

Support Notes on Commissioner's Advice Direction 4(a)(v)

1. Setting up home in the community

The Secretary of State's Guidance (Part 2 para 307) appears to suggest that the "home" should be "permanent accommodation (or temporary accommodation which will lead to permanent accommodation)". However the direction does not require that the home should be permanent. Inspectors should focus on the intention of the direction, which is for the applicant to have a settled way of life in his home.

2. Being without a settled way of life

The intention of the Direction is to help people who do not have a stable or settled place to live. The Secretary of State's guidance (Part 2 paragraph 308 of the social fund guide) suggests that this could mean that the applicant has been:

- using a night shelter
- staying in a hostel
- sleeping on the streets or in a makeshift shelter on the streets
- using an emergency winter shelter
- using a temporary supported lodging scheme
- staying in temporary accommodation provided by the Home Office pending a decision on their application for asylum in this country
- using a combination of these.

All these examples concern being homeless or without settled accommodation. However the list is not exhaustive. An applicant who has gone through a period of moving between the houses of various friends or relatives could be said to have been without a settled way of life for that period.

The fact that someone lacks settled accommodation does not automatically mean they have an unsettled way of life. In deciding whether an applicant has had an unsettled way of life, Inspectors should take into account all the circumstances of the case. Depending on the case, these could include:

- When the applicant last had settled accommodation and how long they lived there;

- The reasons for the applicant being without settled accommodation, e.g. family breakdown;
- The number and type of places where the applicant has stayed during the time they have been without settled accommodation and approximately how long they spent at each;
- Where they have stayed in one place for a lengthy period, whether there are any reasons for this;
- Any other factors that may affect the applicant's ability to lead a settled life, e.g. addiction problems.

Certain unsettled circumstances may have a quicker and more serious effect on the applicant's state of settlement than others. For example, if the applicant is sleeping rough, this is likely to lead to a need to settle quicker than if he was staying with friends.

Itinerant lifestyles

We need to distinguish between a way of life that is not settled, and a settled one that, by its nature, involves the applicant in a lot of moving around. It is possible for an itinerant lifestyle to nevertheless be the applicant's settled way of life, if it is one in which the usual expectation is that he would not live permanently in one place. For example, someone can be a traveller or have a job that involves him in a lot of moving around.

Bear in mind though that the existence of a previously settled nomadic or itinerant lifestyle will not prevent Direction 4(a)(v) being met if the applicant's way of life has subsequently become unsettled (e.g. because of an upheaval).

Difference between unpleasant and unsettled ways of life

The fact that the applicant's way of life is unpleasant does not, in itself, mean it is not settled. If a person has a settled place to live, then it is unlikely that, for the purposes of D4(a)(v), he will be "without a settled way of life", even if his living conditions or home circumstances are less than desirable (or worse). On the other hand, the fact that the applicant signs as fit for work will not generally be relevant to whether or not his way of life is or has been unsettled.

3. Planned resettlement programme

Setting up home involves finding somewhere to live (and related tasks such as applying for housing benefit and arranging for connection of utilities), and making the property habitable. However, bear in mind that the applicant's resettlement programme does not have to include finding a home. If the applicant is following a programme (e.g. for drug rehabilitation), but the programme provides no help in setting up home, the direction will not be met. The applicant will not be setting up home as part of a planned resettlement programme. Equally, if the programme involves no more than helping the applicant to set up home, the requirements of the direction will not be met.

There must be some extra element involved in the programme apart from finding the applicant somewhere to live, helping him/her move into the property and furnish it. This extra element could be any of a wide variety of things. A programme will (to differing extents) equip the person with basic skills and knowledge they need to help them manage difficulties that may otherwise affect their ability to sustain a settled way of life. Specific skills and knowledge will differ from case to case depending on the participant's existing level of competence and awareness. The programme should meet the individual's needs and may include action points that deal with practical matters, financial concerns, health issues etc. The specific action points with general headings (like practical matters) should be distinct and capable of description, to show they are more than vague intentions.

The applicant must also be actively participating in the programme. The fact that help is available as and when asked for (for example, from a key worker) would not in itself suggest that there is a planned programme of resettlement.

Evidence of a programme

In general inspectors should accept the evidence provided by the applicant or representative unless there is a good reason not to. They should not demand to see a written summary of the plan. Indeed the plan may never have been written down.

However inspectors should not accept that a planned programme exists merely because an applicant or rep asserts that there is one. There must be evidence that the elements or stages of the programme were *planned*. In other words, where the programme is past, the evidence must show that what happened was planned to happen, not just that it did happen. Written plans and follow up visits are good evidence that a programme has been planned, but the absence of them does not mean that the Direction is not met. The evidence of the application form or interview record may be sufficient to show that the programme has been planned.

