

EXPLANATORY MEMORANDUM TO

THE HOUSING BENEFIT AND UNIVERSAL CREDIT (VICTIMS OF DOMESTIC ABUSE AND VICTIMS OF MODERN SLAVERY) (AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2022

SR 2022 No. 211

1. Introduction

- 1.1 This explanatory memorandum has been prepared by Department for Communities to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2 The Statutory Rule is made under Sections 122(1)(d), 129A(2), (3) and (4) and 171(1) and (3) to (5) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 and Articles 16 (4), 48(1), (2) and (5) and 101(1) and (4)(a) of the Welfare Reform (Northern Ireland) Order 2015, and is subject to the negative resolution procedure.

2. Purpose

- 2.1 These regulations introduce two new exemptions from the Shared Accommodation Rate (SAR) of the Local Housing Allowance (LHA) for victims of domestic abuse and victims of modern slavery. A claimant, of either the housing costs element of Universal Credit or Housing Benefit, who would otherwise be entitled to the SAR but qualifies for either exemption can instead claim the higher, one-bedroom rate of housing support.

3. Background

What is being done and why?

- 3.1 The LHA scheme was introduced in 2008 to calculate the maximum amount of housing support payable for claimants in the private rented sector. It applies to the majority of private rented sector tenants claiming Housing Benefit (HB) and all tenants claiming Universal Credit (UC) in that sector.
- 3.2 The SAR is the lowest rate of housing support and is based on individuals living in shared accommodation. It applies to most people aged under 35 and living alone. There are certain vulnerable groups (such as care leavers and former residents of homeless hostels) who are exempted from the shared accommodation rate and can claim the higher one bedroom local housing allowance instead. The one bedroom rate is based on the cost of renting self-contained, one bedroom accommodation.
- 3.3 The proposed regulations create new exemptions for victims of domestic abuse or modern slavery who would otherwise be subject to the shared accommodation rate of local housing allowance provided they meet the qualifying criteria.
- 3.4 Victims of domestic abuse often experience severe trauma as a result of their experiences and may find that sharing accommodation, particularly where they do not have control over who they live with, is not appropriate. Victims of modern slavery

often suffer long term psychological effects as a result of their experiences and are vulnerable to being re-trafficked.

- 3.5 This amendment gives victims of domestic abuse or modern slavery the option to choose the most appropriate accommodation for their circumstances

4. Consultation

- 4.1 The Department for Work and Pensions (DWP) has publicly consulted the Social Security Advisory Committee on this policy intention.
- 4.2 The Department for Communities and the Department of Health for Northern Ireland has engaged extensively with DWP throughout the development of this policy.

5. Equality Impact

- 5.1 In accordance with its duty under section 75 of the Northern Ireland Act 1998, the Department conducted a screening exercise and concluded that the changes did not have any significant implications for equality opportunity. In light of this, the Department considered that an equality impact assessment was not necessary.

6. Regulatory Impact

- 6.1 These Regulations do not require a Regulatory Impact Assessment as there is no, or no significant impact on business, charities, social enterprises or voluntary bodies.

7. Financial Implications

- 7.1 None for the Department.

8. Section 24 of the Northern Ireland Act 1998

- 8.1 The Department has considered section 24 of the Northern Ireland Act 1998 and is satisfied that the Rule –
- (a) is not incompatible with any Convention rights;
 - (b) is not incompatible with Community law;
 - (c) does not discriminate against a person or class of person on the grounds of religious belief or political opinion; and
 - (d) does not modify an enactment in breach of section 7 of the Northern Ireland Act 1998.

9. E U Implications

- 9.1 Not applicable.

10. Parity or Replicatory Measure

- 10.1 These Regulations are equivalent to the Housing Benefit and Universal Credit (Victims of Domestic Abuse and Victims of Modern Slavery) (Amendment) Regulations 2022.