EXPLANATORY MEMORANDUM TO

THE WELFARE REFORM ACT (RELEVANT ENACTMENT) (WALES) ORDER 2009

2009 No 2687

1. This explanatory memorandum has been prepared by the Department for Work and Pensions and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 This Order is made under the data sharing powers contained in section 42 of the Welfare Reform Act 2007 ("the 2007 Act") which allows data to be shared so that tenants who apply for help under the Supporting People programme do not have to provide the same information twice; and staff administering the Supporting People programme do not have to seek informed consent from tenants to obtain details of their entitlement to a social security benefit.

2.2 This Order ensures that these data sharing powers will be available to local authorities in Wales.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 This Order is being issued free of charge and within a matter of months from the Welfare Reform Act (Relevant Enactment) Order 2009 (S.I. 2009/2162), ("the 2009 Order") as it corrects an omission made in that order.

4. Legislative Context

4.1 Legislation allows information relating to certain income-related benefits, i.e. housing benefit, income support, income-based jobseeker's allowance and state pension credit, administered by the Department for Work and Pensions or local authorities, to be supplied to the local authority Supporting People teams for purposes connected with delivering housing-related welfare services.

4.2 The Welfare Reform Act (Relevant Enactment) Order 2008 (S.I. 2008/2114) ("the 2008 Order") defined housing-related welfare services in England and Wales as those carried out in accordance with section 93 of the 2000 Act.

4.3 In April 2009, housing related welfare services provided in England under the Supporting People scheme have been delivered under section 31 of the 2000 Act, and to reflect this, the 2008 Order was replaced by the 2009 Order.

4.4 However, the Welsh Assembly Government still deliver Supporting People services under section 93 of the 2000 Act, and this new Order ensures local authorities can continue to share data relating to the Supporting People Programme, in Wales.

5. Territorial Extent and Application

5.1 This instrument applies to Wales.

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 The Supporting People programme was introduced on 1 April 2003. Supporting People teams for local authorities in England and Wales administer grants from the Department for Communities and Local Government and the Welsh Assembly Government to provide housing-related welfare services. These services assist vulnerable groups in society, including the elderly, people suffering from substance abuse and people with mental health or learning difficulties.

7.2 The primary purpose of such support is to help people to remain in their own homes and live independently. Some examples of housing-related support include enabling individuals to access their correct benefit entitlement, ensuring they have the correct skills to maintain a tenancy, and providing the assistance of a support worker. Examples of people assisted include those who have been homeless, ex-prisoners, people with drug or alcohol problems and those with a history of tenancies breaking down. Around 1.2 million people benefit from this support.

7.3 As part of the development of Supporting People services, the Government decided that, unless otherwise exempt, clients in receipt of housing benefit or council tax benefit, income support, jobseeker's allowance or incapacity benefit would not need to undergo a second means test to allow assistance with their Supporting People charges. This simplified administration and reduced the need for clients to supply financial data more than once. Following a Government commitment to amend the law to allow for greater flexibility in data-sharing, section 42 of the 2007 Act was introduced which allows the sharing of social security information where it is in connection with the provision of welfare services, and provides for details to be included in regulations.

7.4 This Order will allow customer data to continue to be shared, between DWP and LAs, and within LAs, for the purpose of delivering Supporting People services in Wales.

- ***Consolidation***

7.5 As this is a new, free-standing Order, the issue of consolidation does not arise.

8. Consultation outcome

8.1 As there is no policy shift, and the impact of this change is minimal, we considered that no formal consultation was necessary. However, we consulted Local Authority Associations on the original policy and the Welsh Assembly Government has been consulted on this latest amendment. The Social Security Advisory Committee has also been advised of this small change. We had no dissenting comments on the proposed changes.

9. Guidance

9.1 No further guidance is required as there is no policy change.

10. Impact

10.1 There is no impact on business, charities or voluntary bodies.

10.2 The impact on the public sector is negligible.

10.3 A full impact assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 As there is no change in policy there is no monitoring or review requirement as a result of the new Order

13. Contact

Phillip De Souza at the Department of Work and Pensions, telephone number 020 7449 5323, email address **phillip.de-souza@dwp.gsi.gov.uk** can answer any queries regarding the instrument.