The housing advice bulletin from Shelter for the National Homelessness Advice Service

Housing matters

Issue 114 October 2016

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National Homelessness Advice Service

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Housing matters

Housing matters is produced by Shelter for the NHAS and aims to provide a source of up-to-date housing and homelessness news, focus on important case law, cover key legal issues, and produce information for public use.

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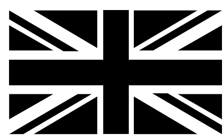
Housing matters welcomes contributions from NHAS members. If you would like to provide an article or update for *Housing matters* please email **JackieL@shelter.org.uk**



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National Homelessness Advice Service

The National Homelessness Advice Service (NHAS) is a partnership between Shelter and Citizens Advice funded by the Department for Communities and Local Government.

The service aims to prevent homelessness and remedy other housing problems through increasing public access to high-quality housing advice in England, including online information on the NHAS website at **www.nhas.org.uk**

The NHAS provides the following to local authorities, local citizens advice and around 100 other advice agencies in England:

- **a national telephone housing advice consultancy service** for local authorities, local citizens advice and around 100 other advice agencies in England. Call **0300 330 0517** 9am–6pm, Monday to Friday, or send in an enquiry using the online enquiry form available on the members' areas of **www.nhas.org.uk**
- **housing debt casework** - specialist support for cases relating to mortgage arrears and other problems with housing affordability, including welfare benefits issues. Call **0300 330 0517** or use the online enquiries form (see above for details)
- **free basic housing advice training courses** to develop housing advice skills, covering the main housing advice presenting issues and how to advise households effectively on homelessness prevention options
- **written briefings**, articles in *Housing matters* and *Adviser*, information on housing issues and other written materials
- **support** in the implementation of new homeless prevention initiatives.

Contact details

For more information about NHAS training, please email **JoanneK@shelter.org.uk** or call **0344 515 1676**.

For general enquiries about the NHAS service, please email **nhas@shelter.org.uk** or call **0344 515 2268**.

Alternatively, please use the 'contact us' page at **www.nhas.org.uk**

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What's new?

Benefit cap: new levels and exemptions

With effect from 7 November 2016, the total annual amount of welfare benefits that a working-age claimant can receive will be reduced. The Welfare Reform and Work Act 2016 (Commencement No.3) Regulations 2016 SI 2016/910 bring into force sections 8 and 9 of the Welfare Reform and Work Act 2016 so as to reduce the levels of the benefit cap.

The Benefit Cap (Housing Benefit and Universal Credit) (Amendment) Regulations 2016 SI 2016/909, with effect from the same date:

- set out how the cap is to be determined for housing benefit (HB) and universal credit (UC) claimants living inside and outside Greater London
- provide for two additional exemptions from the application of the cap.

The annual cap is expressed as a weekly figure for HB claimants, and calendar monthly for UC claimants.

For couples with or without children, and for lone parents, the cap will be:

Inside Greater London	Outside Greater London
£23,000 pa	£20,000 pa
£442.31 pw	£384.62 pw
£1916.67 pcm	£1666.67 pcm

For single adults without children, the cap will be:

Inside Greater London	Outside Greater London
£15,410 pa	£13,400 pa
£296.35 pw	£257.69 pw
£1284.17 pcm	£1116.67 pcm

Exemption from the cap will be given to claimants where s/he or a member of their 'benefit household' receives:

- carer's allowance or the carer element of UC
- guardian's allowance.

Claimants who are already subject to the benefit cap will have their benefits automatically reassessed. Otherwise, the Department for Work and Pensions (DWP) will carry out an assessment of existing claimants over a period of 12 weeks from 7 November in order to determine whether the new cap is to be applied.

Supported housing and LHA cap

The government has announced that housing benefit claims in supported housing will continue to be exempt from the local housing allowance (LHA) cap until April 2019. After this date the LHA cap will apply, but the government will protect providers from its impact, for example through the provision of ring-fenced additional funding. Supported housing tenants will also continue to be exempt from the shared accommodation rate. See the government's announcement at **tinyurl.com/GreenHCWS**

Rogue landlords

A survey by Shelter and YouGov reveals a range of problems experienced by private tenants at the hands of some landlords, ranging from unlawful behaviour to serious criminal offences. The most common issues highlighted by the survey of over 3,250 tenants were landlords entering homes without permission and deposits not being properly protected. Based on the survey, Shelter estimates that in the last year:

- 64,000 tenants had their utilities cut off without their consent, and almost 50,000 had their belongings thrown out of their home and the locks changed
- 600,000 tenants had their home entered by a landlord without permission or notice
- 200,000 have been abused, threatened or harassed by a landlord
- 110,000 tenants have felt unfairly treated due to their race, nationality, gender or sexual orientation.

