

digest of decisions

Independent Review Service for the Social Fund
Summer 2002 issue 18

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Independent Review Service
for the Social Fund

Introduction

Summer 2002 issue 18

The eighteenth edition of the digest revisits the issue of evidence. This is a large and extremely important subject. It is an area in which decision makers often have difficulties. We have included cases covering the basic principles of evidence to complement the articles included in the journal.

We have included an updated index in this edition. Some of the entries previously included no longer apply and have been deleted. It should be borne in mind that some earlier cases were decided as applications to the social fund as a whole. They may make reference to the social fund scheme pre 5 April 1999. However, these examples have not been deleted as they contain general principles that still apply. Some of the references to paragraph numbers in the social fund guide may also have changed.

Also included is the latest Commissioner's Advice to Inspectors on evidence.

Comments about any aspect of the digest may be sent to either Beryl Wright or Judy Caldicott at the Independent Review Service.

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Miss M applied for a crisis loan (CL) on 6 February 2002 for £20 to buy power cards.

Miss M was six months pregnant. She had only lived at her current address for two weeks. During this time Miss M had spent a large proportion of her weekly benefit buying power cards. She had received a CL the previous week to buy additional cards but her supply had again run out. Miss M had contacted the company who supplied electricity to her home. They informed her that the previous tenant had left owing substantial arrears. They thought this was possibly affecting her supply. It was also thought that her meter might be faulty.

The Benefits Agency's Decision

The Reviewing Officer (RO) contacted the power company who confirmed that a fault had been reported to them by Miss M. The RO was informed that Miss M would be reimbursed any overpaid fuel costs. The RO decided that a CL was not the only means of preventing a serious risk or serious damage to Miss M's health or safety. This was because she was due a refund from the power company. Also, she could apply for a Section 12 payment from Social Services.

The Social Fund Inspector's Decision

The Social Fund Inspector was not satisfied the decision was sustainable on the evidence. She decided that it was speculative to suggest that Miss M would receive the funds suggested by the RO. She went on to award Miss M a CL for £20 as requested.

Comment

The burden of proof is a fundamental issue in social fund applications. Initially, the burden of proof is on the applicant. In CL applications they must show that they have to meet a need in an emergency, or as a consequence of a disaster. They must also show that a payment would prevent serious damage or serious risk to health or safety. The decision maker must weigh the evidence to determine if it is more likely than not that such a need exists. If it does, then the applicant will qualify for a CL, unless such a payment is not the only means by which serious damage or serious risk to health or safety may be prevented. At this point, the burden of proof lies with the decision maker. If the decision maker asserts, as in this case, that there is another means of preventing a serious risk, then there must be proof to support the assertion. This is a basic principle of "he who asserts must prove".

In this case, the RO's assertion that Miss M could meet her need by other means was speculative. Even if a refund were due, the amount and when it would be paid were not known. Also, the evidence that Social Services would help Miss M was not met on the "balance of probabilities".

Evidence -

Accepted on the balance of probabilities

Case 18.2

Application Details

Miss T applied for a crisis loan (CL) for living expenses on 22 February 2002. She was a single person receiving income-based Jobseeker's Allowance. On 22 February she lost her purse containing £52.00, all of her benefit for that week. She had cashed her girocheque at the post office and placed the money in her purse. This was the only money she had until she next received benefit on 3 March. She discovered the loss when she arrived at the checkout at the local supermarket. The purse had been in her pocket when she had left the post office. The supermarket was some fifteen minutes walk from the post office. She did not know where or how she had lost the purse. She had retraced her steps from the post office to the supermarket but had not discovered the purse. She had asked at the local shops, including the supermarket, whether the purse had been found but it had not. She then made her application for help from the social fund. Miss T had made one previous application for help with living expenses after losing her purse. This application was also made on the day that Miss T cashed her girocheque.

The Benefits Agency's Decision

The Reviewing Officer (RO) decided he could not accept Miss T's evidence as fact and refused a CL. He based his decision solely on the fact that this was the second application for living expenses that Miss T had made after losing her money on her payday.

The Social Fund Inspector's Decision

The Social Fund Inspector (SFI) decided the RO's decision had not been correctly reached. No details had been given in his decision about the previous application, apart from the fact that it was due to Miss T losing her purse on her payday. Neither did the decision make any reference to the steps Miss T had taken to trace her purse. Given these circumstances, the SFI did not find it reasonable to conclude that the two applications were of such similarity that Miss T's evidence on this loss should be rejected. She accepted, on the balance of probabilities, that Miss T was without sufficient resources to meet her immediate short-term needs. She awarded Miss T a CL for living expenses.

