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Guidance

A6/2022: The Housing Benefit and Universal Credit (Victims of Domestic Abuse and Victims of Modern Slavery) Amendment Regulations 2022

Updated 26 October 2022

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Guidance manual

The information in this circular does not affect the content of the Housing Benefit (HB) Guidance Manual.

Who should read

All Housing Benefit staff

Action

For information

Subject

The Housing Benefit and Universal Credit (Victims of Domestic Abuse and Victims of Modern Slavery) Amendment Regulations 2022

Queries

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Introduction

1. The Housing Benefit and Universal Credit (Victims of Domestic Abuse and Victims of Modern Slavery) (Amendment) Regulations 2022 (SI 2022/942) were laid on 8 September 2022 and come into force on 1 October 2022.
2. Statutory Instrument (SI 2022/942) makes amendments to the Housing Benefit Regulations 2006 (SI 2006/213) extending the list of exemptions from the shared accommodation rate for both victims of domestic abuse and victims of modern slavery.

3. SI 2022/942 also makes similar changes to the Universal Credit Regulations 2013 (SI 2013/376).

Background

4. The shared accommodation rate of the Local Housing Allowance (LHA) applies to Housing Benefit (HB) claimants under 35, living alone and renting privately and is based on the cost of renting a room in shared accommodation. There are a number of exemptions which allow a claimant to receive the higher, one-bedroom rate instead of the shared accommodation rate in certain circumstances.

The changes

5. From 1 October 2022, there will be two new exemptions from the shared accommodation rate of the LHA for victims of domestic abuse and victims of modern slavery.

Qualifying criteria for new exemptions

Domestic abuse exemption

6. Claimants will need written evidence from a person acting in an official capacity confirming that their circumstances are consistent with those of a person who has had domestic violence or abuse inflicted, or threatened, upon them.

7. A 'person acting in an official capacity' is:

- a health care professional
- a police officer
- a registered social worker
- the claimant's employer
- any public, voluntary or charitable body which has had direct contact with the claimant in connection with domestic violence

8. The incident or pattern of incidents of domestic abuse must have taken place when the claimant was age 16 or over.

Modern slavery exemption

9. The exemption applies to confirmed victims of modern slavery with a positive 'Conclusive Grounds' decision from the relevant Competent Authority at the Home Office. The Home Office issues the decision letter to the adult concerned

or through to their appointed representative where applicable. Duplicates of this decision can be requested if needed from the relevant Home Office Competent Authority:

- nrm@modernslavery.gov.uk for SCA decisions in England and Wales
- NRMSNI@homeoffice.gov.uk for SCA decisions in Scotland and NI or
- IECompetentAuthority@homeoffice.gov.uk for decisions that have been made by the Immigration Enforcement Competent Authority (IECA)

Operational matters

10. All local authority (LA) IT systems will be updated by the end of 2022 to reflect the changes. For those LAs where the IT system is not ready for the implementation date of 1 October, cases will need to be handled via a manual process in the interim period.

11. While LAs may choose to identify and contact claimants they believe to be in scope of the new exemptions there is no requirement to do this and consideration should be given to the risk to the victim of domestic abuse should the perpetrator view any correspondence.

12. See Annex A for questions and answers.

Annex A: Questions and answers

Q1: Is there a time limit to claim these exemptions?

A1: No, there is no time limit for either exemption.

For the domestic abuse exemption, the abuse could have happened some time before they apply for the exemption. For example, if the abuse happened at age 20 the individual can still claim the exemption up until age 35.

Similarly, for the modern slavery exemption, a person can claim the exemption at any point after they receive a positive Conclusive Grounds decision until they turn 35 years old. The positive Conclusive Grounds decision could have been received at any age.

Q2: At what point does a claimant qualify for an exemption if they request it after 1 October 2022?

A2: The exemption can be applied from when the decision maker becomes aware that the claimant meets the qualifying criteria. In most cases this will be when the claimant self-identifies with their LA. Normal HB rules of 'good reason' will apply

where there are requests to consider past periods. Periods prior to 1 October 2022 cannot be considered.

Q3: Can the modern slavery exemption apply when a claimant has received a positive Reasonable Grounds decision.

A3: This exemption applies when someone is a confirmed victim of modern slavery having received a positive Conclusive Grounds decision from the relevant Competent Authority from the Home Office. Discretionary Housing Payments can be considered for those who have yet to receive a positive Conclusive Grounds decision.

Q4: Can a claimant living in shared accommodation qualify for one of these exemptions from the shared accommodation rate?

A4: No. An HB claimant will need to be living in a self-contained property to receive the one-bedroom LHA rate.

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