for the customer's claim, will be sent to the customer after the telephone application in whichever format is most accessible.

7.4 Disabled people with a range of mental health, learning, physical and sensory (i.e. sight) impairments may on the other hand find the teleclaims process easier to use. Trained advisers will guide them through making a claim, obviating the need for the customer to complete detailed application forms. The new process could thus help to increase the number of disabled people taking up their entitlement.

### Race

7.5 Clearly the teleclaims process could pose a problem for customers for whom English is not a first language. Both The Pension Service and Jobcentre Plus have interpretation facilities in place, which is also available for the HB/CTB element of the teleclaims process. Other methods of taking a claim are also available if the customer's circumstances demand it, as described in paragraphs 7.2 above. Processes are also in

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<sup>3</sup> see <http://www.dwp.gov.uk/resourcecentre/equality.asp> for a copy of the Equality Impact Assessment carried out for these changes.

place to deal with written correspondence in languages other than English, including the translation of subsequent responses to the customer.

7.6 Some customers whose written rather than spoken English is limited by the fact that it is not their first language may find the teleclaims process easier to use. Trained advisers will guide them through making their claim, obviating the need for the customer to complete detailed claim forms. The new process could thus help to increase the number from people of black and minority ethnic backgrounds taking up their entitlement.

7.7 Ethnicity data is collected from customers who claim State Retirement Pension or Pension Credit over the telephone which enables The Pension Service to meet the legal obligations to assess the impact of proposed policies on the promotion of race equality, monitor existing policies for any adverse impact on the promotion of race equality and meet the commitments given to the Standards and Select Committees. The collection of this data is a positive enabler for improvements to the service provided to customers from ethnic minority groups, as well as providing information to support targeted campaigns and research. If the customer also claims HB/CTB alongside Pension Credit the ethnicity information will also be sent to the local authority provided the customer agrees to this happening.

7.8 For customers living in Welsh postcodes, there is also provision for Welsh speaking customer advisers and for customer materials in Welsh and Welsh Large Print.

### Gender

7.9 The new teleclaims process has been assessed as having no impact as regards gender equality/discrimination: it neither has an adverse impact, nor offers opportunities to further combat sex discrimination or promote equality of opportunity between men and women.

### Older people

7.10 This assessment has been made in order to consider the impact on the groups specified in paragraph 3.1 above. However, it has also identified that many older people will benefit from the new teleclaims process by offering a simpler application method, where the claim is made with the guidance of a trained adviser and the customer does not have to fill in detailed application forms.

## 8. Conclusion

8.1 The teleclaims service will have a positive impact on vulnerable customers who would otherwise have difficulty completing claim forms due to age, disability or language barriers, by allowing them to submit the information verbally to trained advisers. The change will provide an improved service for all customers who are able to apply using the teleclaim service. It is expected to improve take up of Housing and Council Tax Benefit as customers will have their claims sent automatically to the local authority.

8.2 Customers who would have difficulty in using the new phone process will still be able to apply, without disadvantage, for Housing and/or Council Tax Benefit either via the alternative methods described above or by claiming directly with the local authority.

8.3 This is a positive change for customers, which will ensure that the process for applying for benefit is less onerous, easier to understand and simpler for the majority of customers. In particular, it will benefit those vulnerable groups who find it difficult to complete benefit application forms without assistance, some of whom are currently deterred from even attempting to apply as a result.