Comment

In this case the RO had made his decision without documenting fully his reasons for doing so. It is likely he will have had access to the previous application referred to in his decision. However, he failed to document all the relevant facts. Given all of the evidence presented by Miss T in support of this particular application, his decision to reject the evidence, based solely on the fact that the applicant had lost money on her payday for a second time, was not sustainable. See case 6.2 Journal issue 10 for the principles of similar fact evidence.

Evidence -

Failure to address inconsistencies during the review interview

Case 18.3

Application Details

Miss A applied for a community care grant on 21 November 2001 for a washing machine.

Miss A was the single parent of seven children, having recently given birth to her youngest child. She received Income Support. She had had a fire in her home on 29 September and the family was now staying in temporary accommodation. She asked for a new washing machine as hers had broken down. She said this had been purchased new from Comet about a year before with a social fund award but she thought it was now out of guarantee. It had already been repaired several times. One of Miss A's children had very bad psoriasis and her clothes and bedding needed washing every day, often twice a day. Miss A had arthritis.

The Benefits Agency's Decision

At the review interview, the Reviewing Officer (RO) asked Miss A to obtain a letter from Comet where she had bought her washing machine. He asked for confirmation of the purchase and of the repairs to the washer that had been carried out within the last thirteen months. Miss A wrote back several days later suggesting if the RO wished, he could contact them himself. The RO did so and established no such records for Miss A existed. Based on this he decided that, although Miss A met direction 4(a)(iii) for a community care grant, her need had insufficient priority for an award.

The Social Fund Inspector's Decision

The Social Fund Inspector (SFI) decided the RO had not reached the decision correctly. The information he obtained after the interview had a very important bearing on the outcome of this application. The SFI considered the RO should have put this to the applicant before making his decision. He failed to do so and so the correct procedures were not followed.

The SFI used the statement of issues to address the conflicting evidence. In her reply Miss A said she had bought the washing machine second-hand, from a friend. The SFI then had to consider whether this changed version of events cast doubt on the rest of her evidence. He noted the incident with the fire in Miss A's home and accepted this would have caused her some considerable stress. Also that she had only recently given birth to her seventh child. He also accepted this family had an excessive amount of washing. He accepted that, on balance, Miss A had bought a second-hand washer that had now broken beyond repair. In view of her family's need and her own health problems, he decided an award for a washer was of high priority. He decided that as the previous award had not been spent as intended that a payment to a third party was appropriate.

Comment

Review interviews provide the ideal opportunity for identifying and addressing gaps in or conflicting evidence. In this case, although identified after the interview took place, the RO should have put the new information obtained to the applicant for her to comment on, before making his decision. The outcome reached was not a balanced one as the applicant had not been able to put her case. The SFI used the statement of issues to fill in this gap. As Miss A engaged fully in this process, he was able to change the outcome of this application.

Evidence -

Failure to obtain necessary facts at the review interview

Case 18.4

Application Details

Mrs P applied for a community care grant on 21 November 2001 for various items of household equipment and furniture.

Mrs P was married and receiving Working Families Tax Credit. Her husband was in full time work. They had three children. She wished to replace the family's cooker, washer, fridge-freezer and gas fire as they were not working properly. All her children's beds had broken and she wanted to replace them.

The Benefits Agency's Decision

Mrs P attended the review interview with her representative, who also acted as an interpreter. The Reviewing Officer (RO) explained why she was not eligible for a community care grant. However, he did not obtain any more information regarding her needs with a view to considering a crisis loan (CL). The RO decided no community care grant could be awarded as Mrs P was not receiving a qualifying benefit at the time of her application. He went on to consider a CL but concluded on the evidence presented that the qualification tests of direction 3 were not met.

The Social Fund Inspector's Decision

The Social Fund Inspector (SFI) agreed no community care grant could be awarded. He decided that before he could make a balanced decision on a CL, he needed more evidence about Mrs P's circumstances and needs. He asked specific questions in his statement of issues to Mrs P's representative in order to fill in the gaps in the evidence. However, no response was received, either to the initial letter or the reminder sent by the SFI. The SFI therefore had to make his decision based on the evidence before him. He decided the RO's decision was the right one in all the circumstances.

