Disability Rights UK Supported Housing consultation submission

The current system

A [2010 DWP report](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/214489/rrep714.pdf) suggested that around three in four of those living in supported accommodation were disabled people (25% had a learning disability, 42% had a physical disability, and 5% had a significant mental health problem).

This means that any change to the current supported housing funding model will most directly affect disabled people.

For those supported housing tenants who are eligible to receive Housing Benefit, it can help with all or part of their rent payments.

Rent levels in supported housing tend to be higher than those charged for similar accommodation in the private sector.

Supported housing is often purpose built to enable disabled people to lead more independent lives, with greater accessibility, more space or specific adaptations included and often involves additional housing management costs.

Disabled people living in supported housing owned and managed by a local authority normally have their rent met in full by Housing Benefit.

Supported housing tenants whose landlord is a housing association, registered charity, voluntary organisation or county council have their Housing Benefit based on more “generous rules” than those living in mainstream accommodation.

Essentially, supported housing that meets certain criteria is treated as

“exempt accommodation” or “specified accommodation” for Housing Benefit purposes. Housing Benefit Regulations, which limit rents to defined local levels, do not applied to accommodation where the housing association or voluntary organisation provides care, support or supervision.

The consultation proposals

The consultation proposes that Housing Benefit claimants living in accommodation rented from a social landlord (local authority or housing association) will face future restrictions on the amount of Housing Benefit they can receive.

The new model will mean that rent and service charges will be funded through Universal Credit and where Universal Credit has yet to be

fully rolled out) up to the level of the applicable local housing allowance (LHA) rate.

The new model will devolve funding to local authorities in England to provide a ‘top-up’ to providers to reflect the higher costs of offering

supported housing.

The Government says that it will “ring -fence the top-up fund to ensure it continues to support vulnerable people.” The amount of top-up funding will be set “on the basis of current projections of future need”.

Our concerns as to the proposed new model are as follows.

The new model is a move from a system that supports disabled people’s rights, entitlement and choice to a discretionary system.

Disabled people would lose their previous legal entitlement to support through housing benefit, to a discretionary pot of funding subject to locally set priorities.

This is in the context of continuing and increasing pressures on local authorities’ finance that has already led to large reductions in services to disabled people.

In addition, it will be introduced at a time when many disabled people are likely to experience large falls in their benefit income.

These include the reduction in disabled people awarded Personal Independence Payment compared to Disability Living Allowance: the removal of the work related activity component from Employment Support Allowance; and the absence of the severe disability premium from Universal Credit.

It is essential that if disabled people are only to be awarded the LHA rate of Housing Benefit then their supported housing rental liability cannot be set by their landlord’s at a higher rate.

As the LHA rate fluctuates so must supported housing tenant’s legal rent liability fall or rise with it.

Not to do so would jeopardise the security that supported housing itself is meant to provide.

In addition, we are concerned that the consultation document does not specify -

* how long the ring-fence top-up support to local authorities will last;
* how those disabled people in areas where private sector rents are low are not disadvantaged by these changes and can still afford decent appropriate supported housing.

Also unspecified is how existing tenants will be protected in the transition from one system to another.

In order to have their rental help reduced to that of the LHA rate, existing residents will need to have their tenancy agreements emended so that their rent liability matches the LHA rate.

It is essential that there are no other changes to the level of service and support provided to disabled people when given a new tenancy agreement.

If there is to be a transfer of responsibilities to another it is essential that there is a clear requirement to capture the level of actual costs in the current supported housing system.

It is also essential that that funds are provided to meet commitments to current schemes.

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