

Support Notes

Case Examples

Conflicting evidence

Example 1

The application is for a cooker, washing machine, three piece suite and carpets. The applicant states these items are needed because of a fire in her kitchen, which destroyed her cooker and washing machine. She said the Fire Brigade attended the incident; water damaged floor coverings in the kitchen and living room; and smoke damaged the décor and penetrated the soft furnishings throughout the house. The applicant provides details of the fire station and says that she is happy for any decision-maker to speak to the people concerned. However, in refusing a payment the RO had recorded that the fire station had “no record” of the incident.

The Inspector decides to telephone the fire station. He speaks to a lady who he establishes is a clerical support officer called Diane Jones. She finds the report of the incident and reads it to the Inspector. The report was made immediately after the officers who attended the fire returned to the station. It describes a chip pan fire which was dealt with using a “dry extinguisher”. The report describes the damage as “minor”, with some distortion and discolouration of the cooker knobs. There was also some minor cosmetic damage to the décor in the kitchen. The support officer also says she remembers the crew returning from the incident saying it had been an “easy shout”.

*The applicant’s evidence is **direct** evidence, whereas the evidence of the fire service employee is both **hearsay and indirect** evidence, given at some distance from the actual event. Normally, Inspectors will give more weight to direct evidence than hearsay or indirect evidence. In this particular situation, however, it may be appropriate to give greater weight to the indirect evidence given by the support officer who has nothing to gain by giving evidence that is false or exaggerated (it would, however, be appropriate, to set aside the final comment regarding the incident being an “easy shout”).*

The written report held by the Fire Service was made at the time of the incident and is given in some detail. Its purpose was to account for the deployment of the officers. The officer who compiled the report and the support worker who relayed the details are impartial as to whether the applicant might derive any financial benefit. The applicant, on the other hand, may have an interest in misrepresenting the extent of the damage. However, it would still be important to make the applicant aware of the new evidence and to give her a chance to comment.

Example 2

An applicant describes her home as badly affected by damp. She says the damp has penetrated her daughter's bed, which is beginning to show signs of mould, and needs to be replaced urgently. The child suffers from asthma. She says that in her doctor's opinion, the spores affect her daughter's asthma. She encloses some photographs with her application that show a part of the wall from which the wallpaper is peeling and which has black discolouration. What appears to be her daughter's bed is next to the wall.

The applicant also encloses a letter sent to her by her landlord. The applicant is in dispute with her landlord and it is clear from the content of the letter that it was written because she has withheld rent payments. In the letter, the landlord says that his buildings manager knows the property and has told him he is satisfied the damp is not such a significant problem as the applicant has reported to the landlord.

In this case, neither party is impartial. The landlord's account of what his building manager has said is hearsay. The applicant has also given hearsay evidence about what her doctor has said but this is plausible, and there is no reason to doubt this. The applicant's direct evidence about the condition of the property, which includes the photographic evidence, is to be preferred to the indirect, hearsay evidence about the landlord's building manager's opinion.

Similar fact evidence

Similar fact evidence is evidence which shows that a degree of similarity exists in the evidence presented in the current application and in previous applications. The following examples help to demonstrate the principles involved:

Example 3

Mr X has applied for a crisis loan after losing his money. He received his benefit of £130 that morning. He said he put the money in his wallet and put the wallet in the back pocket of his jeans. He then walked to the newsagents to buy some cigarettes. When he got to the shop he realised his wallet was no longer in his back pocket. This is the third time Mr X has applied for a CL in the last 6 months. On the two previous occasions he applied on his benefit pay day and on both occasions said his wallet had gone missing from his back pocket while he was walking to the shops. On each occasion he has reported the loss of all of his income.

Although not conclusive in itself, there is a high degree of similarity in this and the previous applications. It would be appropriate to give this weight when considering all the circumstances of the application.

Example 4

Mr Y has applied for a crisis loan after losing his money on his pay day. This is the eighth time in the last nine months that he has applied for a crisis loan because of lost money (6 times) or stolen money (twice). Two of the previous applications were made on his payday.

