

2013 No. 454

SOCIAL SECURITY

The Social Security (Information-sharing in relation to Welfare Services etc.) Amendment and Prescribed Bodies Regulations 2013

<i>Made</i>	- - - -	<i>27th February 2013</i>
<i>Laid before Parliament</i>		<i>5th March 2013</i>
<i>Coming into force</i>	- -	<i>1st April 2013</i>

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 131(1), (2), (3), (11) and (12), 132(8) and 133(1) and (2) of the Welfare Reform Act 2012(a).

Citation, commencement and interpretation

- 1.—(1) These Regulations may be cited as the Social Security (Information-sharing in relation to Welfare Services etc.) Amendment and Prescribed Bodies Regulations 2013.
- (2) They come into force on 1st April 2013.
- (3) In these Regulations “the 2012 Act” means the Welfare Reform Act 2012.

Prescription of Scottish bodies and Welsh bodies

- 2.—(1) The following are prescribed as Scottish bodies for the purpose of paragraph (d) of the definition of that term in section 131(12) of the 2012 Act—
- (a) the Scottish Ministers;
 - (b) a person authorised to exercise any function of the Scottish Ministers relating to welfare services;
 - (c) a person providing to the Scottish Ministers services relating to welfare services.
- (2) The following are prescribed as Welsh bodies for the purpose of paragraph (d) of the definition of that term in section 131(12) of the 2012 Act—
- (a) the Welsh Ministers;
 - (b) a person authorised to exercise any function of the Welsh Ministers relating to welfare services;
 - (c) a person providing to the Welsh Ministers services relating to welfare services.

(a) 2012 c.5. Section 133(1) is an interpretation provision and is cited for the meaning of the word “prescribed”.

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

3.—(1) The Social Security (Information-sharing in relation to Welfare Services etc.) Regulations 2012(a) are amended as follows.

(2) In regulation 2 (interpretation)—

(a) in the definition of “council tax reduction scheme” after “Schedule 1A to that Act” add “and (in Wales) includes a default scheme within the meaning of paragraph 6(1)(e) of Schedule 1B to that Act”;

(b) after the definition of “disabled person’s badge” insert—

““the healthy start scheme” means the scheme established by the Healthy Start Scheme and Welfare Food (Amendment) Regulations 2005(b);”;

(c) after the definition of “landlord” insert—

““local welfare provision” means occasional financial or other assistance given by a local authority, the Scottish Ministers or the Welsh Ministers, or a person authorised to exercise any function of theirs or providing a service to them, to or in respect of individuals for the purpose of—

(a) meeting, or helping to meet, an immediate short term need—

(i) arising out of an exceptional event or exceptional circumstances; and

(ii) that requires to be met in order to avoid a risk to the well-being of an individual; or

(b) enabling individuals to establish or maintain a settled home, where those individuals have been or, without the assistance, might otherwise be—

(i) in prison, hospital, a residential care establishment or other institution; or

(ii) homeless or otherwise living an unsettled way of life;”;

(d) after the definition of “non-statutory assistance” insert—

““offence relating to a council tax reduction” means—

(a) any criminal offence in connection with the making of an application for a reduction under a council tax reduction scheme;

(b) any criminal offence in connection with the award of a reduction under a council tax reduction scheme;

(c) any criminal offence committed for the purpose of facilitating the commission (whether or not by the same person) of an offence of a kind referred to in paragraph (a) or (b); or

(d) any attempt or conspiracy to commit an offence of a kind referred to in paragraph (a) or (b);”;

(e) in the definition of “the troubled families programme”, for “the troubled families programme” means the programme of assistance provided by local authorities” substitute ““troubled families programme” means any programme of assistance provided by a local authority”;

(f) after the definition of “troubled families programme” (as amended by the preceding subparagraph) insert—

““universal credit” means universal credit under Part 1 of the 2012 Act.”.

(3) In regulation 5 (supply of relevant information by the Secretary of State)—

(a) for paragraph (1)(a) substitute—

“(a) determining a person’s eligibility or continued eligibility for—

(a) S.I. 2012/1483 as amended by S.I. 2013/41.

(b) S.I. 2005/3262.

