

# Support Notes on Commissioner's Advice to Inspectors

## *Inspectors' Jurisdiction to consider items or services not expressly requested in the original application*

**The examples contained in the Support Notes must be seen as illustrative only. They are intended to give general guidance to Inspectors in relation to the types of case situations they might face. In all cases the Inspector must determine any request for an additional need in the light of the individual circumstances of the particular case and circumstances as they exist at the time.**

### **Example 1**

The applicant (Mr T) has left institutional or residential care after two years and moved into an unfurnished tenancy. He requests a number of items - cooker, bed, bedding etc to furnish his new home. Direction 4(a)(i) is met as an award for the requested needs will help him establish. The Reviewing Officer pays a partial community care grant. In response to the Statement of Issues Mr T says he meant to include a living room carpet on the SF300 but mistakenly omitted to do so. He says he has only bare floor boards in his living room and so wishes to be considered for a grant for carpet.

*In this case it would be right for the Inspector to consider the need for the living room carpet. The need for the carpet is clearly linked to the reasons for the application and the reasons for qualification. In these circumstances to advise Mr T to make a fresh application would be inappropriate.*

### **Example 2**

The scenario is the same as in example 1 except that in addition to saying in the response to the Statement that he needs living room carpet, Mr T also says that he needs additional clothing now that he is no longer in care.

*Although clothing differs to the other needs in the sense that it is not a "household item", the need for clothing can be linked to the main reason for the application and an award would fulfill the same aim – helping the applicant to establish after leaving care. Again, it would be reasonable for the Inspector to deal with the need for clothing as part of his review.*

### **Example 3.**

The applicant is a single parent with a young child. She is moving into her own LA property after spending six months in a refuge for victims of domestic abuse. She requests a CCG of £1,000 for 2 beds and bedding, a cooker, pots, pans and utensils and curtains. The Reviewing Officer pays a grant for each of the items but restricts amounts and pays a total award of £600. The applicant asks for a review by an Inspector saying the money awarded is not enough. The Inspector issues a standard Statement of Issues and the response is completed by a Welfare Rights worker. This says that the amount awarded is insufficient to buy the items. In addition, the applicant seriously underestimated her needs when completing the SF300. As well as the needs already expressed, the applicant needs living room and bedroom carpets, three piece suite, table and chairs, wardrobes, fridge/freezer, a washing machine. She now wishes an extra grant to be considered for these items.

*In this example there is again a clear and fundamental link between the need for the additional items requested, the reasons for qualification, and the circumstances giving rise to the application. Again, it would be expected that the Inspector would deal with the additional needs as part of his review.*

#### **Example 4.**

The applicant is an elderly lady who has a number of health problems. She is housebound and has applied for a grant of £100 for a quilt, sheets and blankets. Her existing bedding is worn out and in holes. The RO finds 4(a)(ii) met and pays a grant of £30 for a quilt and a pair of sheets. The applicant's daughter writes a review request on the applicant's behalf. This says that the applicant's health is deteriorating badly. She is confined to bed for much of the time and is now largely incontinent. While grateful for the grant of £30 this is not enough to buy all the bedding she needs. She "feels the cold" and her situation is not helped by the fact that she has not been able to replace the threadbare carpet in her bedroom. This has been taken up as it was in a dangerous condition and she now has only bare floorboards in the room. All of this is having an adverse affect on the applicant's health.

*This is an example of the type of case where it would be reasonable for the Inspector to consider a grant for bedroom carpet – even though no formal request for carpet has been made. The basic need in this case is for additional warmth for the applicant in her bedroom. A need for carpet has been identified and a grant may play an important part in terms of reducing the risk of care and meeting the community care aims of the scheme.*

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#### **Example 5**

The applicant is a married man with 2 young children. The family are moving from a two bedroom flat to a three bedroom house. The family has been subject to racial

harassment. The Police were involved and they were given priority for a move. The applicant's wife is suffering badly with her nerves and is seeing a CPN. The application is for carpets and curtains for the new home. The application is refused on priority grounds by the DM and the decision confirmed by the RO. In response to the SOI the applicant says he also wishes to apply for a sofa. He says he has spilt paint on the sofa while decorating the new home and has had to throw it away.

