



Legal Service Newsletter - January 2017

The Legal Service is provided by Stewarts Law's pro bono team as part of the firm's commitment to help people with serious injury.

The service offers free advice to patients when they need it most.

To make a referral to the Legal Service, contact Kara Smith in the pro bono team at ksmith@stewartslaw.com or by phone on 020 7822 8000.



Bedroom Tax Update

By Kara Smith (Head of Pro Bono Team)

The Stewarts Law pro bono team regularly advises patients and their family members on welfare benefits and housing following a serious injury or illness.

In our first newsletter, we covered the controversial 'bedroom tax'. The bedroom tax was implemented in April 2013 and effectively places a cap on the amount of housing benefit paid to tenants in social housing who have more bedrooms than they need. The rules mean that claimants with spare bedrooms can have their housing benefit reduced by 14%-25% depending on the number of spare bedrooms they have.

A recent ruling on the bedroom tax from the Supreme Court has attracted media attention. The Supreme Court ruled on seven cases, each of which challenged the lawfulness of the bedroom tax.

Two of the seven cases, the Rutherford and the Carmichael cases, were successful. As a result, these families will now be exempt from the bedroom tax. It is anticipated that this ruling will have huge implications for many more families.

Charlotte Carmichael has spina bifida and consequently requires a specialist bed. It was not possible to fit her specialist bed, as well as an ordinary bed for her husband, into her bedroom. Her husband therefore had to sleep in what the Department for Work and Pensions (DWP) called the 'spare' room. After two long years, the Carmichaels won their case and are now exempt from the bedroom tax.

For the Rutherfords, it was a three and a half year battle. Mr and Mrs Rutherford care for their disabled grandson, Warren. Their bungalow was fitted out with a room for Warren and a spare room that was intended to be used by a carer. The Rutherfords argued that the housing regulations that allowed an extra bedroom for an overnight carer for a disabled adult but not for a disabled child were unlawful.

Unfortunately, the other cases failed because their need for an extra bedroom was social rather than medical.

Patients who are likely to benefit from the Rutherford and Carmichael decisions should apply to their local authority for the decisions to be applied to them. However, the DWP are required to amend their housing regulations to ensure that they comply with the rulings. It is possible, therefore, that local authorities will not apply the exemption to existing claimants until those rules have been formally amended. Patients who may not benefit from the Rutherford and Carmichael cases, (ie those who have a social rather than medical need for additional bedrooms), will need to continue to apply for Discretionary Housing Payments to try and meet the shortfall in their rent.

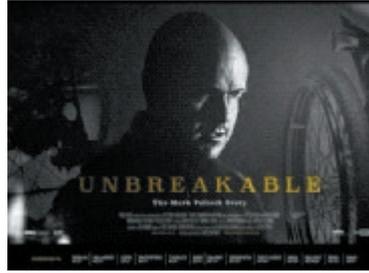
News

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Kirsty's #LifeBeyondInjury story - Spinal injury case study film

Kirsty's uplifting #lifebeyonدينjury story has touched so many. Two months after the birth of her child, the new family were featured in the Sunday Mirror. [Click here to view her film.](#)



Ben Rogers explains in PI Focus the issues in the recent high-profile case brought by Mark Pollock

The recent reported case of Mark Pollock captured the media's attention as well as that of the legal industry. Ben Rogers and [Matthew Stockwell](#), who represented Mark, explain the key issues in the case in an article in APIL's PI Focus publication.



Back Up Family Outreach and Support Coordinator

In 2017, Back Up will be expanding their services to include a Family Outreach and Support Coordinator. This post will be a first point of contact for people like Amanda.

Her life changed in an instant when her son, Ben, fell twenty feet from a tree and landed head first on a concrete slab. [Read her story here.](#)

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