- (i) a disabled person’s badge;
 - (ii) assistance under the healthy start scheme; or
 - (iii) local welfare provision;”;
 - (b) omit “and” at the end of paragraph (1)(c);
 - (c) for paragraph (1)(d) substitute—
 - “(d) where the qualifying person is a local authority in England—
 - (i) identifying households eligible for support under a troubled families programme;
 - (ii) providing appropriate types of advice, support and assistance to members of such households under such programmes; and
 - (iii) monitoring and evaluating such programmes;”;
 - (d) after paragraph (1)(d) add—
 - “(e) discharging any functions under Part 7 of the Housing Act 1996 or (in Scotland) Part 2 of the Housing (Scotland) Act 1987; and
 - (f) identifying, and providing appropriate types of advice, support and assistance to, persons in receipt of a relevant social security benefit who are or may be affected by—
 - (i) the benefit cap;
 - (ii) regulations relating to under-occupation.”.
- (4) In regulation 6 (holding purposes)—
- (a) for paragraph (1)(a) substitute—
 - “(a) determining a person’s eligibility or continued eligibility for—
 - (i) a disabled person’s badge;
 - (ii) assistance under the healthy start scheme;
 - (iii) housing support services; or
 - (iv) local welfare provision;”;
 - (b) for paragraph (1)(d) substitute—
 - “(d) where the qualifying person is a local authority in England, a person providing services to a local authority in England relating to a troubled families programme, or a person who falls within regulation 10(1)(b)—
 - (i) identifying households eligible for support under a troubled families programme;
 - (ii) providing appropriate types of advice, support and assistance to members of such households under such programmes; and
 - (iii) monitoring and evaluating such programmes;”;
 - (c) in paragraph (1)(g) and (l) for “housing benefit claimant” substitute “person in receipt of a relevant social security benefit”;
 - (d) in paragraph (1)(h) and (i) for “housing benefit claimants” substitute “persons in receipt of a relevant social security benefit”;
 - (e) after paragraph (1)(o) add—
 - “(p) identifying the amount of housing costs included in an award of universal credit by reference to the local housing allowance.”.
- (5) In regulation 7 (using purposes connected with welfare services and housing benefit)—
- (a) in paragraph (1) for “purpose listed in regulation 6(d)” substitute “purposes listed in regulation 6(1)(a)(ii), (iv) or (d)”;
 - (b) for paragraph (3)(a) substitute—

- “(a) the purposes referred to in regulation 6(1)(a)(i) or (iii), (b), (c), (e), (h) or (i);”;
- (c) in paragraph (3)(c) for “housing benefit claimant” substitute “person in receipt of a relevant social security benefit”.
- (6) In regulation 8 (using purposes connected with the troubled families programme)—
- (a) in the heading, and in paragraph (3), for “the troubled families programme” substitute “a troubled families programme”;
- (b) in paragraph (1)—
- (i) after “England” add “or a person who falls within regulation 10(1)(b)”;
- (ii) for “6(d)” substitute “6(1)(d)”;
- (iii) for “6(i)” substitute “6(1)(i)”;
- (c) at the end of paragraph (4) add “or a person who falls within regulation 10(1)(b).”;
- (d) after paragraph (4) add—
- “(5) The references in regulations 8(1) and (4) to a local authority in England include references to a person providing services to a local authority in England relating to a troubled families programme. ”.
- (7) In regulation 9(1) for “6(f)” substitute “6(1)(f)”.
- (8) In regulation 9(3)(a) and (b) for “housing benefit claimants” substitute “persons in receipt of a relevant social security benefit”.
- (9) After regulation 9 (using purposes connected with under-occupation and benefit cap) insert—

“Using purposes connected with the healthy start scheme

9A.—(1) This regulation applies to relevant information held by the Secretary of State for Health or by a person providing services to the Secretary of State for Health, as a qualifying person for the purpose listed in regulation 6(1)(a)(ii).

(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 healthy start scheme.

(4) This regulation permits relevant information to be supplied to another qualifying person only where that other qualifying person is the Secretary of State for Health or a person providing services to the Secretary of State for Health relating to the healthy start scheme.

Using purposes connected with local welfare provision

9B.—(1) This regulation applies to relevant information held by a qualifying person listed in regulation 10(1)(d) or section 131(11)(a) to (c) of the 2012 Act for the purpose listed in regulation 6(1)(a)(iv).

(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 a 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 local welfare provision.

(4) This regulation permits relevant information to be supplied to another qualifying person only where that other qualifying person is listed in regulation 10(1)(d) or section 131(11)(a) to (c) of the 2012 Act.”.