See the press release on Shelter's website at **tinyurl.com/media23-9**

Allocation schemes - bids and thresholds

A local authority allocations scheme that restricted bidding to applicants whose points were over a set threshold was held to be lawful, even though some applicants in 'reasonable preference' categories were excluded from bidding as a result. The High Court in *R (on the application of Woolfe) v Islington LBC* [2016] EWHC 1907 held that a bidding threshold was not directly concerned with preference under the scheme - which had to be given in accordance with Part 6 of the Housing Act 1996 - but rather was an administrative tool that allowed a local authority to manage demand. The full transcript of the case is available at **tinyurl.com/GWoolfe**

Tenancy relations: what it means now

In this article Gerry Glyde looks at the provision of tenancy relations services in English local authorities.

Gerry Glyde is research officer for the Association of Tenancy Relations Officers.

Tenancy relations has for a long time meant enforcing the Protection from Eviction Act 1977 (PFEA) and taking other steps to prevent and deter unlawful eviction and harassment in the private rented sector (PRS). However, today, tenancy relations is also concerned with promoting good relations between PRS landlords and their tenants, and encouraging good practice whilst ensuring that properties are managed within proper legal frameworks.

Given the combination of the expanded PRS, a greater number of inexperienced landlords in the sector (partly as a result of the right to buy), the increasing number of vulnerable tenants and families renting privately, and the risk to the health and welfare of occupiers posed by harassment and illegal eviction, a coherent tenancy relations strategy must be an increased priority for local authorities.

The scope of tenancy relations

Tenancy relations work includes the 'traditional' functions of:

- giving advice on lawful eviction procedures, including advice on 'retaliatory eviction' and 'right to rent'
- intervention in illegal eviction
- issuing warnings about harassment, and
- taking prosecutions under the PFEA.

Less familiar aspects of tenancy relations work can include:

- investigating rent book offences,[1] and situations where a landlord has not provided a name and address or notified that there has been a change of landlord[2]
- looking into leaseholder service charges offences[3]
- arranging the reconnection of utilities following an unlawful disconnection[4]
- advising on tenancy deposit protection and assisting tenants whose landlords have not complied with the rules[5]
- joint working with the Health and Safety Executive where gas safety or energy performance regulations are breached.

Tenancy relations - job titles

Whilst some local authorities have dedicated tenancy relations officers (TROs), others may have different staff dealing with PRS tenancy disputes, including:

- environmental health officers
- housing options officers
- housing advisers
- homelessness prevention officers
- legal and policy officers.

Contacting a TRO

Some local authorities publish telephone and email details to allow direct contact with the tenancy relations service, but others filter callers through their call centre or other staff. Contact methods depend on:

- the structure of a local authority's private housing services
- whether the authority provides direct access to the service
- at what stage an authority considers it necessary to get involved in an issue, particularly if the tenant is not seeking to be re-housed.

It may take persistence to persuade a call centre operator that an illegal eviction is within the authority's remit, and that if there is no dedicated TRO in post, the relevant person may be based in elsewhere, for example, Private Housing, Environmental Health or Homelessness Services. The Association of Tenancy Relations Officers (ATRO)[6] can advise on whether there is a tenancy relations service in a particular area if an adviser is having a problem getting hold of a TRO.

Variations in service

There is no conformity of tenancy relations service from one area to another as the range of jobs covering tenancy relations work indicates. The variation is worryingly wide.

Authorities with dedicated TROs are likely to be able to provide a more comprehensive tenancy dispute service than those for whom illegal eviction and harassment roles are additional to other duties.

Examples of service variation

One authority might become involved in an initial dispute about access by a landlord to a tenant's home without consent, or an alleged unlawful increase in rent, while another authority won't.

