

Support Notes on Commissioner's Advice

Direction 7: Relevant Change (CCGs and CLs for items)

1. General Approach

No Support Notes.

2. Burden of Proof

Direction 7 is likely to be a crucial issue in cases where the RO's decision has been entirely, or almost entirely, based on Direction 7, and where papers relating to the previous application have been provided. In such cases the Inspector may need to seek additional relevant information by telephone or letter about changes in circumstances in order to allow a sound judgment on the basis of all the facts.

However, where Direction 7 has been raised by the RO, but where the papers relating to the previous application have not been provided, it will not generally be necessary to obtain them. In such cases, as far as consideration of Direction 7 is relevant, it will be appropriate for the Inspector to proceed with the review on the basis of the information held.

However, it is important to bear in mind that even where the Direction 7 papers have not been provided, if an award was made on the earlier application for items currently requested, the Inspector will need to consider how this might impact on the current application. In such cases further enquiries are likely to be necessary.

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 months 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 developed severe depression, for which she has been receiving medication and counseling. Seven months after making her previous application, Miss B made a fresh application for a cooker and a fridge.

The change in the condition of the cooker 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. The deterioration in Miss B's health is also relevant to the need for both a cooker and a fridge and to Direction 4(a)(iii).

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

14 August 2010

Ms D applied for a grant for an easy chair. A payment was refused.

31 July 2011

She applied again for a grant for the same item. The DM applied Direction 7 to the application.

20 August 2011

The RO confirmed the DM's decision. Although 12 months had passed since the original application, the fact remained that the two applications were made within 12 months of each other.

5 September 2011

Ms D broke her leg.

20 September 2011

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 month later for the same household 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. Shortly 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. Three 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 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 [Commissioner's Advice on Direction 31](#)).

8. The passage of time

No Support Notes.

9. Temporary changes

Example 9

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, her home was then 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 short 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 10

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.

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