

# Support Notes on Commissioner's Advice

## Direction 7 – CLs for Living Expenses

These support notes should be read in conjunction with the related Commissioner's Advice agreed by the Quality Forum on 01/11/11. The case examples help to illustrate the various principles outlined in the Advice.

### Example 1

The applicant is a single man aged 28 in receipt of ESA (IB). On 18/07/11 he applied for a CL of £100 for living expenses. He had been mugged and all of his money was taken. He was paid a CL of £40.50 (the maximum) to cover him till his next benefit payday on 25/07/11.

On 22/07/11 he made a further CL application for living expenses. He had spent all of the previous CL on food and drink for himself and had nothing to last until he got his next benefit on 25/07/11.

*In this case you may decide that D7(2) prevents determination of the application made on 22/07/11. The applicant may well be without money but if this is the case, then it is because of his own actions in a situation which he could have taken reasonable steps to avoid.*

### Example 2

The applicant is a married man aged 36. He is in receipt of ESA(C) which is paid fortnightly. On 16/08/11 he applied for a CL of £100 for living expenses. He had spent all of his benefit and was not due to be paid again until 24/08/11. He said he was destitute because he had to repay money owed to a money lender who was threatening violence. This left the applicant with no money for heating or food. He was paid a CL of £72.65 to cover him for the period 16 - 23/08/11.

On 19/08/11 he made a further CL application. He said that he had lost £50 of the earlier CL paid to him. He had been out shopping and his money (5 x 10 pound notes) was in his back pocket. When he got home he realised the money had gone. He had nothing to last him until he got his benefit on 24/08/11.

*In this case you may decide that D7(2) prevents determination of the application, on the basis the applicant had not taken reasonable care of the previous CL.*

### **Example 3**

The applicant is a married man aged 36 with two children (6) and (8). On 07/09/11 he applied for a CL because he lost his money while out shopping. He was paid a CL of £242.01 for living expenses to last him until his benefit pay day on 16/09/11.

On 12/09/11 he made a further CL application. He said that his eldest child had been staying with his cousin in Coventry (20 miles away). On the evening of 10/09/11 he received a phone call at home to say that his child had been knocked down by a car and had been rushed to hospital. He needed to get to the hospital straight away and the only way he could do this was by taxi. He had stayed at the hospital throughout the night and returned home the following morning again by taxi. In total he spent £50 on taxi fares and now had no money to last him until his next benefit pay day.

*In this case you may decide that the D7(2) bar does not prevent a determination of the latest application, and may decide to pay further CL. This is because the applicant finds himself in an emergency which has arisen since the previous award; neither the applicant nor his partner could have taken reasonable steps to avoid this situation and, given the circumstances, his actions were understandable and reasonable.*

### **Example 4**

The applicant is a single man aged 58. He suffers from osteoporosis and also has mental health issues. He is in receipt of ESA and lower rate DLA. On 16/09/11 he applied for a CL of £15 because he had lost his money. His next benefit payment was due on 23/09/11. He was paid a CL of £15 by the DM. On 19/09/11 he made a further CL application because he had spent the £15 previously paid to him on food and fuel costs.

*In this case you may decide to pay a further CL. The amount requested by the applicant (£15) to last him for a week was unrealistically low and it was highly unlikely that the award was ever going to meet his needs for the period in question (he could have been paid up to a maximum of £40.50).*

*The applicant is now in another emergency and, given that the previous award was unreasonably low, he could not have taken reasonable steps to avoid this situation.*

### **Example 5**

#### **D7(3)**

Application 1 – the applicant receives 2 weeks benefit for the period 7 – 20 October 2011. On 10<sup>th</sup> October he applies for a crisis loan for living expenses as he has lost his money. His application is refused because he has money in his fuel meters and his mother, who lives close by, is providing him with meals.

Application 2 – the applicant makes a further application on 14 October. His mother is still giving him meals but his fuel has now run out.

In these circumstances it is clear that the applicant's situation has become more acute since the first application was made, and so a relevant change in circumstances has occurred. D7(3) does not prevent determination of the application.

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Effective from 02/11/11

Agreed at Quality Forum 01/11/11