

Support Notes on Commissioner's Advice

Amounts to Award: CCGs

1. Order of Consideration

This order of consideration is consistent with Part 2, section 15 of the Secretary of State's Guidance. In the Taylor JR ruling, the judge placed great emphasis on this paragraph of the guidance. He said he would "find it difficult to imagine" any circumstances in which it would be appropriate to depart from this order.

2. Deciding the amount

The Commissioner's Advice does not mean that Inspectors should (necessarily) pay an appropriate amount for, say, an Aga, because that is the item requested. The appropriateness of the amount should be viewed in the context of the applicant's need in the circumstances.

The following example illustrates this principle:

Miss Ford is the lone parent of 2 children. She has depression and anxiety, for which she takes medication. She applies for a community care grant of £270 for a double bed. Her bed has broken and has been discarded. She is currently sleeping on the floor. She is not sleeping well and this is making her depression worse. The Inspector decides that she satisfies direction 4(a)(iii), and that her need for somewhere to sleep (a bed) is a high priority, which can be met by the budget. However he decides that £270 is not within a range of prices considered appropriate to meet her need for a bed of serviceable quality. He decides to award the appropriate amount of £120.

As a matter of principle, Inspectors should not routinely award single beds to single people if they have requested a double bed. If the amount requested is appropriate for a bed, it should generally be awarded. If, as in this example, the amount was inappropriate, the Inspector should reduce the amount. Argos sells a range of beds – both single and double – for less than £120. So in this example, Miss Ford has some choice in what she can buy, and she can choose whether to buy a single or a double bed.

Similarly, where an applicant has requested a cooker, it will not normally be appropriate to award a mini-cooker unless the budget is under serious pressure. A mini-cooker is unlikely to meet the needs of families, and

therefore it would not generally be appropriate to award a mini-cooker to a family, even if the budget were under serious pressure.

Where appropriate, consideration should also be given to the costs of delivery and/or installation of items; for example, cooking appliances which need to be installed by a qualified person.

The Secretary of State's Guidance makes numerous references to connection and disconnection costs (for example Part 2 Section 212: "If the move involves moving or installing domestic appliances, the cost of disconnection and connection may be met"). Clearly, it is envisaged that the cost of connecting appliances can routinely be considered. An important household item urgently required by the applicant will be of no use to him unless it is in his home fulfilling its intended function. For example, the award of an amount for a cooker, which is insufficient to also have it installed, would not meet an applicant's need for cooking facilities. It is therefore important to ensure that any award for a cooker is sufficient to purchase a suitable appliance and have it delivered and installed by someone qualified. This could include cases where the applicant has not referred to fitting and/or delivery charges; for example where the Inspector reduces the award for a cooker to the lowest priced appliance on budgetary grounds.

The above issues could apply to appliances other than cookers, but it remains important to look at the circumstances of each individual case.

It is not necessary for Inspectors to routinely refer to fitting or delivery costs in decisions. For example, where the applicant has not raised the issue and the Inspector is satisfied that the award offers scope to buy a suitable appliance and, where appropriate, meet any delivery or connection charges, the Inspector may decide to stay silent on this issue. However, it may be necessary to say something about additional costs if paying more than the applicant requested, or where the applicant raises the issues of deliver and/or fitting.

Example One

Mr Smith is a single man aged 27, who lives alone. He has schizophrenia, depression and anxiety. He also has diabetes. He takes medication and sees a CPN and psychiatrist regularly. He applies for a community care grant of £140 for a cooker, but makes no reference to delivery or installation costs. His cooker stopped working and has been discarded. He is currently eating takeaways for hot meals, but often finds it difficult to leave his home and his CPN reports that he is not eating properly. The Inspector decides that he satisfies direction 4(a)(ii), and that his need for cooking facilities is a high priority. The budget can meet all high priority needs at "reasonable amounts".

The amount requested is insufficient to allow the applicant to buy a new cooker and have it installed by a qualified person. The Inspector decides to award £230, to give the applicant some choice of cooker and to cover the cost of delivery and installation. As the Inspector is awarding more than requested,

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he explains in his decision why he is awarding enough to cover the additional costs.