Comment

The responsibility to provide all the necessary information to support an application lies with the applicant in cases such as this. However, this is a clear example of a situation where the RO had the best opportunity of obtaining the additional evidence required to reach a balanced decision. The interview provides the RO with the chance to explain procedures to the applicant. However it should also be seen as a fact-finding exercise. Interviewing the applicant face-to-face presents the best opportunity for this. In this case however, despite the applicant attending the interview, together with someone to interpret for her, the RO merely gave her an explanation of why she could not get a grant. He should have tried to establish the relevant facts of the case as part of his inquisitorial role.

Issuing a statement of the main issues in the case presents a further opportunity, which, in this case, the SFI took. Unfortunately, the applicant and his representative failed to reply to the initial letter or the reminder sent by the SFI. The SFI was therefore unsuccessful in trying to fill the gaps. However, he had to make appropriate enquiries and the applicant had been given the opportunity to present her case. It was then appropriate to make his decision on the available evidence.

Application Details

Miss W applied for a crisis loan on 7 January 2002 for a cooker. She was a single parent with a six year-old son. She was working and receiving Working Families Tax Credit. Miss W had no savings. Both she and her son suffered from severe eczema all over their bodies. Her cooker was no longer working. This had been purchased second-hand some eighteen months before with a previous community care grant. This award had been sufficient for the purchase of a new cooker. She had obtained a three month guarantee with the cooker. The oven door had broken off and the rings tripped the electricity supply as soon as they were turned on. She and her son had been unable to eat cooked meals at home since New Year's Day. Her family lived too far away for her to go to them regularly for meals. A friend of her grandfather, a retired electrician, had told Miss W the cooker could not be repaired.

The Benefits Agency's Decision

The Reviewing Officer (RO) requested that Miss W obtain evidence that the cooker was beyond repair. She had been unable to do so because of the cost of getting a qualified engineer out. The RO accepted Miss W needed help in an emergency. However, he refused a payment because he was not satisfied an award was the only means of preventing a serious risk to the health or safety of the applicant and her son in the circumstances presented.

The Social Fund Inspector's Decision

The Social Fund Inspector found the decision to have been reached incorrectly. She decided that further evidence, that Miss W's cooker could be not repaired, was not necessary. It should be accepted she was without a working cooker. She had a young child and being able to eat is a basic human need. She found that an award for a cooker was the only means of preventing a serious risk to their health. She had no other way of meeting this need now or in the foreseeable future. The tests of direction 3 were satisfied and she made an award for a cooker.

Comment

Normally the evidence provided by the applicant, whether verbally or in writing should be accepted in support of their application. The Secretary of State's guidance says "exceptionally, it may be appropriate to ask the applicant for any corroborating evidence..." Social Fund Guide paragraph 2070.

In this case, the RO did not say why he found it necessary to seek such corroboration in connection with the cooker or why he was rejecting Miss W's own evidence regarding her need. Miss W had given clear evidence about the age and condition of her cooker. She had also provided evidence, albeit verbal, from a qualified electrician regarding the possibility of repairing her cooker. There was no reason suggested as to why her evidence could not be accepted as fact.

Application Details

Ms B applied for a community care grant on 18 January 2002 for a fridge. She had mental health problems, mobility difficulties and a stomach ulcer. In addition to Income Support, she received Disability Living Allowance for both care and mobility needs. Ms B's fridge had broken down and she wanted to replace it.

The Benefits Agency's Decision

During the course of the review interview, Ms B informed the Reviewing Officer (RO) that she was prescribed several types of medication and vitamin drinks. These had to be stored in refrigerated conditions. After the interview, the RO telephoned a local pharmacist who advised that none of Ms B's medication needed to be refrigerated.

The RO accepted that Ms B qualified for a grant as direction 4(a)(ii) was met. A grant would help Ms B to remain in the community rather than enter institutional or residential accommodation. However, the RO concluded that Ms B did not have a very important need for a fridge so it did not have enough priority for an award.

The Social Fund Inspector's Decision

The Social Fund Inspector (SFI) decided the decision had not been reached correctly because all the circumstances of the case had not been considered. He decided that regardless of the matter of medicines, there was other evidence to consider when deciding the priority of a need for a fridge. The facts showed that Ms B had health problems and buying perishable items daily was not a viable option for her. The SFI decided that Ms B's need for a fridge had enough priority for an award.