(10) For regulation 10 (qualifying persons) substitute—

“**10.**—(1) The following persons are prescribed as qualifying persons under section 131(11)(g) of the 2012 Act—

- (a) for the purposes of regulations 6(1)(f) to (i) and 9, a social landlord;
- (b) for the purposes of regulations 6(1)(d) and 8, a person who carries out activities in connection with a troubled families programme;
- (c) for the purposes of regulations 5(1)(a)(ii), 6(1)(a)(ii) and 9A—
 - (i) the Secretary of State for Health;
 - (ii) a person providing services to the Secretary of State for Health relating to the healthy start scheme;
- (d) for the purposes of regulations 5(1)(a)(iii), 6(1)(a)(iv) and 9B—
 - (i) the Scottish Ministers;
 - (ii) a person authorised to exercise any function of the Scottish Ministers relating to local welfare provision;
 - (iii) a person providing to the Scottish Ministers services relating to local welfare provision;
 - (iv) the Welsh Ministers;
 - (v) a person authorised to exercise any function of the Welsh Ministers relating to local welfare provision;
 - (vi) a person providing to the Welsh Ministers services relating to local welfare provision.

(2) The provisions of section 132 of the 2012 Act (offence of unlawful disclosure) apply to—

- (a) the qualifying persons listed in paragraph (1) other than the Secretary of State for Health, the Scottish Ministers and the Welsh Ministers; and
- (b) any person (“A”) associated with a qualifying person listed in paragraph (1)(a), (c)(i), (d)(i) or (iv) by reason of A’s office or employment or otherwise.”.

(11) In regulation 11(1) (excepted matters) for “6(a)” substitute “6(1)(a)(i) or (iii)”.

(12) After regulation 11(1) insert—

“(1A) Regulation 9B(2)(b) does not permit relevant information held by a Welsh body or a Scottish body to be supplied by that body to another qualifying person for use in relation to any purpose connected with local welfare provision.”.

(13) In regulation 12(a) (supply of relevant information by the Secretary of State) after paragraph (b) add—

“(c) preventing, detecting, securing evidence of, or prosecuting the commission of, an offence relating to a council tax reduction.”.

(14) In regulation 13 (holding purposes) after paragraph (b) add—

“(c) preventing, detecting, securing evidence of, or prosecuting the commission of, an offence relating to a council tax reduction.”.

(15) For regulation 14 (using purposes) substitute—

“**14.**—(1) This regulation applies to relevant information held by a qualifying person for any purpose listed in regulation 13.

(a) Regulations 12 to 15 were inserted by S.I. 2013/41.

- (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 15, 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) making a council tax reduction scheme;
 - (b) determining a person’s entitlement or continued entitlement to a reduction under a council tax reduction scheme;
 - (c) preventing, detecting, securing evidence of, or prosecuting the commission of, an offence relating to a council tax reduction;
 - (d) any proceedings in connection with a reduction under a council tax reduction scheme before—
 - (i) the Valuation Tribunal for England, established under Part 1 of Schedule 11 to the Local Government Finance Act 1988(a);
 - (ii) the Valuation Tribunal for Wales, established under Part 2 of Schedule 11 to the Local Government Finance Act 1988; or
 - (iii) a valuation appeal committee established under section 29 of the Local Government etc. (Scotland) Act 1994(b);
 - (e) the purposes referred to in regulation 6(1)(a)(i) or (iii), (b) or (c).”.
- (16) After regulation 15 (excepted matters) add—

“PART 5

INFORMATION-SHARING IN RELATION TO SOCIAL SECURITY BENEFITS UNDER SECTION 131(2) OF THE 2012 ACT

Holding purposes

16. The purposes prescribed under section 131(2) of the 2012 Act (supply of information to the Secretary of State or service provider for purposes relating to relevant social security benefit) as purposes for which relevant information must be held by a qualifying person in order for them to supply it as set out in that subsection, are any of the following—

- (a) determining whether a person occupies as their home a dwelling which falls within paragraph 4(1)(b) of Schedule 3 to the Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006(c);
- (b) determining whether a person has, or is likely to have, difficulty in managing their financial affairs;
- (c) where the qualifying person is a local authority in England—
 - (i) identifying households eligible for support under a troubled families programme;
 - (ii) providing appropriate types of advice, support and assistance to members of such households under such programmes; and
 - (iii) monitoring and evaluating such programmes.

(a) 1998 c.41. Schedule 11 was amended by the Local Government and Public Involvement in Health Act 2007 (c. 28).

(b) 1994 c.39.

(c) S.I. 2006/217. Paragraph 4 is substituted by S.I. 2007/2870.

Prescribed purposes relating to a relevant social security benefit

17.—(1) This regulation applies to relevant information held by a qualifying person for any purpose listed in regulation 16.

(2) The purposes set out in paragraph (3) are prescribed under section 131(2) of the 2012 Act as purposes for which the information may be supplied to the Secretary of State or a person providing services to the Secretary of State.

