FAO

DWP Service Leader

Dear Service leader (insert name)

Over the past months, we have been encouraging our tenants at xxxxxxxxx to report the April 2024 rent increase, using the drop-down box, part of their online account. Whilst most (x%) have reported the change, there remain xx who have still to notify, despite our repeated calls and prompts. We suspect their failure to do so is caused by an inability or difficulty communicating electronically, a mental illness, or addiction issue. The net effect is, they are already accruing rent arrears unnecessarily, are in breach of their tenancy agreement, and unless the problem is addressed quickly, it could pose a threat to the sustainment of their tenancy.

Whilst we appreciate, DWP ordinarily insists on tenants reporting changes, such as this, through their online account, it is also the case DWP’s “Decision Maker” can supersede an award of their own accord. You do not need the tenant’s consent nor personal confirmation of the change, especially when the information is produced from a third-party source e.g. data-matching. Landlords receiving “Direct Payments” have a legal obligation to report changes where they have a material impact on the tenant’s housing cost award.

DWP produces its own guidance to Decision Makers. Paragraph A4365 confirms the DM can alter the award in the way described above. It states:

**“DM’s own initiative**” - A4365 - Where a DM supersedes on their own initiative to deal with a change of circumstances and the result is advantageous to the claimant the supersession takes effect from the first day of the AP in which action was started, with a view to supersession.

**Notification of a change of Circumstances – Para A4221**

Beneficiaries and every person by whom, or on whose behalf, sums by way of benefit are receivable (e.g. landlord) are required:

To notify the Secretary of State of any change of circumstance which they might reasonably be expected to know might affect:

1. Continuing entitlement to benefit or
2. The amount of benefit awarded or
3. The payment of benefit as soon as reasonably practicable after the change occurs.

There’s a specific rule requiring landlords to notify changes of this type. UC, PIP, JSA & ESA (Claims & P) Regs. – Regulation 38 <https://www.legislation.gov.uk/uksi/2013/380/regulation/38>

Sections 38 (1), (4) & (9) confirm, the Secretary of State for Work & Pensions has an expectation, landlords who receive Direct Payments, aware of a material change will do so promptly.

As we have done our best to engage with the tenant(s), without success, we have attached a spreadsheet, including the names, addresses, NINO, DOB etc of those tenants who are not engaging, and by failing to do so, putting themselves at risk of legal action and repossession. Consequently, we would appreciate, if you could ask the tenants’ respective Work Coach or Account Manager to contact the tenant, in the hope of persuading them to report the change themselves or have the DM simply alter the award, of their own accords, using the information provided.

If you need any further assistance in this respect, please do not hesitate to get in touch.

Regards

Xxxxxxxxxxxxxxxxxxx

Tel: xxxxxxxxxxxxxxxx

ENDS