

Extra exemptions to the Shared Accommodation Rate – effective from January 2012

A factsheet for housing advisers and support workers in England's statutory and voluntary sector services



What you need to know

The Department for Work and Pensions (DWP) circular on Housing Benefit and Council Tax Benefit – [HB/CTB A12-2011](#) (Revised) – exempts a further two groups of young people from the Shared Accommodation Rate applying to them. They are:

- former residents of specialist hostels for homeless people
- ex-offenders who pose a risk to the public.

These categories are very specific and, by definition, may affect relatively few claimants. They are included in the Government's HB Regulation 2(1) definition of 'young individual' and both exempt only those aged over 25 but under 35 years who live alone, enabling them to live in self-contained accommodation where previously a Housing Benefit claim only afforded them to share accommodation with others. The new Shared Accommodation Rate exemptions are in addition to existing ones.

This NHAS factsheet only summarises key information on the two new exemptions to help you assess and progress a client's, or resident's, housing need when making a new claim for Housing Benefit or when the claimant's benefit comes up for renewal. You should refer to the Government guidance for Housing Benefit and Council Tax Benefit staff in circulars [HB/CTB A12-2011](#) (Revised) and [HB/CTB A14-2011](#) if you want further detail. However, please note the DWP circular HB/CTB A12-2011 also covers another two existing exemptions (Local Housing Allowance – Pathfinder protection awards and Local Housing Allowance – pre-April 2011 awards) that our factsheet does not concern itself with.

For local authority teams working in Housing Options and giving housing or homelessness advice, earlier Government guidance on how to communicate and notify claimants of the changes to Housing Benefit was contained in DWP circular [HB/CTB A6-2011](#) and the NHAS guide 'Managing the effects of Housing Benefit change: a toolkit for local authority Housing Options services' plus the NHAS 'Housing Benefit is changing' public leaflet. Standard template letters in the toolkit, and Government leaflets and posters to alert claimants to consider their housing options and how they might meet the shortfall in their ability to pay their rent, have been available for you to follow recommendations and plan your communications, notifying those likely to be affected by the changes at an early stage, and work with other local agencies before implementation. These materials can be found on websites [nhas.org.uk](#) and [dwp.gov.uk](#) For further information about NHAS services, email nhas@shelter.org.uk

What local authority staff can do to help: You should work with stakeholders, such as advice agencies and support providers, to explain how your local authority intends to interpret the exemptions and provide details of the supporting evidence required. It would be also useful for your local authority to distribute the list of hostels that will be considered in relation to the exemption (ensuring all relevant hostels, including closed hostels, are included). If you work in a Housing Benefit office, please ensure other teams, particularly those dealing with homelessness and housing in your local authority, are fully aware of circulars HB/CTB A12-2011 and HB/CTB A14-2011.



Guidance for hostel and support workers

How the new exemption applies to former residents of hostels for homeless people

? What is the exemption?

From January 2012 the Shared Accommodation Rate (SAR) is extended to apply to single claimants of Housing Benefit who don't have children, are aged over 25 and under 35 years, and live in private rented housing. Previously it only applied to those under 25. Those of this age group who have spent three months or longer in a qualifying hostel, or hostel for homeless people, will be exempt from SAR. This means their Housing Benefit entitlement will instead be based on the Local Housing Allowance rate for a self-contained one-bedroom property in the area.

? Does the new exemption apply to under-25s?

No – the exemption only applies to anyone making a claim who is aged 25 and under 35 years.

Paragraphs 53 and 54 of the DWP guidance provides a working example of how this exemption would apply to a claimant reaching the age of 25.

Example – exemption applies from twenty-fifth birthday:

Para 53 A person who is 24 years old, living in a self-contained property and receiving transitional protection, who spent two years in a specialist hostel for former rough sleepers, has their eligible rent based on the Shared Accommodation Rate.

Para 54 From their twenty-fifth birthday in February 2012 they become eligible for the one-bedroom, self-contained rate as the new exemption applies. This is greater than the pre-April 2011 Shared Accommodation Rate so their transitional protection ends.

? Who gets the exemption?

Paragraph 32 of the DWP guidance says:

'The exemption is for those who have spent at least three months in a specialist hostel (or hostels) for homeless people, where the main purpose of that hostel is to provide accommodation, care, supervision or support with a view to assisting homeless people to be rehabilitated or resettled in the community. Further, to be eligible for this exemption they would need to have been offered and accepted support services to enable them to be rehabilitated or resettled in the community during their time in the hostel.'



This means two stages to further this exemption for your clients/residents:

1. You need to satisfy the local authority that the establishment the claimant resided in meets the definition of an appropriate hostel.

