

Changes to the backdating rules for Housing Benefit claims and SP payments

The SP Team has informed NIFHA that the NIHE will be implementing changes to the rules governing the backdating of HB payments.

SP subsidy payments follow HB rules so this has implications for SP payments as well.

HB Changes

The new arrangements

- Reduce the time for claiming HB for Pension Credit age customers from 12 months to **three** months, and
- Reduce the maximum period for which HB claims may be backdated for working age customers from 52 weeks to **six** months.
- The burden of proving good cause will continue to rest with the customer.

The new rules affecting the backdating of HB came in on **06 October 2008**.

SP Changes

- SP subsidy payments follow HB rules and consequently a service user only qualifies for SP subsidy from the date a HB claim begins.
- SP wrote to all providers about HB changes on 10 October. In the letter they state '*backdating of SP subsidy payments in instances of late notification from providers, will not now be made for a period in excess of 13 weeks*'.
- This appears to indicate that *all* late claims for SP payments will be subject to a maximum 3 month back-dating period. The distinction set out in the HB proposals between pension age customers and working age customers is not being applied in the context of SP payments.

The revised SP proposals will be implemented from **10 November 2008**.

Provider's duty to notify changes in circumstances

Providers are reminded of their contractual responsibility to SP to notify them about changes in relation to service users who start or stop receiving support in a scheme. **It is even more critical now that providers ensure the appropriate notification is forwarded to SP in a timely fashion as :-**

Changes to the backdating rules for Housing Benefit claims and SP payments

- This will provide safeguards to associations / providers should they be challenged or involved in any backdating disputes with claimants. **This may help protect providers in any disputes over liability for potential underpayments.**

Further Information

HB

These new regulations concerning the backdating of housing benefit in Northern Ireland were made on 3rd October 2008 and came into operation on 6th October 2008. This is an unusually short time period between the making of the regulations and the operative date and guidance could not be issued until the regulations were made. The Department for Social Development (DSD) has issued guidance to the Northern Ireland Housing Executive and Land and Property Services who administer the benefit.

- Guidance that the DSD issues on the legislative changes is to be put onto the Department's website as soon as possible.
- The Housing Executive are also to highlight this change on their website as well. Again due to the short time span between the making of the regulations and the operative date, this is still in progress.

SP

- Click on the letter from SP for information in relation to the impact on changes to SP payments rules.

For further information relating to the SP changes please contact:

- Eamonn Marley T: 028 9031 8486 E: eamonn.marley@nihe.gov.uk
- Aidan McGrath T: 028 9031 8013 E: aidan.mcgrath@nihe.gov.uk
