

## Housing Benefit Urgent Bulletin

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**HB U2/2015**

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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 R v Secretary of State of the inclusion of Carer's Allowance in the benefit cap**

1. Today the judgment has been handed down in a judicial review in the case of R v Secretary of State of the inclusion of Carer's Allowance in the benefit cap.
2. We are pleased that the Court agrees that the benefit cap pursues a legitimate and lawful aim.
3. However the Court has asked us to look again at the indirect impact on those disabled people whose carer is subject to the cap on household benefit payments.
4. We will consider this judgment and set-out our position in due course. We are continuing to apply the benefit cap as now, and there is no change to applying the cap to carers.
5. Provided below is some Q&A to enable you to respond to any enquiries you might receive.

## **Q&A**

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

A. We are considering the judgment and will set-out our position in due course.

### **Q. Is the government looking again at the position of disabled people whose carer has been capped?**

A. We are considering the judgment and will set-out our position in due course.

### **Q. Is the government going to exempt carers from the cap?**

A. We are considering the judgment and will set-out our position in due course. The cap continues to apply.

### **Q. What does this mean for carers subject to the cap?**

A. The benefit cap continues to apply.

### **Q. I'm a carer who has been capped will you be paying me arrears?**

A. No, the cap continues to apply.

### **Q. As a local authority should we continue to apply the cap to carers?**

A. Yes, the legislation underpinning the cap remains in force. Discretionary Housing Payments remain an important option for local authorities to help households adjust to the benefit cap and other welfare reforms.

### **Q. Why doesn't the government support carers?**

A. The Government recognises and appreciates the vital contribution made by informal carers. We have ensured that carers are central to the government's reforms to care and support, and there are stronger rights for carers in the Care Act, which came into force in April 2015.

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