



# Housing and Benefit insecurity creating distress & anxiety - Case Study 2016-17

We initially worked with Arthur, who was referred to us by a local organisation, because of risk of homelessness. Arthur was being asked to move from his rented home while his private landlord renovated the property. He was worried about not being allowed to move back into his home following the renovations, and he thought he should refuse to move. This had led to his landlord issuing a section 21 eviction notice and although Arthur had accessed other advice services, he was not clear on what to do in his situation. He had been told by the Council that if he didn't accept the alternative accommodation offered by the landlord then he would be classed as intentionally homeless, however, Arthur felt that the alternatives being offered didn't meet his needs.



We supported Arthur to understand his lease and his rights in greater detail, and to address a number of questions such as his rights while he was in temporary accommodation and the status of his Assured Shorthold Tenancy. We explained the risk to Arthur that if the landlord decided to evict him because he wouldn't move on a temporary basis, then he may be deemed intentionally homeless and ineligible for Council support. We also supported Arthur to weigh up the landlord's likely intentions – the Section 21 notice had been withdrawn and the landlord had given a number of guarantees which if he

breached, would lead to a case of unlawful eviction. Following this support, Arthur did move into the temporary accommodation offered, avoiding homelessness, and subsequently moved back into his original home. In the meantime, Arthur underwent a Work Capability Assessment for ESA (Employment Support Allowance) by himself and was found not to be eligible for ESA and his ESA was stopped. He had been awarded

zero points on the assessment. This had a knock-on effect on a range of other benefits such as Housing Benefit. Arthur came to us for support with his appeal. We were already fully booked on the day of the appeal with other appeals at the same tribunal, and we offered to refer Arthur elsewhere or to help him postpone the appeal hearing so we could support him. Arthur preferred to postpone the hearing so he would have more time to prepare himself. We provided three preparation sessions to help Arthur understand what to expect from the Tribunal, and what they would be asking of him. Arthur was highly distressed by the preparation for the appeal and we were concerned about his wellbeing, which is why we provided more support sessions than we usually do. Initially the Tribunal declined to postpone the hearing, however, building on our existing relationship with the court our worker was able to get them to grant a postponement. We supported Arthur to gather additional evidence to make his case and helped him plan his journey to the Tribunal on the day of the hearing, including getting the court to send a taxi to collect him.



At the Tribunal, we assisted Arthur with managing the bundle of information being looked at, and we helped clarify some of the questions he was being asked. The Tribunal found that Arthur's appeal was allowed based on Regulation 29 of the ESA Regs 2008 whereby it was believed that there would be a risk to his mental health if found to have capability for work. Arthur was placed in the ESA Work Related Activity Group. Arthur said:

"When I won, I felt exhausted. It was all so stressful, I was so stressed out, I still feel unwell. The stress I was put through I can't even describe it. After the tribunal I still felt like it was not over, it's just one thing after another and the stress is still there. The tribunal took so long to happen that it's almost time for me to be reviewed again by DWP, so it is going to start all over again."

Sadly, shortly after his successful appeal, Arthur's landlord decided not to renew his lease and put the flat up for sale. We are currently supporting Arthur with his housing situation.