

## Housing Benefit Urgent Bulletin

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**HB U2/2017**

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<b>Who should read</b>	All Housing Benefit (HB) staff
<b>Action</b>	For information

### **Judicial Review in the case of DA and Others v Secretary of State of the inclusion of lone parents with children aged under two in the benefit cap**

1. Today the judgment has been handed down in a judicial review in the case of DA and Others v Secretary of State which concerns the benefit cap.
2. The Court has declared that benefit cap legislation is unlawful in relation to its application to lone parents of children aged under 2.
3. The Department for Work and Pensions (DWP) has considered the judgment and is taking steps to appeal it. While this is in train, DWP and local authorities (LAs) should continue to apply the benefit cap as now. The legislation remains unchanged and so there is no change to the application of the cap to lone parents of children aged under 2.
4. LAs should continue to apply the current rules concerning the benefit cap to lone parents with children under 2 as usual.
5. Discretionary Housing Payments (DHPs) remain an important option to help households adjust to the benefit cap and other welfare reforms, and awards should continue to be made in appropriate cases in the usual way having regard to, amongst other things, the published guidance.

6. Provided below is some Q&A to enable you to respond to any enquiries received as a result of the Judgment.

#### **Q&A**

**Q. Is the government going to appeal?**

A. The government is taking steps to appeal the judgment.

**Q. Is the government looking again at the position of lone parents with children under 2?**

A. While we take steps to appeal the judgment, the benefit cap legislation remains unchanged and so the position of lone parents with children aged under two will remain the same.

**Q. Is the government going to exempt lone parents of children under 2 from the cap?**

A. While we take steps to appeal the judgment, the benefit cap legislation remains unchanged and so the cap continues to apply to lone parents of children aged under two.

**Q. What does this mean for lone parents of children under 2 who are subject to the cap?**

A. The benefit cap will continue to apply while we take steps to appeal the judgment.

**Q. I'm a lone parent with a child under 2 and my benefit is capped. Will you be paying me arrears?**

A. No, the cap will continue to apply while we take steps to appeal the judgment.

**Q. As an LA should we continue to apply the cap to lone parents with children under 2?**

A. Yes, the legislation underpinning the cap remains in force and unchanged. DHPs remain an important option for LAs to help households adjust to the benefit cap and other welfare reforms, and awards should continue to be made in appropriate cases in the usual way having regard to, amongst other things, the published guidance.

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