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STATUTORY INSTRUMENTS

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**2013 No. 454**

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

**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<sup>(1)</sup> 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<sup>(2)</sup>”;
- (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;

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(1) [S.I. 2012/1483](#) as amended by [S.I. 2013/41](#).

(2) [S.I. 2005/3262](#).

- (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—
      - (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(3) (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.
- (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(4);
    - (ii) the Valuation Tribunal for Wales, established under Part 2 of Schedule 11 to the Local Government Finance Act 1988; or

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(3) Regulations 12 to 15 were inserted by [S.I. 2013/41](#).

(4) [1998 c.41](#). Schedule 11 was amended by the Local Government and Public Involvement in Health Act 2007 (c. 28).

- (iii) a valuation appeal committee established under section 29 of the Local Government etc. (Scotland) Act 1994<sup>(5)</sup>;
  - (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<sup>(6)</sup>;
- (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.

#### **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

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(5) 1994 c.39.

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

- (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.”.