



AFF Investigates Housing Benefit

Background

The Welfare Reform Act 2012 resulted in changes to Housing Benefit (HB). From April 2013, the size criteria rules that already existed for private tenants were extended to working age tenants in the social sector. This means that HB entitlement can be reduced where the household is deemed to be under occupying their home. Decisions are based on the number of bedrooms in the property. A 14% reduction applies for one unoccupied bedroom, 25% for two or more.¹

In response to concerns raised by Members of Parliament and the public about the impact on different social groups, the Government announced changes to this reform in the Housing Benefit (Amendment) Regulations 2013². HB tenants whose adult children are members of the Armed Forces, but continue to live with them and not in Single Living Accommodation (SLA), are allowed a bedroom for that adult child under the size criteria rules. If that adult child is deployed on operations, their parents are allowed to retain their bedroom if they intend to return home. In addition the non-dependant deduction (i.e. that any adult child is normally expected to make towards their living expenses) ceases and does not restart until they return home. This period includes pre-deployment training and post operation leave. Parent's HB entitlement should therefore increase when their adult child or children are deployed on operations.

Whether or not a member of the Armed Forces lives at home with their parents is a matter for the Local Authority (LA) to decide based on all the available facts. It may be that someone living in SLA is treated as living at home but equally SLA can be treated as the permanent home. Adult children judged by the LA to be living permanently in SLA are not treated as living at home with their parents during periods of deployment.

If the LA decides that the permanent home is with the parents and the parents receive HB, then they would be subject to a non-dependant deduction which could extinguish HB entitlement. This is because all working non-dependants are expected to contribute to their living expenses and there is no exception for Armed Forces personnel unless they are deployed on operations.

1 Statutory Instrument 2012 No.3040

2 Statutory Instrument 2013 No. 665

Non-dependants

Currently, adults living in their parent's house are treated as 'non-dependent' for benefit purposes, where the parents are receiving HB. A deduction is made from benefit entitlement based on the financial circumstances of the non-dependent. There should be no non-dependant deduction made if the non-dependant is:

- Only staying temporarily and has a permanent home elsewhere
- A full-time student, unless it is the summer holidays and they are living at home and working more than 16 hours a week.

Enquiries to AFF

AFF has been contacted by families with children living in SLA. The LA has not classed these personnel as living at home for HB purposes. This means that a non-dependant deduction is not applied. Under the size criteria rules, the families face a reduction in HB due to under occupancy. Families report that this is causing financial difficulties. One family comments that the so called U-turn by the Government was very misleading.

AFF agrees that the changes in Housing Benefit Regulations have not been clearly communicated to families, causing confusion and concern. AFF has contacted the DWP and received clarification on the current situation which is outlined above. There is clearly a requirement to improve communication to families.

AFF recognises that the publicised amendments for families of serving personnel assist only a small minority of families. There is a need to determine if families in the situations described above, require specific consideration in the Housing Benefit Regulations. AFF's investigation will consider the quality of SLA, the comparison to other groups such as students and the availability of social housing.

Objectives/Targets

Objective	Method	Liaison	Target Date	How do we know it's done - proof?
1. AFF would like to see an improvement in the information provision on the recent changes in Housing Benefit Regulations and the impact on Army families.	<ul style="list-style-type: none">• Outline current situation on AFF website, highlighting all implications• Use Facebook and Twitter to promote this information• Ensure all AFF staff updated on this information• Consider item in Army & You• Consider approaching DWP to clarify information on GOV UK website	AFF Comms DWP	31 Aug 13	Visible information

<p>2. AFF will investigate whether Army families face any disadvantage in comparison to other families due to the changes to Housing Benefit.</p>	<ul style="list-style-type: none"> • Investigation will focus on comparison to other groups. • Consider quick poll on website 		<p>23 Sep 13</p>	<p>All necessary information available for AFF to produce an AFF View.</p>
<p>3. AFF will produce an AFF View outlining stance and any further action required.</p>	<ul style="list-style-type: none"> • Use of standard AFF template and process. 		<p>30 Sep 13</p>	<p>AFF View completed and approved</p>