Comment

An applicant has the responsibility to provide evidence and to make a case for an award. This evidence can often be based on a non-expert opinion. Decision makers have a duty to investigate and to establish the facts of the case. If a case hinges on a non-expert opinion then corroboration might be appropriate.

In this case the fridge had sufficient priority for an award, irrespective of the need to store medication. The outcome of the case did not hinge upon corroborative evidence. Had this not been the case it might have been appropriate to seek expert opinion and to put this to the applicant.

Application Details

Mr D applied for a community care grant (CCG) on 14 January 2002 for travelling expenses to enable him and his wife to visit his brother.

Mr D received Income Support and Disability Living Allowance. Both he and his wife had long-term health problems. His wife was terminally ill. Mr D's brother was admitted to a secure residential unit in September 2001. He had long-term mental health problems and had recently suffered a stroke. Mr D wished to visit his brother but the care home was over 200 miles away. He could not afford the costs from his weekly benefit.

The Benefits Agency's Decision

The Reviewing Officer (RO) accepted that Mr D qualified for a grant under direction 4(b)(i) as an award would help Mr D visit someone who was ill. However, the RO noted that Mr D had previously been awarded a CCG of £232 in October 2001 for travelling expenses to see his brother. The RO made enquiries with the care home. He found that Mr D had telephoned his brother on two occasions but neither Mr D nor his wife had visited. Neither were they central to his care plan. The RO decided that a payment did not have sufficient priority for an award to be made. Mr D had not used the previous CCG award to visit his brother and in addition, was not involved with any decisions made about his care. No award was therefore payable.

The Social Fund Inspector's Decision

The Social Fund Inspector (SFI) was not satisfied the RO's decision had been reached correctly. The SFI established from Mr D that he and his wife had attempted to visit his brother in November 2001. However, on the train journey there, his wife had been taken ill and soiled her clothing. They were unable to complete the journey. They returned home after Mrs D recovered. The SFI decided that it was very important for Mr D to visit his brother. He went on to award a CCG for the costs of a further visit.

Comment

In this case, the RO obtained detailed information from the care home. However, he did not directly ask Mr D either by telephone or letter why he had not made the visit for which an award had already been made. In the interests of natural justice the RO should have put the evidence from the care home to the applicant. This would have allowed Mr D sufficient opportunity to state his case.

Application Details

Mr V applied for a crisis loan (CL) for living expenses on 25 February 2002. He was single and received Income Support (IS). He said that he had cashed his IS order book the previous day and received about £70. He put his money in a wallet that was secured in a zipped jacket pocket. He found the wallet was missing while shopping in a local market. He thought he may have lost his wallet while taking gloves from his pocket. In a later letter, requesting a review, Mr V suggested that he had lost his wallet while visiting a relative. He also added that his aunt advised him to report the loss of his wallet containing money and his bank debit card to the police. The police report was available as part of the supporting documentation.

The Benefits Agency's Decision

The Reviewing Officer (RO) interviewed Mr V and asked him to go over the details in his application form. Mr V told the RO that he discovered the loss of his wallet while travelling to see his aunt. He had not visited the market. He said his aunt told him to report the loss to the police. He said that his wallet also contained his bank debit card. The RO had established before the interview that Mr V had used a bank debit card as identification when making his CL application. The RO pointed out to Mr V that his information was not consistent with details he had provided on his application form. The RO also asked Mr V how he could have used his debit card for identification when he was asserting it had been lost. He was unable to account for the changed version of events about the loss of his wallet. The RO found that Mr V's evidence was unreliable. He decided on the balance of probabilities that Mr V was not without sufficient resources to meet his immediate short-term needs. A CL was refused.

The Social Fund Inspector's Decision

The Social Fund Inspector (SFI) decided the RO had reached his decision correctly. He confirmed the decision to refuse an award.

Comment

Social fund decision makers have an inquisitorial jurisdiction (*R v. Social Fund Inspector, ex parte Taylor* - 24 November 1997). He has a duty to investigate and to establish the facts of the case. The social fund interview is an opportunity for filling gaps in the evidence and challenging an applicant's evidence if necessary.

