
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, made under sections 130 to 133 of the Welfare Reform Act 2012 (c.5) (“the 2012 Act”), prescribe the extent of information-sharing which is permitted under those sections. Part 1 of these Regulations contains general provisions including definitions in regulation 2.

Part 2 of these Regulations contains provisions made under powers contained in section 130 of the 2012 Act (information-sharing in relation to provision of overnight care etc). Section 130 applies where a local authority holds information as to the provision of overnight care services to an individual, or the date when such provision begins or ends. Regulation 3 extends this to other information relating to overnight care services. Section 130 enables the local authority to use such information, or supply it to another local authority or the Secretary of State (or their service providers or persons exercising functions of a local authority), for purposes relating to the payment of a “relevant benefit”. This is defined in section 130(7) to include universal credit, housing benefit or council tax benefit. Regulation 4 extends this to certain other benefits.

Part 3 of these Regulations contains provisions made under powers contained in sections 131 to 132 of the 2012 Act (information-sharing in relation to welfare services etc).

Section 131(1) 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 (defined in section 131(12)) to a “qualifying person”. Regulation 5 prescribes the purposes for which such information may be supplied.

Section 131(3) allows a qualifying person who holds information of this kind for a prescribed purpose to use that information, or supply it to another qualifying person for use in relation to, a prescribed purpose. Regulation 6 prescribes the purposes for which relevant information must be held by a qualifying person in order for them to use or supply it for purposes prescribed in regulations 7 to 9. Regulation 7 prescribes purposes for which local authorities may use or supply relevant information. This includes discharging their homelessness functions and the application of provisions in the Housing Benefit Regulations (defined in regulation 2). Regulation 8 permits the use and supply of relevant information for purposes connected to the troubled families programme (defined in regulation 2). Regulation 9 concerns the use and supply of information by local authorities and social landlords (defined in regulation 2) for purposes connected to regulations relating to the under-occupation of a dwelling or the benefit cap. Regulation 7 is subject to exceptions in regulation 11 relating to Welsh and Scottish bodies as defined in section 131 of the 2012 Act.

“Qualifying person” is defined in section 131(11) as a local authority or an authority which administers housing benefit (or their service providers or persons exercising functions on their behalf). Regulation 10 prescribes that, in addition, a social landlord is a qualifying person for the limited purpose of identifying and assisting housing benefit claimants who may be affected by regulations relating to the under-occupation of a dwelling or the benefit cap (defined in regulation 2). It also applies to them the provisions of section 132 of the 2012 Act, which make it an offence to disclose without lawful authority personal information obtained by virtue of section 131(1), (3) or (4).

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

Changes to legislation:

There are currently no known outstanding effects for the The Social Security (Information-sharing in relation to Welfare Services etc.) Regulations 2012.