

# Support Notes on Commissioner's Advice

## Direction 4(a)(i)

### **1. General approach**

No support notes.

### **2. What is a "stay"?**

No support notes.

### **3. Establishing in the community**

#### **Stays of three months or more**

The general presumption that an applicant who has been in care for three months or longer will need help to establish himself in the community, regardless of his situation on discharge is consistent with paragraph 2403 of the Secretary of State's guidance. This states that:

*The length of time the applicant has received care should normally either be:*

- *a period of three months or more or*
- *a pattern of frequent or regular admission to institutional or residential care clearly linked to the nature of the applicant's disability or circumstances.*

#### **Stays of less than three months**

The Secretary of State's guidance above suggests the length of time an applicant has received care should *normally* be three months or more.

However, It is clear that applicants whose stay in such care was for less than three months can also satisfy the direction. Remember, the length of time someone is in "care" is a factor to be taken into account, but it must be considered within the context of the application. Look at all the circumstances in the case and ask yourself the questions listed in the Commissioner's Advice under the heading "Establishing in the Community".

#### **Case examples**

*Example 1:* Mr D's clothes are seized by the police in March. He is in prison from April to June. On discharge, he makes an application for clothing. He has the clothes he is wearing and no coat.

Direction 4(a)(i) is satisfied in this case. Although Mr D's clothing was seized prior to his stay in prison, the fact remains that now that he has been released from prison, he lacks these items. Having so few clothes and no outdoor wear is likely to affect his ability to function in the community. The fact that he may (or may not) have managed in the month between having his clothes seized and his entry into prison, is not relevant when looking at his current circumstances.

*Example 2:* Mr P is NFA before he goes into prison. On discharge, nine weeks later, he obtains his own tenancy and needs items with which to furnish it.

Direction 4(a)(i) is satisfied in this case. Although Mr P's situation seems to have improved since his discharge from prison, he does not have household items for his new home. He is unlikely to function properly in the community without these items.