(3) Those purposes are—

- (a) in relation to the purposes prescribed in regulation 16(a) and (b), any purpose connected with the administration of universal credit;
- (b) in relation to any purpose prescribed in regulation 16(c)—
 - (i) any purpose connected with providing appropriate types of advice, support and assistance to a person in connection with their receipt of a relevant social security benefit; and
 - (ii) any purpose connected with monitoring and evaluating the effect of participation in a troubled families programme on receipt of a relevant social security benefit.”.

Signed by authority of the Secretary of State for Work and Pensions

Freud
Parliamentary Under Secretary of State
Department for Work and Pensions

27th February 2013

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under sections 131 to 133 of the Welfare Reform Act 2012 (c.5) (“the 2012 Act”) which prescribe the information-sharing permitted in relation to welfare services, council tax and social security benefits.

Regulation 2 prescribes additional Scottish bodies and Welsh bodies under section 131 of the 2012 Act. Section 131(3) allows the Secretary of State to prescribe the purposes for which information may be supplied by one qualifying person (defined in section 131(11)) to another. Section 131(6) and (8) ensure that this power does not overlap with devolved competence in relation to information held by a Welsh body or Scottish body. Regulation 2 ensures that the Scottish Ministers and Welsh Ministers (and persons authorised to exercise any function of theirs, or providing services to them, relating to welfare services) are respectively Scottish bodies and Welsh bodies for these purposes.

Regulation 3 amends the Social Security (Information-sharing in relation to Welfare Services etc.) Regulations 2012 (S.I. 2012/1483) (“the principal Regulations”) which prescribe the extent of the information-sharing which is permitted under sections 131 to 133 of the 2012 Act.

Section 131(1) of the 2012 Act allows the Secretary of State or a service provider to supply relevant information to a qualifying person (these terms are defined in section 131(11) and (12)). Regulation 3(3) amends regulation 5 of the principal Regulations, which prescribes the purposes for which such information may be supplied.

Section 131(3) allows a qualifying person who holds relevant information for a prescribed purpose to use that information, or supply it to another qualifying person, for use in relation to a prescribed purpose. Regulation 3(4) amends regulation 6 of the principal Regulations, which prescribes the purposes for which relevant information may be held in order for it to be used or supplied in this way. Regulation 3(5) amends regulation 7 of the principal Regulations, which prescribes purposes for which local authorities may use or supply relevant information.

Regulation 3(6) amends regulation 8 of the principal Regulations, which permits the use and supply of information for purposes connected to a troubled families programme (defined in

regulation 2 of the principal Regulations as amended by regulation 3(2) of these Regulations). The effect of this (along with the prescription of a new qualifying person in regulation 3(10)) is that local authorities, their service providers and persons carrying out activities pursuant to a troubled families programme can use and supply information to each other for any purposes connected with such programmes.

Regulation 3(8) amends regulation 9 of the principal Regulations to allow local authorities and social landlords to provide assistance to any person in receipt of a relevant social security benefit affected by the benefit cap or rules relating to under-occupation.

Regulation 3(9) inserts two new regulations into the principal Regulations. The first relates to the use and supply of relevant information by the Department of Health and its service providers for purposes relating to the healthy start scheme. The second (subject to an exception in relation to devolved matters inserted by regulation 3(12)) relates to the use and supply of relevant information by qualifying persons for purposes relating to local welfare provision. Definitions of “the healthy start scheme” and “local welfare provision” are inserted into the principal Regulations by regulation 3(2).

Regulation 3(10) substitutes the existing regulation 10 of the principal Regulations and prescribes qualifying persons for the purposes of troubled families programmes, the healthy start scheme and local welfare provision. It also applies to them (with the exception of the Secretary of State for Health, the Scottish Ministers and the Welsh Ministers) the provisions of section 132 of the 2012 Act, which make it an offence to disclose without lawful authority personal information obtained by virtue of section 131(1), (3) or (4) of that Act.

Regulation 3(13) to (15) amend the provisions of the principal Regulations relating to the sharing of information for prescribed purposes relating to council tax, principally to cover information supplied or held for purposes connected to offences relating to a council tax reduction (a definition of which is added by regulation 3(2)).

Regulation 3(16) adds a new Part 5 to the principal Regulations. The new regulation 16 prescribes purposes for which relevant information must be held by a qualifying person in order for them to supply this to the Secretary of State or persons providing services to the Secretary of State for purposes set out in the new regulation 17, relating to a relevant social security benefit (defined in section 131(12) of the 2012 Act).

Other amendments made by these Regulations are consequential, or correct minor drafting errors in the principal Regulations.

A full impact assessment has not been published for this instrument as it has no impact on the private sector or civil society organisations.

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