

If you or your partner need overnight care from someone who does not usually live with you and so need an extra room. (You may find it useful to read out Factsheet on the Bedroom Tax before using this argument).

The Housing Benefit (Amendment) Regulations 2012 provide that when determining the number of bedroom needed -

“The claimant is entitled to one bedroom for each of the following categories of person whom the relevant authority is satisfied occupies the claimant's dwelling as their home (and each person shall come within the first category only which is applicable)—

(a) a couple (within the meaning of Part 7 of the Act);

(b) a person who is not a child;

(c) two children of the same sex;

(d) two children who are less than 10 years old;

(e) a child,

and one additional bedroom in any case where the claimant or the claimant's partner is a person who requires overnight care (or in any case where each of them is).”

Therefore if a housing benefit claimant or the claimant's partner needs care overnight from a carer or carers who do not usually live with them they will be allowed an extra room.

So, what needs to be established is whether I/or my partner need overnight care from someone who does not usually live with me/us.
I/my partner need/s care because ...

Explain here all or some of the following:

- Why you or your partner need overnight care - what are your health problems?.
- What is the care that you need in relation to your health problems at night?
- How often do you need the care?
- Who provides this care? (Give the names of these people or if they are provided by an agency or the council the name of the agency or council.)
- What would happen if the care was not provided?

As it has been established that I/my partner needs care I/we are entitled to another room and no under-occupancy deductions should apply.