Who should be running the programme?

The Guidance suggests that the planned resettlement programme should exist at the accommodation the person is moving from (Part 2 para 313) and that it should be planned either by a publicly funded body or a registered charity (Part 2 para 312). However this does not reflect the wording of the Direction. There is nothing in the Direction to prevent somebody completely separate from the accommodation (for example, the applicant's probation officer or social worker) from planning the resettlement. In some cases more than one person may have planned the resettlement (e.g. when different workers are involved before and after a tenancy allocation).

The Direction does not prevent the applicant from planning his/her own resettlement programme. However, you would need clear evidence that he was following a genuine programme, and not just a series of vague intentions.

Example. Mr J has alcohol problems and is currently living in a hostel. Whilst in the hostel he has devised a plan to resettle in the community. At his

interview he explained that this plan consists of four stages: giving up drinking, finding somewhere to live, developing basic skills and finding work. He has already found accommodation and sought help in overcoming his alcoholism. He has obtained the tenancy of a council flat and wants items to enable him to move in. He attends Alcoholics Anonymous weekly and says he has been dry for three weeks. He is enrolled on an adult education course, which is due to begin next week. He explains that the aim of these measures is to enable him to find work and continue living independently when he moves out of the hostel.

In this example, there is evidence of a programme (a series of things that are intended to happen) and planning (forethought). The purpose of the programme is resettlement and setting up home is part of the programme. The fact that the evidence is oral (rather than written) and from the applicant himself (rather than from a third party) does not make it less credible. Direction 4(a)(v) is met.

4. The timing of the programme

The applicant must be setting up home as part of the planned resettlement programme. As setting up home involves more than simply moving into the property, an applicant can still be setting up home after he has been occupying the property for some time.

In deciding whether an applicant is still setting up home after occupying the property for some time, Inspectors need to consider all the circumstances of the case. Depending on the case, these may include:

- How long the applicant has had a settled home;
- How long they have lived there and their circumstances since moving in;
- The nature of the items applied for and the reasons they are needed;
- Whether the applicant has had any furnishings since moving in;
- The nature and type of any support they receive.

The complexity of an applicant's needs may have a bearing on how long it takes him to set up home. The more vulnerable the applicant, the longer he may take to complete the process of setting up home.

5. Further notes

Priority

Priority should be dealt with in the same way as with any other part of Direction 4. The inspector should consider how much an award would help the applicant set up home in the community and how much it would improve his circumstances. The nature, extent and urgency of the need should be

considered along with the consequences of leaving an applicant without the requested item(s).

Addendum to Advice/Support notes

This addendum is intended for background information. It covers only one specific area. Whether or not a person meets the conditions of Direction 4(a)(v) will depend on the individual circumstances of the case.

Tenancy Support

The Supporting People Programme (SPP) was launched in April 2003. It provides housing related support to help vulnerable people live more independently and maintain their tenancies. The aim is to give people the support they need before they reach crisis point. The support can prevent problems that can often lead to care admission or to homelessness. It can also help the transition to independent living for people who were formerly homeless.

While Tenancy Support is funded through Local Authorities, it is not necessarily the Local Authority itself that provides the support. Organizations providing tenancy support should carry out a needs assessment to assess the individual support needs and determine appropriate solutions. Support is offered with the intention it will ensure that individuals:

- Have the life skills they need to live independently (such as cooking and budgeting);
- Are given support in gaining and maintaining settled accommodation;
- Are given help to identify training and job opportunities;
- Are able to access utility services they need in their home;
- Are given help to claim the right benefits;
- Are given the help they need to ensure their existing accommodation continues to meet their accessibility and/or safety needs;
- Are signposted to other appropriate agencies.

The applicant and support worker often meet on a weekly or fortnightly basis to review progress.

The fact that a person has tenancy support does not automatically mean they are setting up home as part of a planned resettlement programme. Inspectors need to decide whether a particular tenancy support package constitutes a planned programme of resettlement. This will depend on the individual circumstances taking account of the same factors as any other case.

Pre-tenancy and post tenancy support are funded differently and are often provided by different people and organizations. Tenancy support usually only takes place once the applicant has obtained a tenancy. However the applicant may have received help (including finding accommodation) from another source before starting tenancy support. So tenancy support may only be one part of a person's planned resettlement programme. Where pre and post tenancy support are provided by different workers/organizations they may have little, if any, knowledge of the support provided by the other party. Inspectors should bear this in mind when gathering information and may need to make enquiries of both parties in order to decide whether the applicant is on a planned resettlement programme.