A TRO located within the environmental health department may be more willing to get involved if a landlord fails to issue a gas safety certificate than a TRO located elsewhere. Or, where a landlord wrongly tells their tenant that they have no rights because they owe rent, a dedicated TRO will quickly ensure that landlord and tenant are correctly informed, whereas a housing options officer may only advise that tenant to consult a solicitor or advice agency.[7]

Proactive authorities often assist tenants whilst an illegal eviction is happening, but others may advise that an illegal eviction is a matter for the police. Unfortunately, some police still advise that illegal eviction is a civil matter, or even (unwittingly) assist the landlord in an illegal eviction.[8] Some authorities will only consider a complaint after an illegal eviction has happened.

To prosecute or not to prosecute?

There is considerable variation in local authorities' approaches to prosecuting landlords who are in breach of the PFEA: some authorities never prosecute whilst others have robust policies that ensure landlords are aware that they risk prosecution if they illegally evict a tenant.[9]

A successful prosecution depends largely on the evidence, so of prime importance is the willingness of the tenant and witnesses to appear in court, often months after the incident. Many are not willing, perhaps because they feel afraid after their landlord broke a door down in the early hours of the morning or their children returned from school to find their possessions strewn in the garden and new locks on the doors.

'Public interest' test

A local authority has to apply the public interest test before proceeding with a prosecution. In the vast majority of cases an illegal eviction will meet the test, which requires the victim to have suffered the loss of their home or part of it, or to have been put in genuine fear of suffering such a loss.[10] Even where a tenant has been reinstated and a landlord has expressed contrition, the presence of any of the following factors should serve as triggers to prosecute:[11]

- actual or threatened violence
- pre-meditated offence/ongoing harassment, eg where the landlord has previously received a warning
- the victim is vulnerable or was put in considerable fear
- racial, sexual or disability discrimination
- relevant previous convictions
- offence likely to be repeated, and
- prosecution gives strong deterrent message to other landlords.

Alternatives to prosecution

Mediation is sometimes attempted as a solution to a threatened offence but is not always appropriate, eg where a tenant is at direct risk. It may be necessary instead to issue a warning to prevent unlawful behaviour. In one of my cases where a landlord became aggressive after being told to make a mutually agreed appointment to enter her tenant's home to carry out an inspection, and then threatened to evict the tenant immediately because the rent was seven days late, a formal warning deterred her from going ahead with an illegal eviction.

An authority may consider that, despite strong evidence of an offence, where the tenant has been reinstated quickly, or where an attempted illegal eviction has failed, a caution (with or without conditions attached) or a very clearly worded written warning may prevent a future occurrence. This approach might also be taken where the offence is not of illegal eviction but of deterring the tenant from pursuing 'a right or remedy', such as requesting repairs, which is also an offence under the PFEA.[12]

Local authority policy

Between 2010 and 2013 there was an average of 23 convictions under the PFEA per year. This figure does not reflect the true incidence of illegal eviction,[13] nor of the thousands of interventions by TROs that either prevented an offence being committed, or were early enough for immediate reinstatement of the tenant.

Landlords are more likely to negotiate with their tenant if they are in no doubt that illegal eviction is not an option. Local authorities need clear, consistent and robust policies on the use of their enforcement powers for preventative interventions to be successful, and for mediation or negotiation to be credible alternatives to prosecution that do not disadvantage the tenant.

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11.8.48.40 Harassment and illegal eviction - what the local authority can do about it

Footnotes

[1] s.5 Landlord and Tenant Act 1985.

[2] ss.1to 3 Landlord and Tenant Act 1985; s.7 Protection from Eviction Act 1977.

[3] Under Landlord and Tenant Act 1985 – eg provision of service charge information, notice of rights and obligations of leaseholder and freeholder; under s.42A Landlord and Tenant Act 1987 – the duty to hold service charges in a designated account.

[4] s.33 Local Government (Miscellaneous Provisions) Act 1976.

[5] ss.213 and 214 Housing Act 2004 as amended.

[6] ATRO represents TROs and other officers working in local authorities in England and Wales - see **tinyurl.com/ATROonline**

[7] eg Worcester CC refers tenants suffering harassment from their landlord to Shelter and Citizens Advice information, and does not advise that it can take action - **tinyurl.com/worcester-advice**

[8] *Kazadi v Martin Brookes Lettings Estate Agents Limited & Faparusi*, Edmonton County Court 14 May 2015, reported in Legal Action magazine of September 2015 and Nearly Legal at **tinyurl.com/Kaz-Brook**

[9] See Sheffield CC Private Sector Housing Services: Intervention and Enforcement Policy, ch.5 at **tinyurl.com/SheffieldPFEA**

[10] See guidance for TROs on the investigating a PFEA offence on the ATRO website at **tinyurl.com/ATRO-PFEA**

[11] A similar list can be found in Appendix 1 of Rossendale BC's Illegal Eviction and Harassment Policy, 17 March 2011 - see **tinyurl.com/RossendalePFEA**

[12] s.1(3)(b) Protection from Eviction Act 1977.

