STATUTORY INSTRUMENTS

2015 No. 46

SOCIAL SECURITY

The Social Security (Information-sharing in relation to Welfare Services etc.) (Amendment) Regulations 2015

Made - - - -	*21st January 2015*
Laid before Parliament	*23rd January 2015*
Coming into force - -	*13th February 2015*

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

Citation and commencement

1. These Regulations may be cited as the Social Security (Information-sharing in relation to Welfare Services etc.) (Amendment) Regulations 2015 and come into force on 13th February 2015.

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

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

(2) In regulation 2 (interpretation)—

(a) for the definition of "social landlord", substitute—

""social landlord" means—

(a) in a case to which the Housing Benefit Regulations apply, a landlord falling within regulation 13C(5)(a)(i), (ii) or (iii) of those Regulations;

(b) in a case to which the Housing Benefit (State Pension Credit) Regulations apply, a landlord falling within regulation 13C(5)(a)(i), (ii) or (iii) of those Regulations;

(c) in a case to which the Universal Credit Regulations 2013 apply, a provider of social housing within the definition given in paragraph 2 of Schedule 4 (housing costs element for renters) to those Regulations;";

(b) after the definition of "universal credit"(**c**), insert—

""universal credit claimant" means a person who has made a claim for or has an award of universal credit;

(**a**) 2012 c.5. Section 133(1) is an interpretation provision and is cited for the meaning of the word "prescribed".
(**b**) S.I. 2012/1483.
(**c**) The definition of "universal credit" was inserted by S.I. 2013/454.

"universal support initiative" means any initiative under which advice, assistance or support is provided by the Secretary of State or any qualifying persons listed in regulation 10(1)(e) to a universal credit claimant for the purposes of assisting them with—

(a) managing their claim for or award of universal credit, including accessing and using online services, or

(b) managing their financial affairs.".

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

(a) after paragraph (1)(f)(**a**), insert—

"(g) where the qualifying person is a social landlord and the relevant information is limited to information referred to in paragraph (3A), determining whether a universal credit claimant, whose award includes or is likely to include a housing costs element in respect of accommodation provided by that social landlord, needs advice, assistance or support in relation to managing their financial affairs;

(h) where the qualifying person is listed in regulation 10(1)(e) and the Secretary of State or any qualifying person listed in regulation 10(1)(e) determines that a universal credit claimant needs advice, assistance or support under a universal support initiative—

(i) providing such advice, assistance or support to that person; and

(ii) monitoring and evaluating the provision of such advice, assistance or support. ";

(b) after paragraph (3), insert—

"(3A) The information referred to in paragraph (1)(g) is information confirming—

(a) the identity of the universal credit claimant;

(b) that the universal credit claimant has a tenancy with the social landlord;

(c) the date on which the universal credit claimant made a claim for or was awarded universal credit; or

(d) in a case where universal credit has been awarded to the universal credit claimant—

(i) the date on which the next payment of universal credit is due to be paid;

(ii) whether the next payment is the first payment under the award; or

(iii) the amount of housing costs element in the next payment under the award.";

(c) after paragraph (4)(d), insert—

"(e) "housing costs element" means an amount in respect of housing costs which is included in an award of universal credit under section 11 of the 2012 Act.".

(4) After regulation 6(1)(p)(**b**) (holding purposes), insert—

"(q) where the qualifying person is listed in regulation 10(1)(e)—

(i) providing advice, assistance or support to a universal credit claimant under a universal support initiative; and

(ii) monitoring and evaluating the provision of such advice, assistance or support. ".

(5) After regulation 9B(**c**) (using purposes connected with local welfare provision), insert—

(**a**) Sub-paragraphs (e) and (f) were inserted by S.I. 2013/454.
(**b**) Sub-paragraph (p) was inserted by S.I. 2013/454.
(**c**) Regulation 9B was inserted by S.I. 2013/454.

"**Using purposes connected with a universal support initiative**

9C.—(1) This regulation applies to relevant information held by a qualifying person listed in regulation 10(1)(e) for the purposes listed in regulation 6(1)(q).

(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—

(a) providing advice, assistance or support to a universal credit claimant under a universal support initiative; and

(b) monitoring and evaluating the provision of such advice, assistance or support.

(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)(e).".

(6) In regulation 10(**a**) (qualifying persons)—

(a) in paragraph (1)(a), after "regulations" insert "5(1)(g),";

(b) after regulation 10(1)(d), insert—

"(e) for the purposes of regulations 5(1)(h), 6(1)(q), 9C, 16(d) and 17(3)(c)—

(i) a person listed in section 131(11)(a), (b) or (c) of the 2012 Act,

(ii) a member of the National Association of Citizens Advice Bureaux(**b**) or the Scottish Association of Citizens Advice Bureaux(**c**),

(iii) a credit union within section 1 of the Credit Unions Act 1979(**d**),

(iv) a social landlord,

(v) a charity entered in the register of charities maintained under Part 4 of the Charities Act 2011(**e**) or a body entered on the register of charities maintained under the Charities and Trustee Investment (Scotland) Act 2005(**f**).".

