



Benefits Update April 2014

Housing Benefit - social sector size restrictions and disability discrimination

The Court of Appeal has decided that the DWP Housing Benefit policy known as 'Removal of the Spare Room Subsidy', or 'bedroom tax', does not unlawfully discriminate against disabled adults. The cases considered by the Court included:

- * a couple unable to share a bedroom due to disability
- a family needing an extra room to store disability equipment
- * a man with significant mental health problems
- * a woman needing 24-hour care and living in a specially constructed and adapted property where a family member had moved out
- * a father sharing the care of his disabled son with his ex-partner.

The Court held that although the regulations do discriminate against the claimants, the discrimination is justified and therefore not unlawful. The claimants have applied for permission to take their appeal to the Supreme Court, so it is possible that the position may change.

A key point in the judgment was that the government is entitled to rely on the flexibility of Discretionary Housing Payments (DHPs) rather than create an exemption to the regulations. This doesn't mean that all disabled people are entitled to DHPs, but local authorities should consider their needs when assessing applications.

You can read more about the Court of Appeal decision in Housing Benefit Bulletin U2/2014 on the GOV.UK website at www.gov.uk. For a copy of the full judgment of the Court of Appeal, go to www.bailii.org/

Independent Living Fund to close from 30 June 2015

The government has announced that the Independent Living Fund (ILF) will close from 30 June 2015.

In the future, disabled people who receive support through the scheme will receive help through the adult social care system. Further information on the closure of the ILF is available on the Department for Work and Pensions website at www.dwp.gov.uk.

Removal of entitlement to housing benefit for new EEA jobseekers

From 1 April EEA nationals whose only right to reside is as a jobseeker or as the family member of a jobseeker no longer satisfy the right to reside test for claiming housing benefit even if they are receiving income-based jobseeker's allowance. An EEA national who has a right to reside other than as a jobseeker, for example, because they are working or because they retain worker status, will continue to have a right to reside for housing benefit purposes.

EEA nationals who were receiving both income-based jobseeker's allowance and housing benefit on 31 March are unaffected by the change in the rules until their JSA claim stops, or until they make a new claim for housing benefit, whichever occurs first.