[13] Citizens Advice press release 8 July 2016 - see **tinyurl.com/CitAPFEA**

Repairs to common parts

In July 2016 the Supreme Court gave judgment in a case concerning the scope of a landlord's responsibility to a tenant for the maintenance of the 'exterior' of premises. In this article John Gallagher considers the implications of the decision.

John Gallagher is principal solicitor at Shelter.

Cases involving disrepair in residential tenancies rarely reach the higher courts. The case of *Edwards v Kumarasamy*[1] is one of that extremely rare breed which went all the way to the Supreme Court.

Facts of the case

Mr Edwards rented a second-floor flat in a block of flats under an assured shorthold tenancy. His landlord, Mr Kumarasamy, was the long leaseholder of the flat. Mr Kumarasamy neither lived in nor owned any other flats in the block.

In July 2010, Mr Edwards was taking rubbish from his flat to the communal dustbins. He tripped over an uneven paving stone in the pathway which led from the front door of the block to the bins and a car park. He injured his right hand and knee, and issued court proceedings against his landlord, claiming damages (compensation) for personal injury.

Mr Edwards argued that Mr Kumarasamy was required by section 11(1) of the Landlord and Tenant Act 1985 to keep the path in good repair, and that his injury was caused by Mr Kumarasamy's failure to do so.

Mr Edwards had not notified his landlord of the defective paving.

The law

Under section 11(1) of the Landlord and Tenant Act 1985, a landlord has an obligation to keep the 'structure and exterior' of a property[2] in good repair.

Under section 11(1A)(a), where the property forms part of a building, such as a flat in a block or a converted building, the repairing obligation extends to any part of the building in which the landlord 'has an estate or interest'.

Where a landlord, as in this case, does not have direct control of, or rights over, the part of the building where repairs are needed in order to meet a repairing obligation owed to her/his tenant, because those parts - usually the entrance hall, lift, staircases and landings - are owned by the freeholder, the landlord must use 'reasonable endeavours' to obtain the necessary right to carry out the work.[3]

Progress of the case through the courts

The case proceeded in a topsy-turvy way on its journey to the Supreme Court. In the county court, the district judge found that the path to the bins and carpark formed part of the 'structure and exterior' of the building's common parts, bringing it within section 11, and awarded damages to Mr Edwards.

On appeal, however, the circuit judge held that Mr Kumarasamy was not liable both because the pathway was not within the scope of his repairing obligation, and because he had not been given notice of the defective paving, so even if the paving did form part of the exterior, the lack of notice meant that any duty to repair it under section 11 had not been triggered.

That decision was then reversed by the Court of Appeal. The Court held that the pathway was part of the essential means of access to the front hall of the flat,[4] and it could properly be described as the `exterior' of the front hall. The repairing obligation under section 11 therefore applied.

The questions to answer

On Mr Kumarasamy's appeal to the Supreme Court, the Court set out the three questions which it was required to answer:

1) could the pathway be described as part of the 'exterior' of the front hall, so as to bring it within the repairing duties in sections 11(1) and 11(1A)(a) of the 1985 Act?
2) did Mr Kumarasamy have an 'estate or interest' in the front hall, and was he therefore responsible to Mr Edwards for the condition of that part of the building under section 11(1A)?
3) assuming that Mr Kumarasamy could be liable to Mr Edwards for the defective state of the path which had caused Mr Edwards' injury, would Mr Kumarasamy be liable for damages even though he had had no notice of the disrepair in the paved area before Mr Edwards' accident?

Was the pathway part of the 'exterior'?

The Supreme Court considered that it was not possible, as a matter of ordinary language, to describe a path leading from a car park to the entrance door of a building as part of the 'exterior' of the front hall of that building:[5] 'the paved area may be said to abut the immediate exterior of the front hall, but it is not part of the exterior of the front hall, as a matter of normal English'. The Court declined to give the word a wider meaning that would include everything that the tenant enjoys as part of the tenancy agreement.

Mr Edwards therefore failed on the central issue - the paved pathway did not fall within the landlord's repairing duty.

