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Ms Alison Mutch OBE
HM Senior Coroner for Greater Manchester South
H.M. Coroner's Office,
1 Mount Tabor,
Stockport,
SK1 3AG.

09 September 2024

Dear Ms Mutch,

RESPONSE TO REGULATION 28 REPORT TO PREVENT FUTURE DEATHS

We write on behalf of the Department for Work and Pensions ("DWP") in response to your Prevention of Future Deaths Report made under Regulation 28 of the Coroners (Investigations) Regulations 2013.

We would like to take this opportunity to express our condolences, both personally and on behalf of DWP, to Mr McHale's family.

Your Prevention of Future Deaths Report in this case was originally sent to the Ministry of Housing, Communities and Local Government (formerly the Department for Levelling Up, Housing and Communities). It was referred on to DWP as the department with responsibility for the Removal of the Spare Room Subsidy policy, sometimes referred to as 'the bedroom tax'.

You raised the following concern in your report:

The inquest was told that once Mr McHale was no longer able to foster he began to claim benefits including housing benefit. However the property he resided in was larger than a single occupancy property because he

had previously fostered children. As a consequence he was subject to the so called “bedroom tax”. This meant that there was a gap between housing benefit and his actual rent. Therefore he rapidly went into arrears with his rent and liable to be evicted. He did not feel able to deal with the situation. He was worried about moving from his home in part because he had allowed one of his now adult foster children to continue living with him. He had allowed that because he was concerned that person would otherwise become homeless. Ultimately, he took a catastrophic paracetamol overdose.

DWP would like to point out that it was not an Interested Person to the inquest proceedings. DWP was not aware that an inquest was taking place in relation to Mr McHale’s death and was not asked to provide evidence to assist within the substantive proceedings or on matters relating to the prevention of future deaths.

Our response to your concern is as follows:

Housing Benefit and the Removal of the Spare Room Subsidy Policy

The Removal of the Spare Room Subsidy (“RSRS”) policy was introduced in April 2013 and applies to claims for housing support, either Housing Benefit (“HB”) or housing support in Universal Credit, where a working-age claimant lives in a social rented sector property that is considered to have more bedrooms than the household needs. The policy was introduced to make better use of social housing stock and to strengthen work incentives.

RSRS deductions are based on the claimant's eligible rent. There is a 14 percent reduction for those with one extra bedroom and a 25 percent reduction for those with two or more extra bedrooms. Size criteria take account of the number of people who live in the property, their ages and the composition of the household. These criteria provide a bedroom for;

- a couple,
- a single person aged 16 or over,
- two children of the same sex under the age of 16,
- two children of the same or opposite sexes under the age of 10, and
- a sole or remaining child.

There are circumstances which allow for an additional bedroom, such as to support disabled people and carers, the families of disabled children, foster carers, parents who adopt, parents of service personnel and people who have suffered a bereavement.

The size criteria are set out in the Housing Benefit Regulations 2006¹ (as amended by the Housing Benefit (Amendment) Regulations 2012²). The size criteria apply to claimants living in both social and private rented sectors, for the purposes of calculating the maximum amount payable in respect of housing costs. This is explained at paragraph 7.6 in the explanatory memorandum³.

¹ [The Housing Benefit Regulations 2006 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

² [The Housing Benefit \(Amendment\) Regulations 2012 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

³ [The Housing Benefit \(Amendment\) Regulations 2012 - Explanatory Memorandum \(legislation.gov.uk\)](https://www.legislation.gov.uk)

Mr McHale's Housing Benefit Claim

Mr McHale was receiving housing support towards his rental costs via HB, which is administered by local authorities on behalf of DWP to assist low-income households to meet their rental costs. As such, we cannot confirm the details of Mr McHale's claim, however you may find the following helpful.

In your report you mentioned that the circumstances relating to Mr McHale's death were as a result of debts incurred as a consequence of the gap between his HB entitlement and his rent. You have referenced this gap occurred because of the RSRS policy, which is sometimes referred to as the 'bedroom tax'.

The report states that Mr McHale was an approved foster carer. Under DWP policy, foster carers can receive one extra bedroom for any number of foster children. This rule applies whether or not a child has been placed with the carer, as long as they have fostered a child or have become an approved carer in the last 52 weeks.

The report states that Mr McHale had stopped foster caring and that an adult former foster child remained living with him as Mr McHale was worried that the former foster child might otherwise become homeless.

Where an adult lives in a household with a person who is receiving housing support, a non-dependant deduction can apply in certain circumstances. A non-dependant is someone aged 18 and over who normally lives with the person claiming housing support. The general policy for non-dependant deductions is that adults (such as adult children) living in the household of people claiming HB should contribute to the household expenses of the accommodation where they live. A non-dependant is included in the household bedroom calculation for benefit purposes. However, the amount that a non-dependant contributes to the household is a matter for the householder and non-dependant to decide.

Additional Support

To provide further support to people impacted by these policies, DWP funds the Discretionary Housing Payments (DHPs) scheme. DHPs can be awarded by a local authority to help people meet their housing costs e.g. to cover a shortfall in rent or costs associated with moving. DHPs are administered by local authorities on behalf of DWP, as they are best placed to make informed judgements about relative priorities and needs in their area to ensure that the most vulnerable are supported and the funds are targeted effectively. DWP provides local authorities with advisory guidance, which includes a list of priority groups intended to assist with their decision making. The guidance (Annex A) encourages local authorities to engage with claimants affected by RSRS to identify effective ways of mitigating the effects of any reduction in entitlement, such as tenants being encouraged to move to smaller properties, to take lodgers or to apply for a DHP.

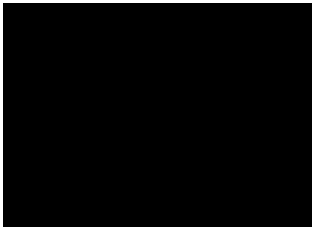
Conclusion

Although DWP has overall responsibility for HB and the DHPs scheme and its funding, it is local authorities that administer these benefits. Therefore, we cannot comment on what happened specifically in Mr McHale's case; for that information you would need to contact the local authority directly.

However, DWP is satisfied that its RSRS policy is clear and that there is additional housing support available through the DHP scheme. We hope that our response addresses your

concerns and helps to assure you of DWP's commitment to supporting our claimants' housing needs.

Yours sincerely,



Deputy Director
Housing Policy, Poverty, Housing & Disadvantage



Chief Medical Advisor

Annex 1 – Discretionary Housing Payments Manual for local Authorities

DWP provides local authorities with advisory guidance, which includes a list of priority groups intended to assist with their decision making. Annex A of the manual⁴ states:

The Removal of the Spare Room Subsidy policy

19. Working Age claimants living in the social rented sector face a reduction to their eligible rent if they under-occupy their property. The level of under-occupation is determined by size criteria rules which calculate how many bedrooms are required for a household. These criteria are also used in the private rented sector. The rates of reduction to the eligible rent for those affected by this policy are:

- 14 per cent where there is under-occupation by one bedroom; and
- 25 per cent where there is under-occupation by two or more bedrooms

20. The department continues to expect that most claimants affected by this measure will find ways of making up the shortfall themselves, to remain in their existing home.

21. The department would encourage all LAs to continue their work of engaging with affected claimants to identify effective ways of mitigating the effects of any reduction in entitlement.

⁴ [Discretionary Housing Payments guidance manual - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/612522/Discretionary_Housing_Payments_guidance_manual.pdf)