

27 August 2024

Local authority agrees to pay £19k in housing benefit following service of judicial review grounds

The claimant was a single mother of two children in temporary accommodation provided under the Housing Act 1996. In 2021, the local benefits authority had terminated her housing benefit for the failure to provide information leading to over £20,000 rent arrears.

It is suspected that she was affected by the Housing Benefit Accuracy Award Initiative ('HBAAI') which relies on a Department for Work and Pension algorithm that detects error and fraud but [has been criticised by civil society as having an accuracy rate of under 40%](#). This is likely what triggered the authority to investigate her benefits award.

The authority requested proof of income and over a years' worth of her universal credit calculations to "review" her universal credit award. When the claimant did not provide this information, the authority terminated her award, leading to over £20,000 rent arrears.

As the decision was made in 2021, the claimant's only remedy was to request an official error review of the decision under reg. 4(2) of the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001 and bring a judicial review claim if the authority refused to change their decision.

Dirghayu Patel of Lawstop and [Jeremy Ogilvie-Harris](#), pupil barrister at Cornerstone Barristers and formerly Welfare Benefits and Public Law Supervisor at Hackney Community Law Centre, successfully challenged the authority's termination of the claimant's housing benefit in 2021.

Funded by legal aid, it was argued that the authority had acted unlawfully by requesting information that was not reasonably required under reg. 86(1) of the Housing Benefit Regulations 2006. Universal credit claimants are passported to full housing benefit, the claimant had provided evidence of her entitlement to universal credit, and the authority was not permitted to "review" DWP decision making without strong and clear evidence of fraud. There was no such evidence.

Upon being served the draft grounds, the authority conceded that the decision was unlawful and awarded the claimant over £19,000 in backdated housing benefit.

Housing benefit issues frequently arise in temporary accommodation rent arrears cases such as where an authority requests information that is not reasonably required or carries out a review of housing benefit on the basis of the

HBAAI algorithm. The [Guardian reports](#) that over 200,000 people have been affected by the algorithm. These issues can be raised via public law defence to possession proceedings or judicial review to obtain backdated housing benefit. If you have been affected by a housing benefit review which you suspect has been caused by the algorithm, please do not hesitate to contact us.

You can contact Lawstop on 020 8150 2588 or info@lawstop.co.uk

[Jeremy](#) accepts instructions in a wide range of public law and human rights matters. He has a particular expertise in housing and benefits law. He has social media accounts on [Twitter](#), [BlueSky](#) and [LinkedIn](#).