This was all that was necessary to dispose of the case. But the Court went on to consider the second and third questions it had listed because it felt the issues they raised were significant, and that one in particular had been wrongly decided by the Court of Appeal.

What constitutes an 'estate or interest'?

The Court noted that the landlord's basic repairing obligation under section 11(1) applied to the flat rented to Mr Edwards. In the case of a flat, under section 11(1A), the landlord's obligation extends to any part of the building in which the landlord has an 'estate or interest'. An 'interest' includes the right to use those parts of the premises which are not under the landlord's control, eg because they are owned by the freeholder.

Mr Kumarasamy's headlease gave him a right of way over the front hallway of the building as well as the right to use the lift, stairway and landings. Under property law, a right of way constitutes an interest in land. When Mr Kumarasamy sublet his flat to Mr Edwards, he also sublet his right of way, but he retained a legal interest in both. The Court held that Mr Kumarasamy's interest in the front hallway was such as to give him an 'estate or interest' as defined in section 11(1A), and he was thus liable for the repair and maintenance of the front hallway.

Notice requirements - general rule

It is an established rule that a landlord is not liable to repair premises which are in the possession of the tenant, unless and until the landlord has notice of the disrepair and has had a reasonable period in which to carry out the necessary works.[6] The obligation to repair the defective part is triggered only when the landlord is put on notice of any disrepair for which the tenant considers the landlord liable.

Where a landlord has an obligation to repair the structure and exterior of a flat, and the tenant has possession of the part of the structure which is in disrepair – such as internal walls and ceilings – then the landlord is entitled to notice of the defects.

The rule only applies to property over which the tenant has exclusive possession, including the installations for the supply of water, gas and electricity, for sanitation, and for heating and hot water, all of which are also within the scope of the section 11 duty.

Notice requirements - common parts

The notice requirement in respect of disrepair in common parts depends on whether the landlord has possession.

Landlord has possession

The landlord is not normally entitled to notice where defects exist in the common parts of the premises which remain in the landlord's possession, and to which the landlord has ready access in order to inspect their condition. This could be because the landlord lives in the building, or because the landlord is also the freeholder of the block.

Neither tenant nor landlord has possession

In *Edwards v Kumarasamy* however, the front hallway was not in the possession of *either* the landlord or the tenant. The common parts were in the possession of the freeholder. Whilst Mr Kumarasamy had the right to use the common parts as against the freeholder, he had effectively lost that right for the duration of Mr Edwards' tenancy.

In these circumstances, where neither Mr Kumarasamy nor Mr Edwards had exclusive possession of the common parts, Mr Kumarasamy was entitled to notice of any disrepair before coming under a duty to repair. This made practical sense by virtue of the fact that Mr Edwards passed through those parts every time he entered or left the flat, and he therefore had the best means of knowing of any disrepair.

In summary, notice of disrepair will be required to trigger the landlord's repairing obligation in all cases except where the landlord is in possession of the part of the property concerned. In relation to a flat, this will normally only be the case in respect of the common parts where the landlord is the freeholder or lives elsewhere in the building. However, it is *always* advisable for the tenant to give notice in writing to the landlord.

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11.8.18.27 Disrepair - landlord's responsibilities under the Landlord and Tenant Act 1985

Footnotes

[1] [2016] UKSC 40, 13 July 2016.

[2] Section 11 of the Landlord and Tenant Act 1985 applies to a lease or tenancy for a term of less than seven years (except tenancies in the social rented sector in England granted on or after 1April 2012 - s.166 Localism Act 2011).

[3] s.11(3A) Landlord and Tenant Act 1985.

[4] Applying the case of *Brown v Liverpool Corpn* [1969] 3 All ER 1345 – held by the Supreme Court in *Edwards* to have been wrongly decided.

[5] para 17 [2016] UKSC 40.

[6] See for example *Makin v Watkinson* (1870) LR 6 Ex 25; *Morgan v Liverpool Corpn* [1927] 2 KB 131.

Legal aid means test

Advising people whether they qualify financially for legal aid is now a critical part of a front line adviser's role.

In this feature (accompanied by the flow chart on the opposite page), Kathy Meade, Professional Support Lawyer at Shelter, outlines the means test applicable to clients in need of civil legal aid for a housing matter, and how to check if they are eligible.

