

## Housing Benefit Urgent Bulletin

Department for Work and Pensions, Caxton House, Tothill Street, London, SW1H 9NA

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<b>Contact</b>	Queries about the <ul style="list-style-type: none"><li>• <b>distribution of this bulletin</b>, contact <a href="mailto:housing.correspondenceandPQs@dw.p.gsi.gov.uk">housing.correspondenceandPQs@dw.p.gsi.gov.uk</a></li><li>• <b>content of this bulletin</b>, contact <a href="mailto:housing.benefitenquiries@dw.p.gsi.gov.uk">housing.benefitenquiries@dw.p.gsi.gov.uk</a></li></ul>
<b>Who should read</b>	All Housing Benefit (HB) staff
<b>Action</b>	For information

## Supreme Court judgment: MA & Others, A and Rutherford

### Summary of judgment

1. Today the Supreme Court handed down its judgment in the above judicial review challenges. The claimants challenged the lawfulness of the maximum rent (social sector) on the basis that it is discriminatory on grounds of disability and gender and did not comply with the public sector equality duty (PSED). The full judgment is available at: <https://www.supremecourt.uk/cases/docs/uksc-2014-0125-judgment.pdf>
2. The Court found in favour of the Department in respect of five of the seven cases. The Court also found in favour of the Department's decision to use the Discretionary Housing Payments (DHP) scheme to mitigate the effects of the size criteria for individual's whose needs require evaluation.
3. The Court declared that Mrs Carmichael (the fifth 'MA' case who cannot share a bedroom with her husband because of her disabilities) and the Rutherfords (the grandparents of a severely disabled child who need an additional room for the child's overnight carer) had suffered disability discrimination contrary to Article 14 of the European Convention on Human Rights.

## **Effect of the judgment**

4. No immediate action needs to be taken by local authorities (LAs) following this judgment. The Court did not strike down the legislation underpinning the size criteria. As such LAs must continue to apply the rules when determining Housing Benefit claims as they did before today's judgment and the judgment does not require any LA to re-assess the HB of existing claimants. LAs should continue to award DHPs to claimants who they consider require additional financial support.
5. The Department is considering the Court's judgment and will take steps to ensure it complies with its terms in due course. The Department will notify LAs once a decision has been taken.

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