The definition of a hostel in the Government's HB regulation 2(1) is that it is a building in which domestic accommodation is provided for people that includes facilities for the preparation of food adequate to their needs but is not separate and self-contained premises for those people, and is:

- managed or owned by a registered housing association, or
- run on a non-commercial basis and funded wholly or partially by a government department, agency or local authority, or
- managed by a voluntary organisation or charity and provides care, support or supervision with a view to assisting those persons to be rehabilitated or resettled within the community

and

- not a care home
- not an independent hospital
- not an Abbeyfield Home.

It isn't limited to the traditional rough sleeper hostel, eg it can include domestic violence refuges and drug rehabilitation hostels, but the hostel needs to meet the criteria of assisting a person's rehabilitation. Please also note that, as a hostel resident, the claimant does not need to be statutorily homeless.

What you can do to help: DWP guidance suggests each local authority keeps a list of appropriate hostels, so if you regularly place people in move-on accommodation with a particular local authority, talk to that local authority now and ask for its list. Liaise with your local authority to ensure that nearby out-of-borough hostels are included on the list too. If a hostel in the locality has now closed, and its former residents are likely to benefit from this exemption, also raise this with the local authority.

2. You also need to satisfy the local authority that the claimant stayed in the hostel and accepted appropriate support services.

What you can do to help: Make sure your records going forward will easily track the history of a resident's/client's hostel(s) and support, developing a system for searching back through previous records.

Please note: the support does not have to be provided by the hostel, but the claimant must have received it during their stay there. Also, as a hostel resident, the claimant does not need to be statutorily homeless – local authorities do not need to consider whether an applicant was statutorily homeless for them to qualify for the exemption, only that they resided in the hostel.

❓ Does the three-month qualifying period have to be continuous in one hostel?

No – it could be in more than one hostel for shorter periods of time than three months, so long as it adds up to at least three months in total.



? **Does the individual have to go straight from the hostel to self-contained, private-sector accommodation?**

No – your client/resident (the claimant) doesn't currently have to live in the hostel, so long as they have a history that includes three months' hostel residency.

Paragraph 39 of the DWP guidance says:

'A claimant who spends 4 months in two different hostels aged 24, followed by 18 months in a (non-hostel) supported housing scheme, could then be eligible for the exemption if they move on to self-contained private sector accommodation.'

? **What does 'separate and self-contained accommodation' mean exactly?**

There is no definition of self-containment in DWP legislation, but on the Department for Communities and Local Government (DCLG) website <http://www.communities.gov.uk/housing/housingresearch/housingstatistics/definitiongeneral/> it says:

'Self-containment is where all the rooms (including kitchen, bathroom and toilet) in a household's accommodation are behind a single door which only that household can use.'

Please note: It is **the building** that must meet the criteria of a hostel, not the specific accommodation used by a claimant. So if your client/resident was/is living in one of a small number of self-contained flats within a more traditional-style hostel with some shared space, they could still be eligible for the exemption. However, this exemption does not apply to anyone living in self-contained supported housing.

Example question and answers

Q We have hostels that have both self-contained and shared accommodation, so does this meet the criteria?

A Regulations require local authorities to assess whether the particular hostel building meets the criteria, rather than assessing the specifics of the claimant's individual accommodation within it.

A block of small self-contained flats in which each occupant has their own sleeping, cooking, bathroom and toilet facilities will be outside the scope of the exemption – even if the homeless claimant was placed there with floating support for rehabilitation and resettlement – because it is not a hostel.

Q What is meant by resettlement and rehabilitation in this context?

A The exemption for those who were homeless applies to those who lived in hostels specialising in resettling or rehabilitating residents back into the community. The key here is that temporary accommodation (whether hostel, bed and breakfast, or any other kind of property) that does not have resettlement as its main purpose will not be within the scope of this exemption.

As set out in Circular HB/CTB A12-2011, the claimant must have been offered and accepted support services to aid rehabilitation and resettlement.

Local authorities are reminded: it is not necessary to make your own assessment of whether each individual applicant is statutorily homeless and in need of resettling or rehabilitating in the community, but to be satisfied that this is the main purpose of the specialist hostel.



? What about the support services part of eligibility?

Paragraph 37 of the DWP guidance says:

'The claimant should also have been offered and accepted support services with the aim of rehabilitating or resettling them within the community. For example this might include support with physical or mental health needs, or recovery from the effects of domestic violence, resettlement support or treatment for substance misuse issues. The support services do not have to have been provided by the hostel, but must have been offered and accepted during the claimant's stay. No minimum or maximum level of support is specified; the requirement on the local authority is to be satisfied that the claimant engaged with sufficient support services to enable rehabilitation.'

What you can do to help: You will need to make sure your client/resident informs the local authority, when they make their Housing Benefit claim, that they have had support while in the hostel. In most cases, the local authority will ask the hostel to confirm that the claimant engaged with appropriate services. You should in any case liaise with the local authority to find out what level of proof is required.

