

Support Notes on Commissioner's Advice

Direction 7: Relevant Change

1. General Approach

No Support Notes.

2. Burden of Proof

Where Direction 7 is an issue it will usually be appropriate to address the matter in the Statement of Issues, and to seek relevant information in order to allow a sound judgment on the basis of all the facts.

3. Circumstances which may be relevant

No Support Notes.

4. Principles for deciding whether a change of circumstances is relevant?

Changes relevant to the need

Example 1

Mr A applied for winter clothing. His application was refused at Direction 4. A few weeks after this decision Mr A moved to a different flat. However, the flat is the same size as his previous one and has the same heating facilities. Mr A then made an application for the same items of clothing. *The change in his circumstances is therefore not relevant to his need for clothing, or to the reason why he was refused a payment. Direction 7 applies.*

If the heating facilities had been worse in the second flat this would have had a bearing on the need for clothing, and would have constituted a relevant change of circumstances.

Example 2

Mrs E applied for a chair. She has multiple health problems. She receives IS and DLA care and mobility. Her chair is in poor condition. The application was refused. Although Direction 4(a)(ii) was met, a chair had medium priority. The budget could meet all high priorities, but not medium priorities. Mrs E made a second application for the same chair. After making the second application Direction 25 changed, Working Families Tax Credit was added to those benefits treated as qualifying benefits. In addition, Mrs E's chair broke and her back condition deteriorated. The budget became overspent and could no longer meet all high priorities.

The change to Direction 25 is not relevant. It does not affect the fact that the applicant is eligible for a grant. It is not relevant to the need or the reasons for refusing a payment. The fact that the chair has broken and that the applicant's back condition has deteriorated is relevant to the need for a chair and to the priority decision and is therefore relevant. The worsening budget position is relevant to the reasons for refusing a payment and is therefore relevant despite the fact that it weakens the applicant's case for a payment.

5. Partially relevant changes of circumstances

Example 3

Mr F applied for a grant for two items: a new cooker because the oven on his cooker did not work; and a new sofa because his one was worn. He was refused a payment for both items on grounds of insufficient priority. A few weeks later he reapplied for the same items. He explained that in addition to the oven, one of the rings on his cooker had now stopped working.

This change in his circumstances is relevant to his need for a cooker, but not relevant to his need for a sofa. Direction 7 applies to the sofa, therefore, but not to the cooker.

Example 4

Miss B applied for a grant for a cooker and a fridge. Only 2 rings on the cooker were working, and she had no fridge. Miss B has 3 young children. A payment was refused at Direction 4. Subsequently, the cooker ceased to work completely, and Miss B made a fresh application for a cooker and a fridge.

The change in this case is not a partially relevant change; it is relevant to both the items requested. Although the change is most obviously relevant to the need for a cooker, the fact that the Miss B's cooker no longer works at all increases the need for a fridge. In addition, the change has a bearing on Direction 4(a)(iii), and therefore on the reasons for refusal in relation to both items.

6. The timing of the change

A relevant change can occur at any point between the time the previous application was treated as made and the time of the current decision on the later application:

Example 5

June 2000	Ms D applied for a crisis loan for an easy chair. A payment was refused.
Nov 2000	She applied again for a crisis loan for the same item. The DM applied Direction 7 to the application.
Jan 2001	The RO confirmed the DM's decision. Although 26 weeks had passed since the original application, the fact remained that the two applications were made within 26 weeks of each other.
Feb 2001	Ms D broke her leg.
Mar 2001	The Inspector decided that the RO's decision was reached correctly, but Direction 7 no longer applied because there had been a relevant change of circumstances.

Changes that occurred before the initial application was finally decided, and which were properly taken into account in that decision, are not relevant:

Example 6

Mr O applied for household items in anticipation of a house move. After his application, but before his review interview, he actually moved into the house. The RO took account of this change in his decision, but still refused a payment.

In this case, if Mr O applied again a week later for the same items, Direction 7 could apply. His house move, although it took place after his previous application was made, would not count as a relevant change because it was taken into account in the final decision on that previous application.

The fact that a particular change in circumstances was anticipated when the decision on the first application was made does not make it irrelevant:

Example 7

The situation is the same as in Example 6, above, except that this time the applicant did not move house until a week after the RO's decision. Straight after this move, he made a new application for the same items.

In this case, Direction 7 does not apply to the new application. Although the house move was anticipated at the time of the RO's decision on the first application, it did not take place until afterwards. Actually moving into the tenancy made a significant difference to the urgency of Mr O's need. It is a relevant change in his circumstances.

7. Changes in circumstances as opposed to new evidence about previous circumstances

There must be an actual *change* in circumstances, for the exception to Direction 7 to apply:

Example 8

Miss V applied for a fridge. She listed her health problems as depression and panic attacks, but forgot to mention her diabetes. The application was refused. Six weeks later she applied for a fridge and there had been no relevant change in her circumstances. In the later application, she told the Inspector that she has always had a fridge for her insulin since being diagnosed with diabetes 5 years ago. Although this new information is relevant to her need, it cannot be described as a "change" in her circumstances. The Inspector includes in her decision a paragraph to the RO pointing out that he must review the previous application under direction 31 (see [Support Notes on Commissioner's Advice on Direction 31](#) for drafting suggestions).

8. The passage of time

No Support Notes.

9. Temporary changes

Example 9

Mr G applied for living expenses for a 2-week period. He had lost money and run out of food and electricity. He received the maximum payment allowable under Direction 18 on the day he made his application. He bought a coat and spent the rest of the money on food and electricity. By the end of the first week he had run out of food and electricity. He applied for further living expenses to cover the second week until his next benefit is paid.

In this case there has been a relevant change of circumstances, that is, a change in the need. Since making the first application Mr G's need for living expenses has diminished – he has received a payment and has had food and electricity for a period. However, his money, food, and electricity have run out once more, and his need for living expenses is now growing significantly, again.

Example 10

Miss L applied for a fridge. She had sold hers so that she could buy a television to entertain her children. However, she had struggled to cope without a fridge. The DM refused a payment. Soon after the applicant obtained a fridge, using a budgeting loan. However, after 3 months her home was broken into, and the fridge stolen. Miss L made a second application for a fridge.

In this case there has been a relevant change of circumstances. Miss L had a fridge but then sold it. There was then a period where she had no fridge. This was followed by a period where she had a fridge. Then there was a period where the applicant had no fridge, following the theft. Clearly the urgency of the need for a fridge has fluctuated depending on whether Miss L had a fridge or did not have a fridge. This is relevant to the need. In addition, the way in which the need for a fridge has arisen has differed between the two applications, which is also relevant to the need. First there was a need because of the sale of the fridge, then there was a need because of the theft of a fridge.

Example 11

Mrs P applied for a freezer. The RO gave the freezer medium priority. The budget was only able to meet high priorities and so a payment was refused. The position of the budget changed, such that it was able to meet some medium priorities for 3 months. Mrs P made a second application for a freezer. By the time of the Inspector's decision the budget was only able to meet high priorities.

In this case there had been a temporary change in the budget. There had been a period where the budget had been able to meet some medium priorities. Although the budget was no longer able to meet medium priorities by the time of the Inspector's decision, the temporary change was relevant, as the previous application had been refused on budgetary grounds.

10. Positive and negative changes

Example 2, above, gives examples of relevant changes, both positive and negative.

11. Changes in the applicant's circumstances

No Support Notes.

12. Changes in the budget

No Support Notes.

13. Changes in the law

No Support Notes.