

Support Notes on Commissioner's Advice

Direction 3: Emergency/ Disaster

1. Expenses which may qualify by assisting an applicant to meet expenses "in an emergency, or as a consequence of a disaster"

Direction 3(4)(a) does not define "living expenses". The Secretary of State's guidance suggests this means "day to day living expenses" and may include expenses such as food, groceries, nappies, toiletries, cleaning/hygiene products and ongoing fuel meter costs.

The expenses listed in Direction 3(4)(b) to (e) cannot be treated as living expenses (see Direction 18(4)).

2. Expenses which may qualify by assisting an applicant to meet expenses "as a consequence of a disaster"

As Direction 3(2)(b) expenses can only be paid as a consequence of a disaster, Directions 16 and 17 do not impose any additional restrictions on these types of expense. Directions 16 and 17 are important only in relation to the five categories of expense listed in Direction 3(4).

3. "in an emergency"

Example

Mrs L has applied for a crisis loan for living expenses. She has only enough food and fuel to last her two more days. She had spent all of her benefit and had used most of it buying school uniform for her three children. Her children are being bullied constantly at school for not wearing uniform and for wearing clothes that are much too small. As a result the children's attendance record at school has become poor. Mrs L will not receive any more income for 7 days and has no family or friends who can help her.

Mrs L needs assistance to meet expenses in an emergency. She needs to act imminently in order to avert serious risk to health or safety. She does not need to wait until she has actually run out of food and fuel, or to wait until risk or damage to health have already occurred. Although Mrs L would not have a pressing need for food and fuel if she had not bought the school uniform, she nevertheless needs assistance to meet expenses in an emergency.

4. “as a consequence of a disaster”

Example 1

Mr E has applied for a crisis loan for a cooker and a fridge. The town in which he lives has experienced widespread flooding. The ground floor of Mr E’s town house, a kitchen, was flooded with a foot of water. Mr E had received a warning of the flood and had managed to move everything apart from his cooker and fridge to the first floor of the property. The cooker and fridge have been damaged beyond repair, and the bottom of the wall paper in the kitchen has been damaged.

An award for a cooker and a fridge will help Mr E to meet expenses “as a consequence of a disaster”. Although there was limited damage to Mr E’s property and belongings, the widespread flooding constitutes a disaster, one consequence of which was damage to Mr E’s cooker and fridge. An Inspector would need to go on to consider whether the remaining tests of Direction 3(2) are met; such as the serious damage/risk to health or safety test.

Example 2

Mr A has applied for a crisis loan for a cooker, soft furnishings and decorating expenses. He is a single man on contribution-based Jobseeker’s Allowance. He is in good health. He has had a chip pan fire. The cooker is damaged beyond repair. There are some signs of heat and smoke damage to the outside of the washer and fridge but they are still working. The kitchen unit above the cooker also caught fire and has had to be removed. Smoke from the fire has blackened much of the paintwork in the small kitchen; it has also left some black marks on the walls and ceiling of the lounge. The sofa and curtains in the lounge still smell of smoke despite Mr A’s attempts to clean them.

The housing association has inspected the property and is satisfied that there is no structural or electrical damage which would need to be repaired. Mr A continues to live in the property, but is struggling without a cooker, and wants to restore his home to its previous state.

Mr A is struggling to cope in the aftermath of a domestic fire. However, the extent of the damage to his home and belongings, and of the impact on Mr A, are not such that there has been a disaster.

Example 3

Mr X has applied for a crisis loan for a wide range of household furniture and equipment. He is a single man on contribution-based Employment and Support Allowance. He has depression, an anxiety disorder, and other mental health issues which are under investigation. He takes a large number of medications including anti-depressants and sleeping tablets.

Mr X lives in a small open plan flat. An old electric heater developed a fault and caught fire whilst Mr X was asleep. Mr X was rescued from his flat and spent two days in hospital being treated for burns and smoke inhalation. By the time the fire service had extinguished the fire the majority of Mr X's belongings had been burnt, or severely damaged by smoke and water used by the fire service.

The local authority landlord responsible for the flat has placed Mr X in temporary shared accommodation whilst it carries out structural repairs. The fire, combined with unfamiliar, shared accommodation and the move away from his support network, has led to a deterioration in Mr X's mental health.

In this case, the extent of the fire damage was great, and Mr X had to be hospitalized and then placed in temporary housing, aggravating his health problems. Mr X has been placed in an extreme situation and has experienced very significant consequences. He clearly needs assistance to meet expenses as a consequence of a disaster. An Inspector would need to go on to consider whether the remaining tests of Direction 3(2) are met in respect of each item requested; such as the serious damage/risk to health or safety test.

Example 4

Mr W has applied for a crisis loan for travel expenses. He receives contribution-based Employment and Support Allowance. He has severe mobility problems, arthritis, and angina, and cannot use public transport. He lives in a bungalow. He receives a substantial amount of care from paid carers. The Environment Agency has forecast that a nearby river will burst its banks within a day, and that there is likely to be flooding between 2 and 3 feet deep. Mr W's bungalow is likely to be uninhabitable. He has applied for a crisis loan to travel by taxi to some relatives who live 40 miles away, who would be able to care for him and accommodate him. Mr W does not have enough money left from his weekly income to pay the taxi fare.

Given the probable extent of the flooding and its impact on Mr W, he needs to take imminent action in order to avoid the consequences of a disaster, and in order to avoid serious risk to his health or safety. He does not need to wait until his home has actually been flooded before seeking help from the Social Fund.

Example 5

Mrs E has applied for a crisis loan for numerous household items. She receives contribution-based Employment and Support Allowance. A former partner has been convicted of setting her home on fire whilst Mrs E was asleep. Mrs E sustained substantial burns and other injuries and spent four months in hospital. Her home was gutted by fire and all her possessions were destroyed. After her discharge from hospital, the local authority placed Mrs E in temporary furnished accommodation, whilst it completed extensive repairs to her flat. After three months her flat is now ready for occupation, but Mrs E needs items to equip her new home.

All the items Mrs E requested were destroyed in the fire, with the exception of a washing machine. Mrs E used to hand wash her clothing, and to use a launderette to clean her bedding. However, as a consequence of the injuries she sustained in the fire, she is not at present able to hand wash, or to travel to the launderette.

Given the extent of the fire and its impact there has been a disaster. Although seven months have passed since the fire, there is an unbroken chain of causation between the disaster and the expenses for which Mrs E has applied. Mrs E needs to meet expenses as a consequence of a disaster; the fact that she has spent time in hospital and temporary accommodation whilst her home was being repaired does not alter this fact.

Although Mrs E has not previously had a washing machine, the injuries she sustained in the fire mean that she now has a greater need for a washing machine. Therefore, this expense is also required as a consequence of a disaster.

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