

Commissioner's Advice to Inspectors Capital Resources (CCG cases)

Section 140(1) of the *Social Security Contributions and Benefits Act 1992*, as amended, provides that:

In determining whether to make an award of a community care grant... to the applicant or the amount or value to be awarded an appropriate officer shall have regard to... all the circumstances of the case and, in particular...

(b) the existence of resources from which the need may be met;

Direction 27 requires decision makers to reduce any CCG they were planning to award by the amount by which the applicant's capital resources exceed £1000 (or £500, if both the applicant and partner are under 60).

This Advice deals only with the effect of capital resources on CCG decision-making. Separate papers deal with *Income Resources (CCG cases)* and *Crisis Loans and Resources*.

1. Order of consideration

The effect of capital resources is one of the final considerations in the decision-making process. It comes after the assessment of priority and consideration of the budget, at the point where the Inspector is finally deciding whether to make an award and how much to award. At this stage of the process the issue is no longer "Is this need important enough?" but rather "Should this important need be met by the Social Fund, or can the applicant meet it out of his own capital resources?"

This order of consideration is consistent with the Secretary of State's Guidance.

2. The effect of capital resources on decision outcomes

Direction 27 is very explicit about what Inspectors should do in cases where the applicant has capital resources over £1000 (or £500, if both applicant and partner are under 60). For the calculation of total capital resources, it refers Inspectors to the regulations on capital in the Pension Credit, Income Support and Jobseeker's Allowance legislation. The calculation of capital resources according to these regulations is a technical process and it does not necessarily take into account the accessibility of the resources.

Capital below the Direction 27 limit

The direction says nothing explicitly about how Inspectors should treat capital below the Direction 27 limit. However, it seems clear that the intention of the Direction is that savings below this limit should not affect the amount the applicant can get from the Fund. The Secretary of State's Guidance supports this view.

Inspectors should not refuse to make an award, or reduce an award, because of savings below the Direction 27 limit. These resources should not be regarded as resources from which the need may be met.