

Universal Credit housing costs and disclosure: guide for landlords

This guide is for claimants who do not maintain an online Universal Credit account.

1. Introduction

1.1 Requests for information

Each request for information must be treated individually.

Information will be disclosed where:

- the claimant is present to confirm their consent (including at the end of a phone)
- there is current written signed authority from the claimant
- where implicit consent is established

Consent to disclose provided in person by the claimant is always the preferred option, however where this cannot be obtained, written authority and implicit consent may apply.

1.2 Requests from landlords regarding claimants in receipt of housing costs

For queries from landlords, only information pertaining to the claimant's housing costs will be provided and never any general information about any other aspect of the claimant's business with the Department for Work and Pensions (DWP).

Written authority and implicit consent processes apply to 'representatives' for a claimant, the definition of which is provided in this document. The appropriate avenue to consider is entirely dependent on individual circumstances.

2. Representative – a definition

A customer representative is any person or organisation acting on behalf of, or making enquiries for, the customer. The representative could be helping a customer in several ways, including progress-chasing, helping them make a claim, seeking an explanation of entitlement and how it has been decided, representing them with a reconsideration or appeal, or helping them manage their finances.

This can be at any stage of the customer's business with DWP.

Representatives may include:

- advice or welfare rights organisations
- professionals such as social workers, community nurses or doctors
- family members or friends
- welfare and support workers employed by social landlords
- private landlords (but only in certain circumstances)

For queries regarding housing costs, the tenant must be in receipt of Universal Credit and have an active claim. A representative should ask for information that is in the genuine interests of the claimant, and not in their own personal interest to know.

It would be rare for a private sector landlord to act as a claimant's representative. However, there are some landlords who specialise in working with vulnerable claimants.

They would work on a claimant's behalf, usually with the claimant's consent, with organisations such as DWP to ensure that the claimant receives their full and correct housing costs

entitlement, for example, applying for or progressing Alternative Payment Arrangements (APAs).

3. Information that DWP can and cannot disclose

3.1 DWP considerations upon landlord contact

Once it is established that the caller is who they say they are, and that either the claimant is present to confirm consent, or the landlord has the written or implicit consent of the claimant, DWP will consider if the information requested is consistent with the role of a representative.

If it is, then certain information about Universal Credit housing costs claims may be disclosed, including:

- how a Universal Credit housing costs payment has been calculated
- information about the progress of the housing claim
- the factors taken into account when calculating a Universal Credit housing costs award
- what future action is likely to be taken on the housing claim

Even when consent has been established, each question asked will be considered individually before any information is provided. For queries regarding managed payments/third party deductions, only certain limited information can be provided.

3.2 Information DWP will never disclose

DWP will not disclose:

- addresses
- dates of birth
- National Insurance numbers
- bank details
- telephone numbers
- names of household members
- names of employers or former employers

Representatives/landlords should not ask for this information. If a person claiming to be acting as a representative/landlord asks for this information, this will immediately raise suspicion about whether the caller is genuine.

Where there is doubt that a caller is genuine, DWP will not disclose any information and will follow bogus caller guidelines.

3.3 Written authority

Written authority is necessary where the claimant's direct consent or implicit consent cannot be established, or where a request for information is received in writing from a representative.

In these cases, the representative/landlord will be asked to complete the 'Authority to Disclose' template, which the customer must sign. The representative/landlord should then post or fax the signed form to the relevant DWP office (local authority representatives should follow the agreed security procedures for emailing forms to approved secure email addresses).

Written authority does not last indefinitely in these cases, but covers a particular piece of business. The authority to act should be treated as current for the whole process of a new claim or change of circumstances, including any follow-up reconsideration process.

A separate authority is required for an appeal, unless the existing authority specifically covers the appeals process.

3.4 Claimant is present during a call with the landlord

If the claimant is with the landlord when they call, the telephony agent will ask the claimant the security questions privately, out of earshot of the landlord.

The types of security questions asked are dependent on the IT systems used and data available to support specific business processes.

The claimant must also confirm:

- the caller is their landlord
- the landlord is acting on their behalf
- they give consent to their information being disclosed

If there is any doubt over the claimant's identity, the agent will not divulge any information to the caller. It is possible for the claimant to withdraw consent at any time – this should be made clear to the claimant at the start of the call.

If this is not made clear at the start of the call there is no valid consent to continue. A claimant may also contact DWP by telephone at any time to withdraw their consent for certain information to be disclosed pertaining to their housing costs claim.

3.5 Implicit consent

If the claimant is not present to confirm consent verbally, DWP will decide whether the caller has the consent of the individual to act on their behalf.

Appropriate questions will be asked in order to determine whether or not the caller is a genuine representative and implicit consent can be assumed.

Implicit consent can be accepted where the caller:

- knows basic information about the claimant
- can quote facts and recent details about the claim, or can quote from recent correspondence between DWP and the claimant
- makes enquiries that claimant would be expected to make if they were able

A local authority or housing association has a welfare interest in the tenant and can be classed as a representative where they are delivering welfare or support services to individual tenants.

It would be rare for a private landlord to deliver welfare services to tenants, however there are a small number of landlords/agencies who specialise in housing vulnerable claimants. Certain information will be required and recorded to protect DWP from legal challenge where implicit consent is applied.

Regardless of the method (written authority, claimant presence or implicit consent), for queries from landlords, only information pertaining to the claimant's Universal Credit housing costs will be provided, and never any general information about any other aspect of the claimant's business with DWP.

4. Managed payment to landlords/third party deductions

4.1 Social landlords

After a landlord's identity is verified, where a confirmed managed payment/third party deduction for rent arrears is in place, the telephony agent may disclose the following details:

- the start date of the managed payment and/or third party deduction

- when to expect to receive the first payment of the managed payment and/or the third party deduction from DWP
- the amount of the next payment
- the maximum amount of the housing additional amount payable in the next payment of Universal Credit (this may reduce if there is a change in the claimant's circumstances, for example, in earnings - however, the circumstances that led to the change will not be discussed).

This is the only information that will be provided regarding managed payments/third party deductions.

Consent is not required on this occasion as if a managed payment/third party deduction is in place, implied powers allow DWP to disclose this specific information.

4.2 Private Landlords

Once the landlord's identity is verified, where a confirmed managed payment/third party deduction for rent arrears is in place, the telephony agent may disclose the following details:

- when to expect to receive the next payment of the housing additional amount and/or third party deduction
- the amount of the payment and the period it covers (this may reduce if there is a change in the claimant's circumstances for example in earnings). However, the circumstances that led to the change will not be discussed

Consent is not required on this occasion as if a managed payment/third party deduction is in place, implied powers allow DWP to disclose this specific information.

Depending on the nature of the landlord's query it may not be necessary to disclose all of this information.

However, telephony agents will not disclose any additional information to landlords over the telephone, as the list above is exhaustive.