*In this case it would be reasonable for the Inspector to advise the applicant to make a fresh application for the sofa. The need for the item has arisen in different circumstances to the original needs and is not strongly linked to the primary reasons for Direction 4(a)(iii) being met.*

## **Example 6**

The applicant is a single man aged 52. He has chronic emphysema and has had a number of hospital admissions in the last few years. He also suffers from rheumatoid arthritis and is largely confined to his home. His application was for a CCG of £300 to buy unspecified bedding and clothing. He is awarded a grant of £80 for unspecified clothing and bedding. He asks for a review but a period of three months elapses before the papers are received at the IRS. The SFI issues a standard SOI and in response the applicant says that since making his review request his cooker has broken down. He needs £300 for a new cooker. He encloses confirmation that his cooker is unsafe and not repairable. He is relying on a neighbour to bring him meals from the chip shop.

*In this case the need for the cooker is not related to the need for clothing and bedding originally expressed. The need for the cooker has arisen as the result of changed circumstances. Nevertheless, there is a very strong link in terms of the need for the cooker and the reasons why Direction 4(a)(ii) is met. The need is urgent and the Inspector would be able to conclude the matter without the need for extensive enquiries. In all the circumstances it would seem reasonable for the Inspector to determine the need for the cooker.*

## **Example 7**

Mr L requests a grant for a cooker. The Reviewing Officer finds 4a(ii) not met but there was already compelling evidence to make an award. In response to the SOI Mr. L explains that he also needs a specialist electric bed, and offers a quote for £4,000.

*It would not be appropriate to include the specialist bed in the Inspector's review. It may well be that this need could play a very important role in helping to promote community care. However, to include this in the review would mean getting into previously unexplored and potentially complex crucial issues, including the possibility of help from another source and a possible exclusion. This is a significant shift from the original application and may require a significant amount of investigative work. Mr L also has an urgent need for the cooker which needs to be resolved as quickly as possible, and which can be determined without investigating these other issues. Looking at all of this, it would be appropriate to determine the request for cooker and advise Mr L to make a separate application for the specialist bed. However, as part*

*of this the SFI should give Mr L a clear steer about the likely important issues including possible help from social services.*

### **Example 8**

Ms W is a lone parent with three children aged 12,9 and 8. The youngest child has a number of both mental and physical health problems and is a bed wetter, The applicant has requested a replacement mattress for the youngest child because the present mattress has been ruined by the constant bed wetting. This is the third request for a replacement bed/mattress in the last three years. The Reviewing Officer confirms the Decision Maker's refusal of a grant on the grounds that the need has insufficient priority due to the previous awards made.

*In this case the Inspector flaws the Reviewing Officer's decision. The Inspector awards a grant for a mattress and also pays a grant for a waterproof protective sheet for the mattress.*

### **Example 9**

Mr P is a single man aged 30. He has depression and suffers from back pains which restrict his mobility to some extent. He receives Incapacity Benefit only. He is living in a privately rented and fully furnished flat. However, his landlord has decided to sell the property. Mr P has applied for a CL of £450 for rent in advance which he says he will need to find a new, furnished property in the same area. His application is refused by the Reviewing Officer because Mr P has provided no evidence of a new address. In response to the Statement of Issues the applicant provides written confirmation of his new private tenancy and verification that he has to pay £450 rent in advance. Mr P also says that his new tenancy is "fully furnished" other than for the fact he has to provide his own bed and bedding. He, therefore, wishes to include a request for a further £200 to meet these needs.

*In this case it would be right for the Inspector to deal with the request for the bed and bedding. There is a strong and clear link to the reasons for the application and circumstances giving rise to the needs and qualification is not at issue. It would be inappropriate to ask the applicant to make a fresh application.*

*If, in the same scenario, the applicant had also asked for clothing in addition to the bed and bedding, it would be reasonable for the Inspector to deal with the bed and bedding aspect but advise the applicant to make a fresh application for the clothing. The need for clothing is not linked to the main reasons for the application and further information would be necessary to properly determine the need.*