Preparation is vital to an effective interview. It was clear from the papers in this case that the RO had prepared for the interview. He had thoroughly checked the application. Apart from the changed version of events the issue concerning the bank debit card had arisen. Rather than routinely recording information from Mr V during the interview, the RO went through the application with him and challenged the obvious discrepancies in the evidence. He gave Mr V the opportunity to make his case and to account for any reasons why his evidence had changed. His conclusion to refuse an award was clearly supported by the evidence.

Application Details

Mr J applied for a budgeting loan (BL) of £300 on 10 December 2001. He needed a new bed for himself and his partner. Mr J had claimed Income Support for himself, his partner and three children since 23 January 2001. He had declared that he was in receipt of housing benefit on his application form, but had not given any dates.

The Benefits Agency's Decision

The Reviewing Officer (RO) decided that Mr J should be refused a BL on the grounds of insufficient priority as his maximum loan was £800.45, and his and his partner's outstanding BL debt was £400.76. After doubling this amount and deducting it from his maximum possible loan, this left a nil figure.

The Social Fund Inspector's Decision

The Social Fund Inspector (SFI) noted the RO had not investigated the date Mr J started to receive housing benefit. He issued the statement of issues on Mr J's case, asking him to provide further details. Mr J replied stating that he had received the benefit since 1994. On checking this date with Mr J's housing benefit office, it was confirmed he had actually been in receipt of housing benefit since 11 January 1999. Although this was less time than stated by Mr J, it still counted towards his period in receipt of a secondary benefit [direction 51 (1)(a)]. The SFI was able to award a BL of £300 when re-calculating the maximum possible loan using the new evidence.

Comment

This case demonstrates the inquisitorial role of the SFI. There was a gap in the evidence that should have been addressed by the RO before he reached his decision. Had he done so, he would have been able to take this new information into account and make a full award.

Application Details

Mr L applied for a community care grant on 8 January 2002 for various household items and travelling expenses. An award was refused.

Mr L was a single man claiming income-based Jobseeker's Allowance. His mother had Alzheimer's disease and he was moving to her home to be her main carer. He wanted a grant to improve the conditions in his mother's home. He also wanted to claim reimbursement of fares as he had visited his mother in hospital between December 2001 and January 2002.

The Benefits Agency's Decision

Mr L did not attend his review interview. The RO noted from local records that since making the application, Mr L had reported a further change of address. There was no record of his mother changing address. Added to this, the RO established from the hospital that Mr L's mother attended regular appointments but had not been admitted for treatment.

The RO concluded that Direction 4 was not met and that a grant could not be awarded. He said that this was because he could not establish whether or not Mr L was helping care for his mother or whether or not he still planned to move in with her.

The Social Fund Inspector's Decision

The Social Fund Inspector (SFI) in her statement of issues asked Mr L to comment on his apparent change of circumstances. She also pointed out the information provided by the hospital. Mr L did not reply to the statement. The SFI contacted the Benefits Agency to check Mr L's address details and to establish whether he could be contacted by phone. Benefits records showed that Mr L was still recorded as living at his changed address and he was not known to be on the telephone. The SFI decided that in these circumstances and in the interests of natural justice, it was appropriate to refer the papers back to the RO for a fresh decision to be made.

Comment

Applicants have a duty to provide all the evidence necessary to make a case for an award. However, they may be unsure about the type and degree of information required. It is possible to conclude a case on the evidence provided. However, it is important to ensure there is enough evidence to make a sound decision.

In this case there were substantial gaps in the evidence. There was a lack of evidence about the overall circumstances of Mr L and his mother. Added to this Mr L's circumstances appeared to have changed. This was a particularly important matter. If Mr L was no longer his mother's carer the issue of his qualification for a grant came into question.

Referring a case back to the RO is a rare occurrence. However, in this case, there was a real issue over care in the community. The extent of the missing evidence, together with the health problems evident, meant that referring the case back so that up to date information could be obtained was the most appropriate option. See cases 1.2 (journal issue 5), 5.1 (journal issue 9) and 13.7 (journal issue 17).

Application Details

Miss F applied for a crisis loan (CL) on 21 January 2002 for a cooker. She received Working Families Tax Credit. She was the lone parent of three young children all under 6. The family were in good health. Her cooker no longer worked and was beyond repair. She had no microwave and no other means of cooking meals.

Benefits Agency records showed that in the past 18 months Miss F had received 2 previous crisis loans for cookers. The first payment had been used to buy clothing for the children. The second had been used to buy a second hand cooker.