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4.3.1.32 Civil legal aid: financial eligibility

Front line housing advisers daily see people with housing problems who need specialist legal advice and representation at court. Civil legal aid is available for most housing related legal problems (see *Housing matters* 92 for what is in scope), but only claimants who meet the means test will qualify.

Legal aid provides a vital lifeline in terms of access to justice for people who cannot otherwise afford the cost of legal advice.

Legal aid rules

The rules for legal aid are set out in Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO) and regulations[1] and guidance.[2] The main levels of legal aid services are:

- controlled work, most commonly known as Legal Help or Help at Court
- certificated work.

Legal Help allows a specialist adviser to give advice and make representations on the client's behalf to the other side. Help at Court is available if the client needs help putting their case at a one-off hearing. Both are free, subject to passing the means test.

If a client needs help from a solicitor in connection with ongoing court proceedings[3] they will need a legal aid certificate. Even if the client passes the means test they may still have to pay a contribution to their legal aid for certificated work.

Free non-means tested representation may be available under County Court duty schemes for initial hearings in rent and mortgage arrears possession cases, and warrants.

The means test flowchart

The flowchart on the following page gives an overview of the means test. Some points are explained briefly below. In addition:

- clients can use the eligibility calculator on Gov.uk at **tinyurl.com/check-aid**
- advisers can use the Legal Aid Agency's calculator at **tinyurl.com/LAAcalculator**

Whose resources are assessed?

A client is treated as a single person if a relationship they were in has completely broken down. Otherwise, the client's and their partner's resources are counted, even if one partner is in prison or living elsewhere.

Capital threshold

A person who has more than £8000 capital (see boxes 1 and 2) is not financially eligible for legal aid. There is no need to look into their monthly income, even if they receive a passporting benefit (see box 3).

Income threshold

Anyone in receipt of an income-based benefit (see box 3) does not need further assessment. Otherwise, a client who passes the capital test must have their monthly income assessed:

- gross income test: all income (see box 4) for the last calendar month is added up. It is critical to do this correctly. Some income is not paid monthly, eg child benefit and tax credits are paid 4 weekly. To calculate calendar monthly income, multiply by 52 and divide by 12 if payment is weekly; multiply by 13 and divide by 12 if income is four-weekly
- disposable income test: the final hurdle is establishing that monthly income after deducting basic living expenses and allowances for a partner and children is not over £733 per calendar month (box 5).

Proof of means

The Legal Aid Agency (LAA) does not usually allow a solicitor/specialist legal adviser to do any work until they have seen the relevant documents. The list below is not exhaustive.

For Legal Help:

- last month's payslip(s); recent letter from DWP/bank statement specifying benefits or other income such as pensions, student grant/loan, maintenance, dividends etc; most recent accounts if self-employed
- letter from HMRC/latest bank statements showing child benefit and/or tax credits.

For certificated work:

- last three payslips; recent letter from DWP/bank statement specifying benefits or other income (as above); if self-employed most recent accounts
- last three months' bank statements for every account, even if not in current use
- letter from Council about housing benefit
- details of other savings/investments
- rent or mortgage statement.

Footnotes

[1] The rules and thresholds for financial eligibility from 1 April 2013 are set out in Civil Legal Aid (Financial Resources and Payment for Services) Regulations 2013 SI 2013/480.

[2] Legal Aid Agency (LAA) guidance can be found on Gov.uk at **tinyurl.com/LAA-guidance**

[3] Certificated work covers legal representation such as defending possession proceedings including warrants and illegal evictions, bringing a disrepair claim or an appeal against or a judicial review of a homeless decision.

Means assessment test for legal aid

Is client (or client plus partner[1]) a homeowner?

Yes → Box 1; No → Box 2

Box 1: the home

(1) Estimated value of the home

....

Deduct
(2) 3% as cost of selling

....

(3) Outstanding mortgage (up to £100,000)

....

Equity in the home

[(1) – (2) – (3)] ....

Disregard
Equity up to a maximum of £100,000

....

If over 60 and

- on passporting benefit, deduct up to a further £100,000[2]
- income less than £315 per calendar month then some extra disregard is allowed. Check.

Total assessed capital in the home

....

Is assessed capital in the home more than £8,000?

Yes → Not eligible; No → Box 2

Box 2: capital

Add up all money in bank accounts, ISAs, savings, investments, loans etc.

Disregard value of business if self-employed, work tools, car (unless a luxury car) and personal /household possessions

Total

....