? Does an AP (Approved Premises) satisfy the definition of specialist hostel for the homeless exemption?

No – Approved Premises (formerly known as probation or bail hostels) are residential facilities where dangerous offenders are housed on release from prison, on licence and under some community sentences, and an AP is primarily a probation supervision resource that does not satisfy the definition of specialist hostel for the homeless exemption. Offenders are housed in Approved Premises because they need enhanced levels of supervision and so cannot be released directly to live in their own accommodation in the community.

Time spent in one of these does not count towards the three-month residence requirement for the exemption. However, please note that some former AP residents will qualify for an exemption because of their MAPPA status (see Guidance for support workers working with ex-offenders, page 8) but not all residents do.

? How should claimants apply for the exemption?

Paragraph 40 of the DWP guidance says:

'**The onus is on the claimant** to provide supporting evidence and details.'

Important: Housing Benefit staff may not be aware of the exemption, so the client and the adviser need to be firm in making the claim.

Requesting this exemption will need to be done as part of making a Housing Benefit claim. The DWP guidance suggests a new question to cover the exemption may not necessarily get added to the Housing Benefit claim form, and this exemption will only be available if a claimant actively pursues it.

What you can do to help: If you believe your client/resident is eligible, you should advise them to ask for the exemption and to put forward appropriate evidence in support of their claim. You should consider developing **a standard letter** to be used by you and/or the client/resident, with sufficient space to add in their particular details. **This should be attached to the claim form.** Also, you should try to trace and inform any past client/resident who you believe could be eligible for this new exemption if possible.



Who decides if the claimant is exempt? What kind of evidence is needed?

The local authority simply has to satisfy itself that all the conditions are met by the claimant, but in practice local authority approaches could vary. The DWP guidance circular includes a checklist (see [Appendix A](#) for a copy of the decision-maker's checklist). Since it is at the discretion of a local authority, it means it is extremely important for you to work with the local authority (and be persuasive) in establishing that the definitions apply in the case of your client/resident.

What you can do to help: Where you regularly place clients/residents in move-on accommodation with a particular local authority, talk to that local authority in advance to find out what kind of evidence it would need.

Suitable evidence might include:

- a signed tenancy or licence agreement, a valid Housing Benefit claim, or records from Supporting People/Pathways to evidence the time period in the hostel
- hostel records and testimony from the client/resident's support worker to evidence engagement with support services.

Above all, it will be important for you to contact local authorities to check what form they want the evidence to take so that you can advise your clients/residents.

How long does the exemption last?

Paragraph 39 of the DWP guidance says:

'Once a person qualifies for this exemption it will remain in place until aged 35 even following a change of address or further claim, but only whilst that person is occupying self-contained accommodation.'

What you can do to help: It will be important for you to make sure any client/resident who secures this exemption as a claimant understands that the higher rate of Local Housing Allowance/Housing Benefit only applies so long as they continue to live alone in self-contained accommodation.



Guidance for support workers working with ex-offenders

How the new exemption applies to ex-offenders posing a risk to the public

What is the exemption?

The exemption is in place to ensure claimants with an offending history of violence, sexual assaults or violations, arson etc, do not endanger other members of the local community by being housed in shared accommodation with people.

Does the new exemption apply to under-25s?

No – the exemption only applies to an ex-offender who fits the specific offending criteria, is aged from 25 to under 35 years and is claiming Housing Benefit.

Who gets the exemption?

It applies to ex-offenders who pose a risk of serious harm to the public and who are managed by multi-agency agreements (MAPPA levels 2 and 3) under statutory arrangements to manage the risks they pose. The overall number of offenders likely to meet the criteria is relatively small. Nationally there are fewer than 3,000 managed at MAPPA levels 2/3 or equivalent and under 35. However, this figure does not differentiate between tenure types so will include those living in social housing, owner occupiers and those returning to live with family.

What is MAPPA?

Multi Agency Public Protection Arrangements (MAPPA) is the statutory mechanism for managing sexual and violent offenders. Through this, agencies such as probation services discharge their statutory responsibilities and protect the public in a co-ordinated manner.

How should claimants apply for the exemption? What kind of evidence is needed?

The claimant his/herself will not apply for it. **This will be done by a relevant lead agency under MAPPA (normally the police or probation service).** They will notify the local authority that an individual meets the exemption criteria, sending them a set proforma – a sample copy of this is in [Appendix B](#). There is no need to further assess the claimant. It is sufficient to accept the details on the form. Please remember that this form itself is sensitive information and should be treated as such.

The form will only contain sufficient details to identify the claimant, a statement of them being managed at an appropriate level that meets the criteria for exemption, and an end-date for when they will no longer be managed under MAPPA and therefore no longer meet the exemption. A number of years will be covered by that end-date, so the claimant may well reach the age of 35 before the MAPPA management ends.





