

# Voices from the frontline...

## The Bedroom Tax and disabled people

### Introduction

The Scottish CAB Service forms the country's largest independent advice network. Citizen advice bureaux (CAB) are the key frontline service that hundreds of thousands of people turn to and in doing so they deal with over half a million new issues every year. As welfare changes begin to affect clients, CAS is producing briefings in our series *Voices from the Frontline*. These provide personal experiences of welfare reforms as they take effect in households across Scotland. Through these briefings, citizens advice bureaux show the reality of welfare changes for real people.

### Summary

In April 2013, an estimated 82,000 households in Scotland were affected by the under occupancy penalty for social housing – often referred to as the 'bedroom tax'. These households have experienced an average reduction in housing support of around £11 per week, a loss of £53 million annually across Scotland. In the six months after the change, over 1,600 affected people sought advice on the 'bedroom tax' at a CAB in Scotland, and we are starting to get a picture of the social impact of the policy.

80% of the households affected in Scotland (65,600 households) have at least one adult who is disabled. The only significant exemption on grounds of disability is a room for an overnight carer for either the named tenant or spouse, meaning that the majority of people with disabilities are not exempt. Despite the High Court judgment on the issue, the legislation has not been altered and disabled children are still not automatically exempt. There are therefore tens of thousands of disabled people, many who have already been affected by other benefit changes, who have been affected by the 'bedroom tax'. This briefing outlines the situations and experiences of disabled tenants who have sought advice on this issue at a citizens advice bureau.

### Who has been affected?

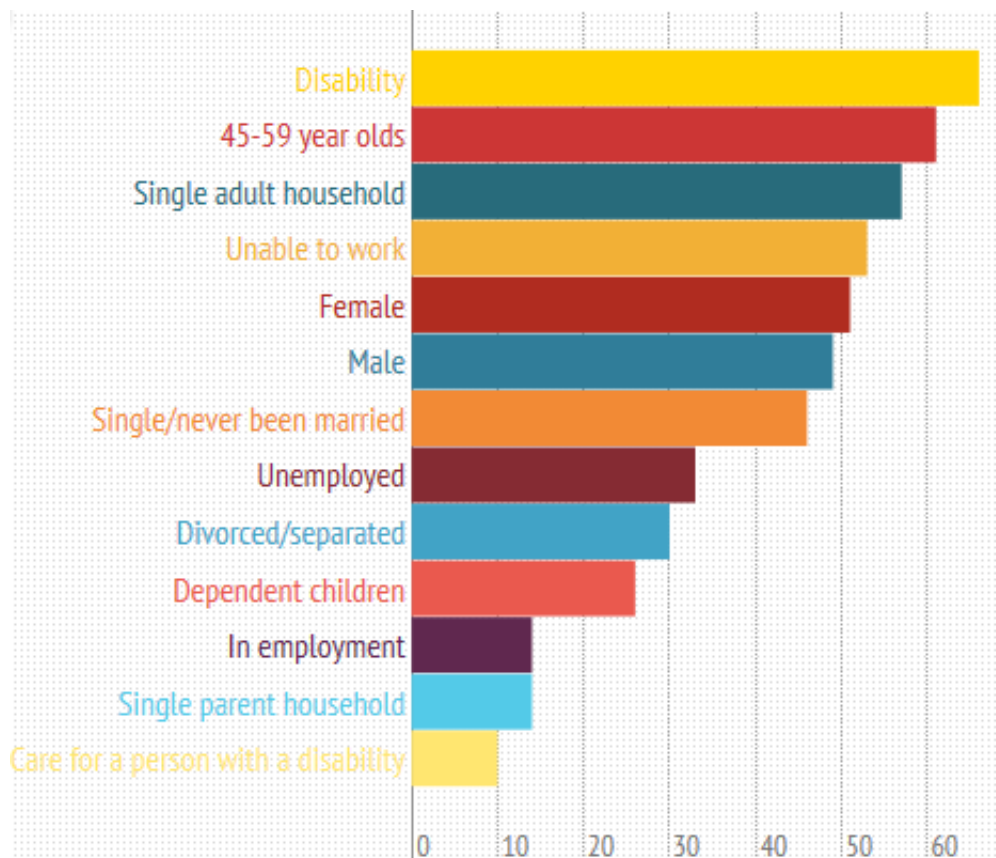
In the six months after the changes came in, citizens advice bureaux in Scotland advised on over 1,600 new issues concerning the 'Bedroom Tax'. In this period, we have seen a 29% increase in the number of Housing Benefit enquiries at bureaux compared to the same period last year and a 41% increase in social housing arrears issues. Based on the experience of providing advice, we have learnt more about the people that are affected by the changes, the situations that they face, the decisions that they are making, and the fears and worries they have for the future. This includes a profile of the clients that are seeking advice specifically on 'bedroom tax' issues.

A summary of this profile is shown in Figure 1, which is based on a sample of around 400 bureau clients with this issue (see overleaf). Figure 1 shows that there are a number of common characteristics shared by clients seeking advice on this issue. For example, disability is a common characteristic, with two-thirds of clients reporting a disability and 1 in 10 reporting that they are a carer for a disabled person. The majority of affected clients are aged between 45 and 59, live on their own, and are likely to not be able to work for health reasons. There was a roughly even split between genders, around a quarter had dependent children, 1 in 9 clients were single parents, and a minority (13%) were in employment.

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Figure 1: characteristics of 'bedroom tax' clients



This client profile applies to those seeking advice at a citizens advice bureau, so does not necessarily represent all those affected in Scotland. However, it provides an insight into the situations of those who are seeking advice on the 'bedroom tax'. Based on this evidence, the following paragraphs outline in more detail the types of people that have so far been affected.