The Benefits Agency's Decision

The Reviewing Officer (RO) took account of the ages of the children and the fact that Miss F had no way of providing cooked meals at home. In these circumstances he decided that direction 3 was met and a CL should be paid. However, as Miss F had not bought a new cooker with either of the previous crisis loans, he made the award payable to the local electricity board.

On receiving the payment, Miss F returned it, requesting it be re-issued in her own name. She said she now had a cooker as her mother had bought one from a local shop on her behalf. Miss F wanted to use the social fund payment to repay her mother. The RO asked Miss F to bring in a receipt for the cooker over the next few days. Although Miss F agreed to do this no receipt was received.

A week later Miss F contacted the RO to say that her mother had not bought the cooker from a shop. She said that the cooker had been purchased second hand from a neighbour who was emigrating to Australia. In these circumstances she doubted she could obtain a receipt.

Having looked at all of the evidence the RO decided, on the balance of probabilities that he could not accept that Miss F was without a working cooker. He therefore concluded that direction 3 was not met and refused an award.

The Social Fund Inspector's Decision

In her Social Fund Inspector's review request Miss F gave a different version of events. She said that her mother's friend had found another buyer for the cooker and so she was still without a cooker for her family. The Social Fund Inspector (SFI) wrote to Miss F and asked for comments on why this version of events contradicted the evidence given previously, which clearly stated that Miss F had obtained a working cooker. Miss F did not reply, to either the initial letter or the subsequent reminder.

The SFI addressed all of the evidence presented and concluded it was self-contradictory and unreliable. The facts presented had changed several times. Miss F had not explained or given any reason for the conflicts in the evidence. In these circumstances the SFI did not accept that Miss F was without a working cooker. She therefore agreed that direction 3 was not met.

Comment

In considering an application a decision maker has to address all the evidence and reach a decision based on the balance of probabilities. Gaps in the evidence that relate to crucial issues in the case should be filled and any conflicting evidence addressed. In this case, several different accounts had been presented as to why help was needed. The evidence was not clear, coherent or consistent and therefore could not be accepted as fact.

Application Details

Ms S applied for a community care grant on 26 November 2001 for a mobility scooter.

Ms S had been involved in a road accident several years ago. She received a serious leg and head injury. She was registered as unfit to seek employment because of nervous debility and epilepsy. Both conditions resulted from her accident. Ms S had been receiving Disability Living Allowance (DLA) for her mobility needs. This was withdrawn the previous year and a recent appeal against the decision had not been successful. Ms S said she needed a mobility scooter as she was unable to walk unaided. She lived with her parents but as they both worked full time they were not always available to help her.

The Benefits Agency's Decision

The RO noted that since making the application Ms S had also applied for a CCG for clothing and a bed and bedding. Ms S had included in the later application a medical report about her condition to support her application. The report had been compiled in relation to her DLA claim. The medical opinion on her leg injury said that although one leg was slightly shorter, the loss of function was negligible. The RO put this evidence to Ms S when she attended her review interview. She repeated that she still had walking problems and felt that a scooter was essential. She had been given a lift to the interview but would travel home on a bus.

As Ms S's nervous condition was severe the RO accepted that she qualified for a grant. An award would ease exceptional pressures on Ms S and her family. However, the RO concluded that on the strength of the recent medical opinion was such that it could not be ignored. He decided that the need for a mobility scooter did not have enough priority for an award.

The Social Fund Inspector's Decision

The Social Fund Inspector was satisfied the decision had been correctly reached at the time. He wrote to Ms S asking her to comment on the doctor's report. He also suggested that Ms S could obtain additional medical evidence to support her application. Ms S failed to respond to the initial letter and a subsequent reminder. The SFI therefore reviewed the decision on the evidence before him and decided the outcome remained the right one in all the circumstances. He confirmed the refusal of an award.

Comment

Expert opinion is not normally necessary to decide a social fund application. Decision makers should not as a general principle seek it. However, there are occasions when evidence provided by an expert in the field has a part to play. Inevitably, most evidence will come from the applicant, who must show that there is a need that may be met from the social fund. However, if it is decided to accept one piece of evidence over another there must be clear reasons given. In this case the test for the RO was whether it was more likely than not that what Ms S was saying about her condition was accurate. The RO quite correctly did not make his decision before putting the evidence on Ms S's medical assessment to her. However, the weight of medical opinion was such that it was preferred to that provided by Ms S.

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