

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

1. Setting up home in the community

The Secretary of State's Guidance (para 3053) 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 (paragraph 3070 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
- 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.

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 making the property habitable. 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 far from exhaustive list is set out below:

- Cooking skills
- Budgeting skills
- Literacy skills
- Careers guidance
- Vocational training
- Asylum advice
- Benefit advice
- Relationship counselling
- Registering with a doctor/dentist
- Rehabilitation from drugs/alcohol /eating disorders

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 (para 3092) and that it should be planned either by a publicly funded body or a registered charity (paras 3090-3091). 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.

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

No support notes.

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).