

Commissioner's Advice to Inspectors

Direction 4(a)(iii)

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...a social fund payment may be awarded to promote community care by assisting... with expenses... where such assistance will... ease exceptional pressures on the applicant and his family.

This Advice deals with the meaning of "family" and "exceptional pressures". It also lays down principles to guide the Inspector's general approach to Direction 4(a)(iii).

1. "Family"

There is no definition of family in the Social Fund law or directions. For the purpose of Direction 4, Inspectors should take a broad and flexible approach to the definition of "family". This should include couples (with or without children, married, in a civil partnership or unmarried, heterosexual or homosexual), and both nuclear and extended family. Additionally, a pregnant woman and her unborn child should be considered as a family once the pregnancy has advanced to 24 weeks. In certain cases there may be a relationship of long-term inter-dependence between people which justifies regarding them as "family", even though they are unrelated by blood, marriage or adoption.

"and his family"

For Direction 4(a)(iii) to be met, an award must ease exceptional pressures on both the applicant and his family. This means that

- > the applicant must have a family;
- > both he and his family must be under exceptional pressures; and
- > an award must ease the pressures on both him and them.

An award does not have to solve the problems of the applicant and his family. Nor does it have to ease them to a great extent. The extent to which an award would ease the pressures is a matter for priority. For the direction to be met it is sufficient that the award would ease the pressures to some extent.

2. Exceptional pressures

Whether or not pressures are exceptional may depend on the number and extent of the problems and their cumulative effect. A family may be faced with one major problem which indicates there are exceptional pressures. Equally, a family may be faced with a variety of different problems which, individually, may be relatively minor but when considered cumulatively may amount to pressures that are exceptional.

Inspectors should not define the pool of comparison too narrowly. The fact that a particular family's problems are common in their locality does not prevent them being exceptional in the terms of Direction 4(a)(iii). Neither should Inspectors limit the pool to social fund applicants. They should take an objective view of the circumstances as presented.

For many families living on benefits the absence or breakdown of essential items will undoubtedly lead to a degree of stress. Inspectors need to consider the effect of the lack of an item or items on the family. However, in itself, the combination of low income and the lack of a certain item or items is unlikely to lead to a finding that direction 4(a)(iii) is met. For the direction to be satisfied, there should *generally* be additional factors, within the circumstances of the family, which place them under greater pressures than those normally associated with low income. These might, for example, relate to physical or mental health problems, the breakdown of a relationship or a sudden and unforeseeable domestic crisis.

What amounts to exceptional pressures is a question of fact for the Inspector to determine, looking objectively at all the circumstances and drawing conclusions and reasonable inferences from the evidence.