Where do we send the form?

It is important for the form to be sent through to a single point of contact within the local authority. Having consulted with the Practitioners Operational Group (POG), the DWP have agreed that **forms should go to the Chief Internal Auditor** and preferably be **sent by secure email** if this facility is available. If you are the lead agency responsible for sending this form, you should contact the Chief Internal Auditor first to check that it will be accepted and dealt with appropriately.

What local authorities can do to help: Local authorities are encouraged to make arrangements so that, in the absence of the Chief Internal Auditor, a second named contact is automatically notified of a lead agency referral for this exemption on behalf of the MAPPAs-managed claimant. It is of paramount importance with this exemption to ensure that the accurate assessment of Housing Benefit claims is handled quickly, particularly where a claimant is homeless or at risk of homelessness and suitable accommodation has been identified for them.



Who decides if the claimant is exempt?

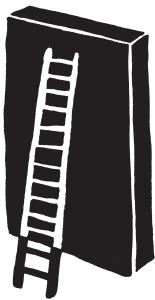
The relevant agency (ie probation service) or the MAPPAs co-ordinator working with the ex-offender will have completed the proforma request, confirming the claimant meets the exemption criteria.

Claimants themselves are unlikely to know which MAPPAs management level they fall under, and the information contained in the form should only be used by the local authority for the purposes of deciding whether the exemption from using the Shared Accommodation Rate applies when deciding the eligible rent. Evidence provided is sensitive personal data and local authorities may wish to seek advice concerning data protection provisions.



How long does the exemption last?

There isn't much information about this in Government guidance, but we are told that the Ministry of Justice (MoJ) have agreed with DWP that once an offender is managed at MAPPAs level 2 or 3, their Housing Benefit will remain at the higher rate even when it comes to them no longer being managed at these levels. However, this will not be an indefinite protection, and eligibility for this exemption in any case terminates when the claimant reaches 35 years of age.



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Appendix A: Decision-maker's checklist

Verification of hostel residence for shared accommodation rate exemption

Claimant's name: _____

Date of Birth: _____

National Insurance Number: _____

Date of decision: _____

Name of hostel(s): _____

Address: _____

Phone number: _____

Period(s) spent in specialist hostel: from _____ to _____

The evidence received from the hostel confirms that:

Yes The main purpose of the specialist hostel is to provide accommodation together with care, support or supervision for homeless people with a view to assisting such persons to be rehabilitated within the community.
No

Yes The hostel provides a home that is not separate or self-contained premises and either board or facilities for the preparation of food, or both, are provided that is adequate for the residents needs.
No

Yes While living in the hostel the claimant was offered and accepted support services with a view to assist with their being rehabilitated or resettled within the community.
No

Yes The hostel was managed or owned by a registered housing association;
No **or**

Yes The hostel was operated other than on a commercial basis and in respect of which funds are provided wholly or in part by a government department or agency or a local authority; **or**
No

Yes Managed by a voluntary organisation or charity and provides care, support or supervision with a view to assisting those persons to be rehabilitated or resettled within the community.
No

Yes The claimant lived in this hostel for three months¹ receiving support to assist them to be rehabilitated within the community.
No

The actual period of stay in the hostel: from _____ to _____

Note: An exemption will only be appropriate if you can answer 'Yes' to all the questions (and to one of the questions in the shaded boxes)

¹ or a series of hostels for a combined minimum period of 3 months

Appendix B: Proforma form from HB/CTB Circular A14-2011



Notification form (England and Wales)

NOTIFICATION TO HOUSING BENEFIT SPOC

MAPP A P

To be completed by the *lead agency and sent via secure email to the relevant local authority Chief Internal Auditor for purposes of the Housing Benefit claim of the person named below.

- **The person below is being managed at MAPPA level 2 or level 3 and is 25 years of over but younger than 35 years and is therefore exempt from the shared accommodation rate.**

1. THE BENEFIT CLAIMANT			
Last name:			
First name:			
Middle name:			
Date of birth:			
Current address:			
Postcode:			
This person will be MAPPA eligible until:			

2. NOTIFYING AGENCY			
Notifying agency:	Probation / Police		
Name:			
Grade:			
Office:			
Telephone number(s):	(w):		(m):
Email address:			

3. HOUSING BENEFIT	
Date Housing Benefit team sent acknowledgement of MAPPA P to lead agency (by secure email):	

Signed _____ Date _____

Role and Agency _____

* 'Lead agency' is the agency with the statutory authority and responsibility to manage a MAPPA offender. This management will involve appropriate information-sharing in order to properly identify risk. The lead agency will have primary responsibility for referring the offender to level 2 or level 3 MAPPA management or for continuing management at level 1.