

**Social Security Advisory Committee  
Minutes of the meeting held on 22 May 2024**

Chair: Dr Stephen Brien

Members: Bruce Calderwood  
Rachel Chiu  
Carl Emmerson  
Daphne Hall  
Kayley Hignell  
Philip Jones  
Professor Gráinne McKeever  
Charlotte Pickles  
Dr Suzy Walton

Apologies: Les Allamby  
Professor Stephen Hardy  
Jacob Meagher

**NOTE: The draft regulations scrutinised by the Committee at this meeting were brought forward by the previous Government. The 2024 General Election was announced shortly after the meeting had concluded.**

**In these circumstances, the proposals considered at this meeting are subject to review by the new Government. In those cases where final decisions are yet to be reached and/or communicated to us, the record of this Committee's scrutiny has been temporarily redacted from this document at DWP's request. We will update this document with the redacted material as soon as we are able.**

**1. Private Session**

*[RESERVED ITEM]*

**2. The Universal Credit and Employment and Support Allowance (Work Capability Assessment) (Amendment) Regulations 2024**

*[The record of the Committee's scrutiny of these draft regulations has been redacted for the reasons set out above. The Committee will update this document as and when it is able.]*

### 3. The Universal Credit and Housing Benefit Miscellaneous Regulations 2024

3.1 The Chair welcomed the following officials to the meeting: Vicki Kennedy (Deputy Director, Housing Policy), Geoff Scammell (G6, Poverty/ Housing Policy), George Beresford (G7, Poverty/Housing Policy) and Ursula Brennan (SEO, Housing Policy)

3.2 In introducing the regulations, Vicki Kennedy took each measure in turn, with the first<sup>1</sup> looking to remove any discrimination for pension age couples who require an extra bedroom as a result of their disability. Currently, to meet the criteria, pension age customers need to be in receipt of the higher rate of Attendance Allowance (AA) and have and require an extra bedroom as a result of their health and/or disability. Following a First Tier Tribunal case, it was identified that the legislative changes introduced in 2017 did not fully reflect the ministerial decision to include both rates of AA, ensuring parity with working age people. This change will allow those receiving the lower rate of AA to qualify, ensuring parity with working age people.

3.3 The Committee raised the following questions relating to this measure:

**(a) What are the numbers of affected cases and how has this been calculated, and will retrospective application be required?**

It is not possible to identify who may have qualified and whether they had an extra bedroom to move into. The Department will consider ways of informing people who may have been impacted.

It is thought that around 1,500 cases flow through each year where a member of a couple is receiving the lower rate of AA. In Housing Benefit (HB) there are around 100,000 lower-rate AA cases in total and a much smaller number in Universal Credit (UC). However, the majority will not meet the gateway tests; that they are in receipt of the qualifying benefit, that they are unable to share a bedroom and they have a spare bedroom they can occupy.

With the exception of mixed age couples, this change will not affect those living in the social rented sector. This is because the removal of the spare room subsidy does not apply to pensioners and so the size criteria is not an issue. It is not possible to separate out the flow between the two rental sectors, but it is believed there are around 10 – 13,000 people within scope of the change.

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<sup>1</sup> The Committee agreed that this aspect of the regulations package may proceed. This measure was subsequently included in The Social Security (Miscellaneous Amendments) Regulations 2025 (laid on 6 January 2025).

- (b) So, is it the case that the Department is not sure within that ceiling what the situation may be? Because the ceiling is low, will there be an effort to reach out to see who may have been affected and if so, would backdating then be considered?**

The change will take place from the date the regulations come into force, so there will not be any backdating. The law has been applied as it was at the time, but it is more reasonable to change the statute and treat everyone the same. The Department will engage with local authorities and see if there are ways that they are able to identify cases who would benefit from the new rule.

Some people may have received Discretionary Housing Payments prior to this change and have been supported. However updated guidance shall be sent out to local authorities to ensure that it is now applied correctly.

- (c) There has also been the issue over local authorities having a discretion regarding the removal of the spare room subsidy due to the incorrect placement of and/or within the regulations? Therefore, a local authority could determine whether someone should have an additional bedroom, irrespective of the qualifying disability benefits listed within the *Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006***

The “and/or” discretion was never intentionally there. Local authorities have not been advised that they had this discretion and no queries have been raised around this. This issue arose due to a drafting error, as a result of Scotland variations, resulting in this inadvertent discretion being in place, which happened around eight months ago. The Department is now looking to correct this error.

*[The record of the Committee’s scrutiny of the remaining measures within this package of draft regulations has been redacted for the reasons set out above. The Committee will update this document as and when it is able.]*

## **4&5 Private Session**

*[RESERVED ITEMS]*

## **6. Date of next meeting**

6.1 The next meeting is scheduled to take place on 19 June 2024.

**Attendees**  
**Guests and Officials**

Item 2: Lorenzo Peri (Deputy Director, WCA Policy and Performance),  
Daniel Johns (G6, WCA Policy and Performance)  
Anila Naseem (HEO, WCA Policy and Performance)  
Liam Worthington (G7, UC, ESA, WCA Policy and Performance)  
Zara Iqbal (SEO, WCA Reform)  
Gail Allsopp (Deputy Director, Clinical Policy Group)  
Charmian Moeller-Olsen (G6, Clinical Policy Group)  
Joy Thompson (G6, Disability Analysis)  
Deborah Grayson (G7, Disability Analysis)  
Jane Saycell (DWP legal team)  
Grace Cooper (DWP, legal team).

Item 3: Vicki Kennedy (Deputy Director, Housing Policy),  
Geoff Scammell (G6, Poverty/ Housing Policy),  
George Beresford (G7, Poverty/Housing Policy)  
Ursula Brennan (SEO, Housing Policy)

Secretariat: Denise Whitehead (Committee Secretary)  
Dale Cullum (Assistant Secretary)  
Kenneth Ashworth (Assistant Secretary)  
Kyle Robertson (Analyst)