Example Two

Mrs P is aged 80 and is practically housebound. She lives alone and receives occasional support from an elderly neighbour. The Inspector decides to award a fridge freezer under direction 4(a)(ii). Mrs P wants £280 and has not mentioned any extra charges. The budget can support a full award. The Inspector can see that Mrs P is almost certainly going to need to pay for the appliance to be delivered (something Mrs P may have factored into her request). But the Inspector decides to pay £280, as this is still enough to give Mrs P a suitable choice of fridge-freezers and meet any delivery charge. The Inspector does not refer to delivery costs in the decision.

3. The effect of capital

No support notes

4. Direction 1 examination

In assessing awards already made Inspectors should consider whether the decision was reached correctly, and whether it is a right decision. This is irrespective of whether the applicant raises the issue of award amounts. If the RO's reasoning shows he failed to properly use discretion, or his decision is not sustainable on the evidence, then the decision is likely to fail Direction 1, even if the outcome remains unchanged.

It is important to remember, though, that the issue of award amounts is not an exact science. In many cases there will be more than one right outcome. Even if price restrictions are in force to help manage the budget, decision makers still have discretion and must be allowed a degree of flexibility in deciding on appropriate amounts in individual cases. It is therefore important to allow previous decision makers a reasonable degree of latitude on the question of award amounts. Provided the RO's judgment reflects all appropriate factors, is reasonable, and where any reduced award is sustainable on the evidence and sufficient to buy suitable items, Inspectors should not find a direction 1 flaw.

5. How to approach awards made by Reviewing Officers

Even in cases where the RO could have paid more for an item, or where the applicant spends more than awarded, a further payment is not automatic. The decision on whether to increase the amount is likely to depend on a number of factors including: whether the applicant has bought the item; how much he spent; whether the item is adequate for his needs; source of money used to

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meet any shortfall; and the budget. It is also important to look at the net result of any payment already made and consider if further intervention is likely to make a material difference to the applicant's circumstances.

It is important to raise award amounts as a crucial issue only in appropriate cases and this includes asking about the spending of awards. This involves looking closely at the reasons why the applicant wants a review. It may also be necessary to consider if an increased award seems likely. This is particularly important, as unnecessary enquiries prove time consuming and obstructive - distracting from the real crucial issues and possibly raising false expectations of a further payment.

In some cases there may already be sufficient evidence about what has happened to the previous award. If the applicant specifically raises award amounts it may be possible to infer that he has not yet bought the items. Equally, if the review request focuses on refused items it may be reasonable to focus the review on those needs. In either scenario it is important to clearly find fact in the SOI, thereby giving the applicant the opportunity to offer any further evidence.

When asking about the spending of a previous award, it will usually be appropriate to state that a decision will be made on the basis the applicant has bought adequate items, unless the reply provides evidence to the contrary.

In some cases it may come to light that an applicant spent more on a particular item. Again, an increased award is not automatic. Relevant considerations will include whether the amount spent is within a range of prices appropriate for an item of serviceable quality. The budget is another important consideration. Other factors may include the source of the extra money and the impact of this on the applicant or others.

Before increasing any award it is important to stand back and look at the overall impact of the payment already made. In those cases where the applicant spends the award differently from the intended payment, the Inspector needs to consider whether the applicant acted reasonably and the net result in terms of meeting the most urgent and important needs. This should not be approached purely as a 'mathematical equation' but rather a considered judgement taking account of all relevant circumstances. In all cases, it also remains important to ensure that any further award will make a material difference to the applicant's situation and meeting the aims of direction 4.

In summary, when deciding how to treat previous awards key questions may include:

- Did the Reviewing Officer act reasonably when making the award
- Has the applicant bought suitable items with the reduced award or is the previous payment still a source of grievance
- Does a further award seem likely
- Did the applicant act reasonably when spending the award

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- Standing back and looking at the overall case - what is the net result in terms of meeting the most urgent and important needs and will further intervention make any material difference to the applicant's circumstances