

Commissioner's Advice to Inspectors

Direction 4(a)(i)

Direction 4(a)(i):

A social fund payment may be awarded to promote community care by assisting...with expenses...where such assistance will help the applicant...to establish himself in the community following a stay in institutional or residential accommodation in which he received care.

This Advice deals with what constitutes a “stay” for the purposes of Direction 4(a)(i) and the factors that impact on the need to establish in the community following such a stay.

1. General approach

When considering direction 4(a)(i), there are two questions to be answered:

- Has the applicant had a stay in institutional or residential accommodation in which care was received?

AND

- Will an award help him to establish himself in the community following that stay?

2. What is “a stay”?

Neither the directions nor the Secretary of State's guidance seeks to define “a stay”. Generally, if the applicant has been in care for any length of time then he has had “a stay”. That is a matter of fact.

3. Establishing in the community

The length of time someone has been in “care” is a factor to be taken into account when deciding whether an award will help the applicant to establish himself in the community following a “stay”. However, there is no minimum limit and it should be considered within the context of the application:

- What is the applicant's situation on discharge from “care”?
- What needs does he have?
- Has something happened to change the applicant's circumstances - this could have happened before, during or after his stay in “care”?
- Are these factors impacting on his ability to establish himself in the community? Is he able to function within the community or, is he merely existing alongside it?

There is a general presumption that if an applicant has been in institutional or residential accommodation in which he received care for three months or more, he will need help to establish himself in the community. This applies regardless of the situation he may find himself in on discharge. However it is clear, from looking at the above circumstances, that applicants whose stay in such care was less than three months can also satisfy the direction.