

Commissioner's Advice to Inspectors

Direction 7: Same Expense (CCGs and CLs for items)

This advice covers applications made on or after 4 July 2011 for grants and for crisis loans for items only. Separate Commissioner's Advice deals with applications made for crisis loans for living expenses.

The Secretary of State directs that:

Direction 7 – Repeat Applications

(1) A decision maker shall not determine an application in the circumstances set out in this direction.

(2) ...*Omitted, as this relates to crisis loans for living expenses only.*

(3) A decision maker shall not determine any other crisis loan application, or a grant application, made within 12 months of a previous application by the same person for the same expenses for which a payment has already been awarded or refused unless there has been a relevant change of circumstances.

This Advice deals with what is meant by the phrase "for the same expense..."

1. General approach

The question of whether two requests are essentially for the same expense is best dealt with in the context of whether they fulfill the same need. For two items to be considered "the same", they do not have to be the same colour or the same make, but they do have to fulfill the same need.

2. Same item for a different need

The above Advice means that where the same item (e.g. a bed) is required for a different need (e.g. for a different member of the family), Direction 7 does not apply.

3. The scope of the Direction 7 bar

Most crisis loan and grant applications include requests for several items. The applicant may have made previous applications for some of these items but not others. In such situations, the Direction 7 bar applies only to those items which meet all the tests of the direction. The Inspector should proceed with the full decision-making process for the other items.

4. The burden of proof

If an Inspector considers that a particular expense is the same as one requested on a previous application, it is for him to show, on the balance of probabilities, that this is the case. Note that the direction specifies that the expense must be "the same", not just "similar".

5. General and specific items

This Advice on the burden of proof means that where an applicant asks first for a general item (e.g. bedding) and then for specific items (e.g. sheets, pillows, pillow cases), it cannot be assumed that the items are the same. Inspectors should not infer that the items are the same without firm evidence.

6. Number of items

Where an applicant requests a larger number of items on his second application than on his initial application, the "extra" items are not caught by Direction 7. It cannot be concluded that these additional items are "the same" as the ones requested previously.

7. Travelling expenses: overlapping periods of time

Where two applications for travelling expenses for the same purpose cover overlapping periods of time, the expenses required for the period of the overlap may be regarded as "the same".

Effective from 02/11/11

Agreed at Quality Forum 01/11/11