(7) After regulation 16(c)(**g**) (holding purposes), insert—

"(d) where the qualifying person is listed in regulation 10(1)(e)—

(i) providing advice, assistance or support to a universal credit claimant under a universal support initiative; and

(ii) monitoring and evaluating the provision of such advice, assistance or support. ".

(8) After regulation 17(3)(b)(**h**) (prescribed purposes relating to a relevant social security benefit), insert—

"(c) in relation to either of the purposes prescribed in regulation 16(d)—

(i) providing advice, assistance or support to a universal credit claimant under a universal support initiative; and

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(**a**) Regulation 10 was substituted by S.I. 2013/454.
(**b**) The National Association of Citizens Advice Bureaux is a company limited by guarantee, formed and registered under the Companies Act 2006 (c. 46) with the company number 1436945, and a registered charity with the number 279057.
(**c**) The Scottish Association of Citizens Advice Bureaux is a company limited by guarantee, formed and registered under the Companies Act 2006 (c. 46) with the company number SC089892, and a registered charity with the number SC016637.
(**d**) 1979 c.34.
(**e**) 2011 c.25.
(**f**) 2005 asp.10.
(**g**) Regulation 16 was inserted by S.I. 2013/454.
(**h**) Regulation 17 was inserted by S.I. 2013/454.

(ii) monitoring and evaluating the provision of such advice, assistance or support. ".

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

Freud
Parliamentary Under Secretary of State
21st January 2015 Department for Work and Pensions

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Social Security (Information-sharing in relation to Welfare Services etc.) Regulations 2012 ("the principal Regulations") to allow the Secretary of State to share information relating to universal credit or welfare services with local authorities, citizens advice bureaux, credit unions, social landlords and relevant registered charities, and to allow those bodies to use and share that information for prescribed purposes.

Regulation 2 of the principal Regulations contains interpretation provisions. Regulation 2(2) of these Regulations amends regulation 2 of the principal Regulations to add new definitions for "universal credit claimant", and "universal support initiative". The definition of "social landlord" is amended to provide for cases involving universal credit.

Section 131(1) of the Welfare Reform Act 2012 allows the Secretary of State (or a person providing services to the Secretary of State) to supply relevant information relating to certain social security benefits or welfare services (described in section 131(12)) to a "qualifying person". Regulation 5 of the principal Regulations prescribes the purposes for which such information may be supplied. Regulation 2(3) of these Regulations inserts new sub-paragraphs into regulation 5 of the principal Regulations to allow the Secretary of State to supply information confirming that a universal credit claimant has made a claim for or has an award of universal credit to social landlords, to enable those landlords to determine whether those persons need help to manage their financial affairs. Another new sub-paragraph allows the Secretary of State to supply relevant information in circumstances where universal credit claimants have been identified by the Secretary of State or a universal support provider (that is, one of the bodies listed in the new regulation 10(1)(e) inserted into the principal Regulations) as requiring advice, assistance or support under a universal support initiative. This information can be supplied to those providers so that they can provide such advice, assistance or support and monitor and evaluate such advice, assistance or support.

Section 131(3) of the Welfare Reform Act 2012 allows a qualifying person who holds relevant information for a prescribed purpose relating to, amongst other things, welfare services, to use the information for another prescribed purpose relating to welfare services, or to supply it to another qualifying person for use in relation to the same or another prescribed purpose. Regulation 6 of the principal Regulations prescribes the purposes for which relevant information must be held by a qualifying person in order for them to be able to use or supply it for purposes prescribed in regulations 7 to 9B of the principal Regulations. Regulation 4 of these Regulations amends regulation 6 of the principal Regulations to specify a new "holding" purpose to capture relevant information held by universal support providers as part of a universal support initiative.

A new regulation 9C is inserted into the principal Regulations to outline new purposes for which the qualifying persons may use or supply information. These are purposes connected with providing advice, assistance or support under a universal support initiative, or in relation to the monitoring and evaluation of such advice, assistance or support.

"Qualifying person" is defined in section 131(11) of the Welfare Reform Act 2012, and includes a local authority or an authority which administers housing benefit (or their service providers or persons exercising functions on their behalf) and other persons who may be prescribed. Regulation 6 of these Regulations amends regulation 10 of the principal Regulations to prescribe that local authorities, citizens advice bureaux, credit unions, social landlords and relevant registered charities are qualifying persons for the new purposes that are being added to regulations 5, 6, 9C, 16 and 17 by these Regulations.

Section 131(2) of the Welfare Reform Act 2012 allows a qualifying person who holds relevant information for a prescribed purpose relating to welfare services to supply that information to the Secretary of State for a prescribed purpose relating to a relevant social security benefit. Regulation 7 of these Regulations amends regulation 16 of the principal Regulations to allow the bodies listed in the new regulation 10(1)(e) to supply information which is held by them for the purposes of providing advice, assistance or support under a universal support initiative, or for the purposes of monitoring and evaluating that initiative, to the Secretary of State. Regulation 17 of the principal Regulations is amended to permit this information to be shared for the purpose of providing advice, assistance or support to a universal credit claimant under a universal support initiative and monitoring and evaluating such advice, assistance or support.

An impact assessment has not been produced for this instrument as no negative impact on the private or voluntary sectors is foreseen.

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