Is total of Box 2 (or Box 1 + Box 2) more than £8,000?

Yes → Not eligible; No → Box 3

Box 3: passporting benefits

Is client on income support, income-based/ income-related JSA or ESA, guarantee pension credit, universal credit, asylum support?

Yes → **Eligible**; No → Box 4

Box 4: income

Gross income[3] for last calendar month

....

Disregard
Disability living allowance or personal independence payment, attendance allowance, carers' allowance, council tax support

Total

....

Is total monthly income after disregards above £2,657? (Add £222 for each child if more than four children)

Yes → Not eligible; No → Box 5

Box 5: disposable income

Total from Box 4 = ...

Deduct: £181.91 for partner, £291.49 for each child or other dependant, rent payable after HB (housing costs are capped at £545 per month for claimant(s) without dependants), tax and NI, reasonable child care costs incurred because of work, £45 for work related expenses, maintenance payments – check for other allowable deductions

Disposable monthly income

....

Is disposable monthly income over £733?

Yes → Not eligible; No →

Eligible but if savings over £3000 or income over £315 per calendar month, person will have to make a contribution if they need legal aid for court proceedings. Legal help is free.

[1] Client and partner's income is added together unless permanently separated due to relationship breakdown.

[2] Actual amount is on a sliding scale determined by disposable income (see Box 5).

[3] Income includes wages, child benefit, tax credits, drawings from business, student grant/loans, money from friends/family.

Domestic abuse: women's refuges

This leaflet is about women's refuges and how you can find a place in one if you need to escape domestic abuse.

A refuge is a safe place to live if you need to escape immediate domestic abuse. You will also get support to help you move on.

Finding a place in a women's refuge

Call the free 24-hour **National Domestic Violence (NDV) helpline** on 0808 2000 247 to find a place in a refuge. You will probably be offered somewhere immediately but, for reasons of safety, this is likely to be away from your local area.

Refuge addresses and phone numbers are confidential and you must not give them to anyone else. Refuge staff will tell you how to get there and what you can bring with you.

Some refuges may have a policy not to accept boys aged around 12 or over; the NDV helpline will advise you on your options if you have a son of this age.

Specialist refuges

Tell the NDV helpline if you have particular needs such as alcohol or drug problems, as you might get a place in a specialist refuge. Some refuges also cater for particular religious or cultural needs.

Living in a refuge

You will usually have a private bedroom for you and your children, and share a bathroom and kitchen with other residents. Some refuges have children's facilities, and some have self-contained family units. Children and young people can find out what refuges are like at **www.thehideout.org.uk**

Living in a refuge can be difficult as you have to share space with other people. Refuges encourage residents to sort out problems or arguments through discussion, perhaps at a regular meeting.

Support services

The refuge staff will develop a support plan based on your individual needs. For example, you might get counselling to help you understand your situation better. Find out more about support services in the Survivor's Handbook at **www.womensaid.org.uk**

Your children might need support to settle into a new school, and to understand that they are not to blame for the abuse.

Refuge rules

You must abide by the rules of the refuge, otherwise you may have to leave.

The most important rules are:

- don't give the address to anyone
- pay your rent and support charges
- work with the support service offered.

You are not allowed to smoke or take drugs in a refuge. You may be allowed to drink alcohol in your own room.

Each refuge has its own codes of conduct on day-to-day matters such as rotas for the washing machine and children's bedtimes.

Help with paying for a refuge

The main costs are the rent, and a personal charge to cover utilities (eg gas and water). You may qualify for housing benefit or universal credit to help you pay the rent, but you will still have to pay the personal charge. The refuge will advise you about any benefits or other help you can claim.

Length of stay

You can usually stay in a refuge for between six and 12 months. You will get 28 days' notice. Refuge staff will help you find alternative accommodation.

Help after leaving a refuge

You should get support, eg budgeting help, for around 12 weeks after you leave a refuge to help you settle into a new home. You won't get this if you go back to your partner, but you can seek a refuge place again in the future, as many times as you need it.

Men's refuges

There are a few refuge places for men. Call the **Men's Advice Line** on 0808 801 0327.

Further advice

You can get further advice from Shelter's free* housing advice helpline (**0808 800 4444**), a local Shelter advice service or local Citizens Advice office, or by visiting **shelter.org.uk/advice** or **adviceguide.org.uk**

*Calls are free from UK landlines and main mobile networks.

Note
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