Although there is a lesser degree of similarity in this case there is a high incidence rate. The Inspector may decide to give weight to this although again this should not be seen as conclusive in itself.

Example 5

The applicant has applied for a crisis loan after spending the last of her benefit to pay-off a loan shark. The applicant explains that she was in genuine fear of the consequences of missing the payment, and was desperate to clear the debt once and for all to avoid further compound interest. She offers a significant amount of detail about how she and her young daughter have managed for food, including getting help from her elderly mother, but explains that she can't get any further help and still has three days to go before her next benefit. She has not eaten for the last 24 hours, and needs to take her medication with food.

The RO rejects the applicant's evidence on the basis of 'similar fact evidence', citing her previous two crisis loan applications for lost money, made three and six months ago respectively.

The RO was wrong to reject the applicant's evidence on the basis of the previous applications, both of which were irrelevant. The fact that the applicant reported lost money on two occasions has no bearing on the credibility of her existing application, which is to help with living expenses due to repaying a debt. There is therefore no 'similar fact evidence' in the case and the Inspector would need to make a decision purely on the basis of the evidence presented in the current application. Based on the relevant facts of the case, a payment would seem likely.

Tainted evidence

Inspectors should not allow a proven untruth in one area of the evidence to lead to a summary rejection of all of the evidence. It may, however, raise doubts regarding the evidence that call for careful scrutiny.

Example 6

Mr N requests a bed for his 7 year old daughter and a fridge. His daughter's bed has been ruined by her bedwetting problem. A fridge is needed to store his daughter's medication. His existing fridge (purchased with a grant 18 months ago) has broken down and cannot be repaired. Mr N has supplied a letter from an electrician confirming that the fridge is beyond economic repair. The Inspector has doubts about the authenticity of the letter, however, and subsequent enquiries confirm the company, for whom the electrician supposedly works, is fictitious.

In these circumstances the Inspector may decide to reject the evidence about the fridge needing replacement. However, although the applicant's evidence has been shown to be tainted in part, this does not relate to the need for the bed which should be considered on its own merits with further enquiries being made if deemed necessary.

Corroboration

Example 7

Mrs P applies for a grant for a new cooker. She says her old cooker has broken down and is beyond repair. She received a community care grant for a cooker 12 months earlier. She explains that she bought a second hand cooker with this grant because she needed to buy clothing for her children at the time. She does not know how old the cooker was when she bought it. It is this cooker which has now broken down.

Mrs P's evidence is logical and probable. A person on a limited income may well, in these circumstances, choose to spend the grant in the way she did. It is not inherently improbable that a second hand cooker would not last long. There is no reason to ask for corroboration. The evidence satisfies the balance of probabilities standard of proof.

Example 8

Mrs R applies for a grant for a new cooker. Her cooker has broken down and she suggests it is beyond economical repair. She received a community care grant for the cooker 12 months earlier. This grant had been paid to replace a second hand cooker also bought with a community care grant less than a year before that. Mrs R says that with the last grant she received she bought a new cooker with a year's warranty. However, it broke down 2 days after the warranty expired.

In this case there is reason to doubt the applicant's assertion that the cooker is beyond economic repair. The alleged breakdown just two days after the warranty expired may be coincidental but nevertheless raises doubts. In any event, the cooker is only 12 months old. New cookers generally last far longer than this and so the possibility that the cooker can be repaired is strong. In this case, it would be appropriate to ask Mrs R to supply independent evidence that the cooker is indeed about a year old and beyond economic repair.

Late evidence

Example 9

Mr T is a single man aged 25. He has recently moved from his parent's home to a new flat and has applied for a community care grant to furnish it. The items applied for include one single bed. His application is refused as no part of Direction 4 is deemed satisfied. Mr T asks for a review by an Inspector and at this point says he has a two year old son to whom he has regular access including overnight stays at weekends.

In these circumstances it would be right for the Inspector to question Mr T as to why such crucial information had not been introduced until such a late stage. It may be that Mr T was genuinely unaware of the importance of the information. However, the fact that he only applied for one single bed would seem at odds with his statement that he has regular overnight access and so would warrant further explanation before acceptance.

