

Direction of the Chief Executive of South Lakeland District Council under the Housing Benefit and Council Tax Benefit (Electronic Communications) (Miscellaneous Benefits) Order 2006 and Part 4, Paragraph 11 of Schedule 7 to the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012, as incorporated into South Lakeland District Council’s Local Council Tax Support Scheme.

This Direction sets out the Councils legal obligation to publically state our policy regarding electronic collection of data relating to Housing Benefit Claims and Council Tax Reduction applications.

South Lakeland District Council (“the Council”), in accordance with:

The Housing Benefit Regulations 2006, including:

- Regulation 83A ‘Electronic claims for benefit’
- Regulation 87 ‘Amendment and withdrawal of claim’
- Regulation 88A ‘Notice of changes of circumstances given electronically’
- Schedule 11 ‘Electronic communication’

The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006, including:

- Regulation 64A ‘Electronic claims for benefit’
- Regulation 68 ‘Amendment and withdrawal of claim’
- Regulation 69A ‘Notice of changes in circumstances given electronically’
- Schedule 10 ‘Electronic communication’

The Council Tax Reduction Scheme (Prescribed Requirements) (England) Regulations 2012 as incorporated into the relevant sections of the Council’s Local Council Tax Support scheme, including;

- Schedule 7 Part 1 ‘Applications’
- Schedule 7 Part 3 ‘Discretionary reductions’
- Schedule 7 Part 4 ‘Electronic Communication’
- Schedule 8 Part 2 (8) ‘ Amendment and withdrawal of application’
- Schedule 8 Part 2 (9) ‘ Duty to notify changes of circumstances’

Hereby makes the following directions-

1. An individual, who in accordance with the Housing Benefit 2006 Regulations or the Council Tax Reduction Scheme (Prescribed Requirements) (England) Regulations 2012, as incorporated into the relevant sections of the Council’s Local Council Tax Support scheme makes a claim, provides evidence, or reports a change in circumstances for Housing Benefit and/or Council Tax Support under the Social Security Contributions and Benefits Act 1992 or the Local Government Finance Act 1992, is authorised to do so by means of an electronic communication (as defined by Section 15(1) of the Electronic Communications Act 2000), provided that the individual
 - a. Uses the method approved by the Council in relation to making or updating a claim.
 - b. Is included in a category of person approved by the Council for the purpose of making an electronic claim or application under this Direction;

Where the individual chooses to provide that information electronically, the sender is responsible for the security of any such communication until the Council receives it.

The methods and forms set out for the purposes of delivery of such a claim or application, as referred to in paragraph 1 are those set out below:

- c. Electronic must be made on a device such as a mobile tablet PC, laptop, mobile phone or desktop pc
- d. Electronic communications can also be made by means of data exchange with other government departments (Department of Work and Pensions (DWP) HM Revenues and Customs and the Pension Service)
- e. Electronic claims for Housing Benefit or Local Council Tax Support must be made using the Council's online claim form available on the Council's website or completed by assisted face-to-face interview involving an officer of the Council or an authorised representative. This is to include the Council's own form and any form or notification issued to the Council for this purpose by the Pension Service or the DWP. This includes any forms sent to the Council by the DWP in respect of any Universal Credit claimant where they have indicated an intention to apply for Local Council Tax Support, or where it appears to the Council that there is an entitlement to Local Council Tax Support.
- f. All forms must be completed to such an extent as deemed acceptable by the Council.
- g. Amendments to any such claim before it is decided must be made on the application itself, or by telephone or in writing.
- h. Receipt of an online report of a change of circumstances should be made on the Council's electronic change of circumstance form available on the Council's website, or completed by assisted face-to-face interview involving an officer of the Council or an authorised representative. Alternatively, a report of such a change can be made by email to the Council's dedicated email address as published on the website, or by means of any form or notification issued for this purpose by the Pension Service or DWP.

To allow authentication of the individual or organisation sending it, an electronic communication must include:

- The individual or organisation's name and address
- Where possible the individuals Housing Benefit and/or Council Tax Support reference number, Council Tax Account number or relevant reference number
- The individuals date of birth or national insurance number; or
- Sufficient other such information to allow the Council to establish the identity of the individual or organisation in relation to that claim

Any such notices may be verified by the Council using third party systems. The sender of any such notice may be required to keep a reference generated in relation to the communication. Where this is the case and that reference cannot be produced, the Council may deem that it has not been successfully submitted.

The Council may accept digital photography or scanned images of notices, forms evidence and information provided by the claimant. However, in certain circumstances, the Council will require original documents to support the claim.

Where evidence and information cannot be accepted electronically, the claimant must provide information and evidence in accordance with the Council's instructions.

South Lakeland District Council will publish the use and form electronic communication methods to be used on the Council's website.

2. A notification, made in a method outlined in paragraph 1 above, will be regarded as made on the day that it is received by South Lakeland District Council, provided it complies with the requirements publicised. A claim not recorded on the council's official computer system maintained by the Council for the sending, receiving, processing or storing of electronic information will be treated as not received.
3. South Lakeland District Council may require further information or supporting documentation in connection with the reported notification, before the claim for Housing benefit and/or Council Tax Support can be revised.
4. If the claim/ application or notification does not conform to any of the relevant standards it will be invalid.
5. This Direction may be withdrawn or amended at any time by the issue of a further direction.

Signed by:

A handwritten signature in black ink, appearing to be 'Paul', written over a faint circular stamp.

Chief Executive

Date: 03/08/2021