### Health problems and disabilities

Of the 82,000 households affected by the under occupation penalty, an estimated 65,600 contain an adult in the household with a Disability Discrimination Act recognised disability. Based on a sample of 397 clients seeking advice at a bureau on this issue, around two-thirds reported that they had a disability and 10% that they cared for a disabled person.

A West of Scotland CAB reports of a 55 year old client who moved into a two bedroom tenancy a year ago that allows her to have her carer stay every second night as she has severe health issues. These include lung disease, liver disease, anaemia, and psychosis. She has now been told that she is under-occupying her tenancy. The client does not leave the house other than for hospital visits, and her carer visits every day.

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A South of Scotland CAB reports of a client with MS who lives in a housing association tenancy with two bedrooms. The client states that she needs an extra bedroom as she needs someone to stay overnight – either a friend or her brother stays at the weekend and her parents are there during the week. However, she has been told that she is under-occupying her tenancy. The client has poor balance and mobility and has to use a wheelchair at times. Her brother comes in to cook her evening meal as she burnt herself last year. The client is upset about the situation and feels that this is having an adverse effect on her health.

A North of Scotland CAB reports of a client affected by the 'bedroom tax' who requires the extra bedroom for kidney dialysis. The client has a kidney condition that requires dialysis three to four times a day, with each session lasting around 90 minutes. The client uses her spare bedroom for dialysis which must be kept sterile and which contains specialist equipment. At the time of seeking advice, the client's Discretionary Housing Payments had just run out and she was applying for a new payment.

### Children with health problems/disabilities

The situation of families with children who are disabled or have health conditions is far from clear. Following a Supreme Court decision that the policy was unlawful and discriminatory towards disabled children, and the eventual decision to drop their appeal against the decision, the Government sent out guidance to local authorities in March to confirm that they should follow case law (Burnip/Gorry/Trengove) and allow a room for a disabled child who is unable to share a bedroom.

However, rather than passing regulations, the government have relied on local authority's use of Discretionary Housing payments (DHPs), issuing guidance that it should be prioritised to protect these families. While regulations are promised in the Autumn, cases from bureaux show that families with disabled children (or who have another health condition) continue to be affected. Around 4% of those seeking advice on the 'bedroom tax' at a bureau cared for a disabled child.

A North of Scotland CAB reports of a client affected by the 'bedroom tax' whose disabled son requires an extra bedroom for his equipment. The client and her son live in an adapted three bedroom house, with the extra bedroom used for her son's two wheelchairs and other equipment. She works 16 hours per week. The client has been awarded discretionary payments until September, but realises that this may only be a short-term solution.

An East of Scotland CAB reports of a single parent of two young children who is affected by the 'bedroom tax'. The client lives in a three bedroom tenancy with her six year old son, who has autism, and her daughter who is five years old. The client was allocated the property on medical grounds due to the disruption caused to the client's daughter when she is sharing a room with her brother. The client receives carers allowance and DLA to look after her son.

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### Rent arrears

A number of studies indicate that social rent arrears have increased significantly since the under occupancy rules were implemented. COSLA recently completed a study of arrears that indicated that all but one council housing department in Scotland has seen an increase in arrears since April 2013. TUC figures have shown that nearly one in three affected council tenants had built up rent arrears, with eight of the 20 worst affected Councils in the UK being in Scotland. Our case evidence shows that disabled people are building up arrears which impact on their ability to stay in their home or find alternative accommodation.

A West of Scotland CAB reports of a client who lives by himself after his son and daughters moved out. The client has disabilities, is deaf, and suffers from depression. The client has accrued £500 in rent arrears as he is required to pay £23 in rent each week due to the fact that he is under-occupying his tenancy. The client lives in a housing complex for people with disabilities, but they cannot offer any one bedroom accommodation. The client feels that his health would suffer if he had to move to another tenancy that wasn't set up for a person with disabilities.

An East of Scotland CAB reports of a client who has accumulated 10 weeks' worth of rent of arrears due to the 'bedroom tax'. The client lives in social rented accommodation with three bedrooms. She has long-term health issues, including diabetes and arthritis, and has had strokes in the past. She requested a transfer to a smaller tenancy, but the landlord will not consider this as she is in rent arrears.

### Conclusion

This briefing outlines the situations and experiences of many disabled people who have been affected by the 'bedroom tax'. Many tenants, and their landlords, find themselves in limbo. Unable to afford to make up the shortfall in their rents, many tenants are experiencing significant difficulties in finding alternative solutions.

The Dept of Work & Pensions has made some £16.5m available for DHPs in Scotland this year. But *Shelter* estimate this makes up only around 10% of the total cuts to housing benefit in Scotland. In October, the Scottish Government also made an extra £20m available to local authorities' DHP budgets in 2013/14. This funding is welcome and has helped to avoid some of the worst impacts that would otherwise have occurred. However, DHPs are designed as a temporary measure and do not offer long-term security for those worst affected. In order to ensure that there are proper safeguards that prevent disabled people suffering from the policy, we recommend that:

- ⌚ Severely disabled people who have been assessed as needing their own bed and bedroom due to their condition should be exempt from under occupancy charges
- ⌚ Families where children have been allocated an extra room due to a health condition should be exempted in legislation from under occupancy charges
- ⌚ All social landlords should review their allocations policies to ensure that anyone who wants or needs to downsize is able to do so.
- ⌚ DHP funding from the DWP must be continued.