

REPORT TITLE
Housing Under Occupancy Rules

Purpose of the report and Summary

The report is intended to outline the changes law regarding bedroom tax and the impact on foster carers in Lancashire.

Key Information and Questions for Board Members

Housing Benefit Regulations in respect of foster carers and under occupancy

The government have decided to restrict housing benefit to allow only for one bedroom for each person or couple living as part of the household, with the following exceptions:

- Two children under 16 of same gender expected to share
- Two children under 10 expected to share regardless of gender
- Disabled tenant or partner who needs non-resident overnight carer will be allowed an extra bedroom
- Approved foster carers will be allowed an additional room so long as they have fostered a child, or become an approved foster carer in the last 12 months.
- Adult children in the Armed Forces will be treated as continuing to live at home when deployed on operations

Local councils have been advised to allow an extra bedroom for children who are unable to share because of their severe disabilities.

The cut will be a fixed percentage of the Housing Benefit eligible rent. The Government has said that this will be set at 14% for one extra bedroom and 25% for two or more extra bedrooms.

The Government's impact assessment shows that those affected will lose an average of £14 a week. Housing association tenants are expected to lose £16 a week on average.

Background

Children in Foster carer sharing a bedroom, the law; Fostering Services national minimum standards (NMS) and children sharing bedrooms.

There is no legal requirement for foster children to have their own bedroom, though the NMS expect that a child over the age of three will have their own bedroom wherever possible, taking account of the child's wishes and feelings. "Having their own bedroom will generally be appropriate, and is very important if, for example, a child has a history of sexualised behaviour or there is a risk of bullying."

The fostering service should be able to demonstrate that they have properly considered any risks, and have decided that sharing a bedroom is the best way to safeguard and promote the child's best interests and to meet the NMS outcome of ensuring that "Children live in foster homes which provide adequate space, to a suitable standard".

Current position in Lancashire

Practice in Lancashire is that children who are not brothers or sisters do not share a bedroom except in very rare circumstances, where it is felt to be in the child's best interest, a risk assessment has taken place and where the children are happy to do so.

There is no need to record if a foster carer owns or rents their house and therefore no central record is held of how many foster carers are currently living in social housing. During the pre approval assessment process the applicant's house is assessed to make sure it is good enough for any child, this information is recorded in the assessment. After approval on supervisory visits and foster care reviews the state of the house is reassessed. The assessment however is about the conditions as a home for children and young people, not whether the care rents or owns the home. There therefore is no accurate information with about how many foster carers will be affected by the bedroom tax regulation. However know the following;

There are currently at least 58 fostering households living in social housing.

There are at least 9 fostering households with more than 1 spare room for the purpose of fostering.

Of the current applicants in progress 1 lives in social housing.

Issues for consideration

Foster carers with one spare bedroom for the purpose of fostering will not be disadvantaged provided they have a young person placed within a 12 month period. Foster carers who have more than one spare room for the purpose of fostering will face cuts to their housing benefit.

It is difficult to challenge Benefits agencies where foster carers benefits are cut as the regulations would appear to support this.

There is a facility for discretionary housing payment (DHP), however this is not meant to be a long-term solution and would be quickly spent up.

Adults who don't currently foster or meet the other relevant criteria for exemption will face cuts to benefits and may need to consider re housing to accommodation with no spare rooms. A condition for accepting an application for an assessment as a

possible foster carer is that there is a spare room available in the home for the purpose of fostering.

Decisions required

The board is asked to note the content of this report

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