Example 10

Miss L is a lone parent. She has two sons (7 and 8) and two daughters (6 and 10). She is expecting a further child. She has applied for a community care grant for a sofa, 2 single beds for her daughters, bunk beds for her sons, a washing machine, 2 bedroom carpets, curtains for her son's bedroom and a table and chairs. She says she has thrown her three piece suite out as it was broken. The bunk beds her sons have been using have broken and they are sleeping on a mattress. Her daughters' beds are "coming to pieces". Her washing machine does not work and she is washing clothing in the bath. She has no carpets in two of the bedrooms and no curtains in her sons' room. Her dining chairs have broken. Miss L does not provide any further information on the SF300 and the questions on the form relating to health problems are left blank.

The DM finds no part of Direction 4 met and the RO confirms the decision. In her letter asking for a review by an Inspector the applicant writes as follows – "I need the following items – beds, sofa, fridge/freezer, table and chairs, two carpets and curtains. I have fled domestic violence. My flat has had a massive leak. My fridge/freezer is over freezing. My children's beds were in no state to sleep in and they are on the

floor. The carpet in my daughter's room is in the bin. Me and my daughter both suffer from severe asthma".

In this case the applicant has introduced significant new evidence relating to domestic violence, poor housing conditions and health problems. No mention of any of these problems had been raised prior to the Reviewing Officer's decision. Furthermore, in the initial application she referred to her need for a washing machine and made no mention of a fridge freezer. Her review letter however referred to her need for a fridge freezer and did not mention a washing machine. These factors place the validity of the applicant's evidence in doubt. The Inspector would need to probe the applicant's evidence closely before deciding whether any or all of it should be given credence.

The applicant's silence

Example 11

Mrs W is a lone parent with two children aged 5 and 6. She is prescribed medication for depression. Both children suffer from asthma and eczema and the youngest child has recently spent ten days in hospital because of complications following a severe asthma attack. Mrs W has the tenancy of a council house where she has lived for the past 9 months. Prior to moving here she had spent 6 months living in a refuge for victims of domestic violence. When she left the refuge she was paid a CCG for household items and also for clothing for herself. The clothing grant consisted of sufficient to purchase a winter coat, two jumpers, two blouses, two pairs of trousers, underwear and a pair of shoes (the applicant received the amounts requested for these needs). Mrs W has now applied for a further grant for clothing. She has said that she has only the clothes she stands up in and does not have a coat. She says the clothing is very old and torn. She says she cannot remember the last time she was able to buy any clothing for herself.

The Inspector tries to contact the applicant by phone but is unable to do so. He therefore sends a SOI and points out that a CCG was paid for clothing nine months earlier. He asks Mrs W to account for how she spent the grant and to explain why she does not have a coat and only clothing that is old and torn. The Inspector stresses the importance of Mrs W replying to the SOI and advises her that if she does not it is unlikely that the decision to refuse a grant will be changed. Mrs W does not reply however.

The Inspector could safely conclude in this case that because of the unresolved doubts about the evidence, Mrs W had not shown on the balance of probability that she had an urgent need for clothing as she had described.

Mental health problems

Example 12

The applicant, Mr D, is a 45 year old man who lives alone. He is unfit for work and the nature of his incapacity is “paranoid schizophrenia”. He also suffers from asthma and bronchitis. He has a CPN - John Davis – who “helps him a lot”. Mr D has applied for a grant for a mattress and clothing. He has stated that he often hears voices in his head. He said the voices told him to cut up his clothes and burn his mattress. The Reviewing Officer refuses the application. He says that Mr D had been paid a grant for a new bed and clothing only two months earlier. He also has a long history of being paid grants and the Reviewing Officer does not accept he again needs help or that a further grant should be paid.

Notwithstanding the Reviewing Officer’s comments, it would be wrong to reject the applicant’s evidence out of hand in view of the nature of the health problems Mr D suffers and the basic needs applied for. In this case it would be appropriate for the Inspector to take a pro-active approach to evidence gathering by contacting the CPN to establish the full and correct position.