

the Digest of Decisions

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INVESTOR IN PEOPLE

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Independent Review Service
for the Social Fund

Welcome to the 29th edition of the Digest of Decisions.

This digest complements the articles in the journal and covers:

- Direction 4 (a)(v)
- Crisis Loans

As usual, we hope you find this edition helpful. All feedback on the content of the digest is welcome. You can write with feedback to the usual IRS address or e-mail us on np@irs-review.org.uk

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Application Details

Miss C was 18 and in receipt of income based Jobseeker's Allowance. She applied for a community care grant (CCG) on 6 April 2004. She applied for a cooker, crockery, cutlery, seating, carpets and curtains, wardrobe and drawers, iron and board, fridge and washing machine. She had left home at 16 due to family problems. She went to live with her Grandparents for 6 weeks. Miss C was unable to stay there because of overcrowding. She moved out and then lived with various friends and slept on floors and sofas. She moved into a Housing Association Supported Homeless Unit in November 2001.

The Homeless Unit moved Miss C into temporary furnished accommodation designed for young people considered ready to move from the Homeless Unit in April 2002. She remained there until being offered her own unfurnished tenancy. The Homeless Trust provided structured help and support whilst at this address. The help included cooking/cleaning and emotional support. At the time of the application Miss C had moved into the unfurnished flat.

The Reviewing Officer's Decision

The Decision Maker (DM) had refused Miss C an award on the ground that the tests in Direction 4 were not met. Miss C requested a review and was invited to an interview in May 2004. Miss C attended the interview and she explained she was sleeping on the floor on a rug with a single sheet over her for bedding. The Reviewing Officer (RO) decided that Direction 4(a)(v) was not met. He concluded that Miss C needed some help to set up her new home. However he was not satisfied that she was doing so as part of a planned programme of resettlement. He was also not satisfied that she had been living an unsettled way of life. This was because she had lived at her old temporary address for some time.

The Social Fund Inspector's Decision

The Social Fund Inspector (SFI) asked for more details around the extent and terms of the support package provided. This was crucial in deciding whether Miss C was setting up her home as part of a planned programme of resettlement. Miss C replied to the questions and explained she had a Support Worker she saw once a week as part of the Support Package. This involved independent living skills such as cooking and hygiene as well as budgeting. Emotional support was also provided in order to help and encourage her to maintain her own home. It was only after this support plan was completed that Miss C was able to get her own tenancy. This process took 2 years. These additional facts led to the decision being changed.

The SFI was satisfied that Miss C had lived an unsettled way of life because of her varied moves including staying at temporary addresses. He was also satisfied that Miss C was setting up her home. The issue was about whether she was setting up her home as part of a planned programme of resettlement. The SFI concluded that the RO did not have sufficient information to decide about a planned programme of resettlement. The new information showed that Miss C was receiving structured and regular support. This was sufficient to show that Miss C was setting up home as part of a planned programme of resettlement.

The SFI concluded that all parts of Direction 4(a)(v) were met. A partial CCG award for a cooker, cutlery, crockery, seating, living room carpet as well as curtains for the living room and bedroom was made.

Comment

For Direction 4(a)(v) to be met there are three parts to consider that are all interlinked. These are;

- helping the applicant to set up home in the community;
- as part of a planned resettlement programme;
- following a period during which he has been without a settled way of life.

In this case it was clear Miss C had been living an unsettled way of life and was setting up home. The RO needed more specific details about the help she had been getting to decide if a planned programme of resettlement was in place. The interview was the ideal opportunity to seek this information. However no appropriate questions were asked to pursue this line of enquiry. The RO needed to ask about the nature of the help included in the support package and the frequency of the meeting with her Support Worker. Also he could have asked about the length of time spent at the temporary accommodation and what had prompted the move to her own home. Here the facts indicated there was a regular degree of support over time working towards Miss C having her own home.

Direction 4(a)(v)

- 'Setting up home'

Case 29.2

Application Details

Miss J was in receipt of Income Support. She applied for a microwave, coffee table, beds and bedding for her children, a wardrobe and a vacuum cleaner on 27 February 2004. She arrived in the UK two years ago as an asylum seeker and was granted indefinite leave to remain in March 2003. Miss J had two children still in Somalia and she wanted them to join her in the UK. She had moved to her current part furnished tenancy in October 2003. This property had a bed, cooker, carpets, curtains and a fridge. The local Somali community gave Miss J some support. They helped her to register with a local GP, set up utility connection and find language classes. Local people also gave her some bedding and kitchen utensils as well as curtains for her home.

From December 2003 Miss J was provided some support via a Supported Housing Officer at the Refugee Housing Association. She had experienced some verbal abuse from neighbours and approached the Refugee Housing Association for help. She was given advice in dealing with anti social behaviour and the Housing Officer also helped her with bill problems, family re-union and the community care grant application. Miss J was seeing the Support Worker once a month but could request a more frequent meeting if needed. The Supported Housing Officer had spoken to the Housing Office/Police Team about the abuse and also introduced her to a Women's Group.

The Reviewing Officer's Decision

The Decision Maker (DM) decided that Miss J did not satisfy Direction 4. Miss J requested a review and attended the interview. She explained that she was using a dust pan and brush to sweep the carpets. She set out that her main reason for asking for a grant was to try and get her home ready for her children when they came to live with her from Somalia. Miss J was working towards this family reunion with her Housing Support Worker. No definite date for their arrival had yet been arranged. She explained that this was what she talked about at her monthly meetings.

The Reviewing Officer (RO) decided that as Miss J had been living in her home since October she was not now setting up her home as part of a planned programme of resettlement. The help she was having had only begun in December and the support provided did not include elements to help set up her home. The RO decided Miss J could not therefore meet the tests of the Direction.

The Social Fund Inspector's Decision

The Social Fund Inspector (SFI) sent a statement of issues and facts that asked for more details about the extent of the furnishings in her home and for details about any other support she had received. Miss J did not reply. The SFI agreed with the RO's decision on this case. The SFI was not satisfied that Miss J still needed help to set up her home at this stage. This was because of the extent of her establishment in her new home. In addition the help she had received centred around getting Miss J's children to join her permanently from Somalia rather than her need to set up home.

Comment

In this case it was important to establish if Miss J still needed help to set up her home. A time lapse in itself would not be sufficient to prevent the Direction being met but the details about the extent to which a home has been established are relevant. The crucial question related to whether she had actually set up her home prior to her grant claim. Relevant factors were the extent of furnishings Miss J had in her home when she moved in as well as those she had acquired. The evidence suggested Miss J was settled in her home. The main objective of the plan she now has with the Support Worker is about family reunion, rather than setting up home. Once the children were reunited with Miss J she could make a fresh claim for a grant for their needs under Direction 4(a)(iii).

Use of Inquisitorial role by a Reviewing Officer

- Need for further details to establish if Direction 4(a)(v) is met

Case 29.3

Application Details

Mr M received Income Support and applied for a community care grant (CCG) on the 20 April 2004. He requested a bed, bedding, cutlery, crockery, a suite, carpets, curtains, bunk beds and bedding, wardrobes and drawers, towels, washing machine and a fridge/freezer. Mr M came to the UK from France in April 2003 and French was his first language. His ex partner and two daughters aged 8 and 10 were still living there. He had been living at friends' homes or sleeping in his car. He was allocated an unfurnished tenancy in March 2004 and had moved in and was sleeping on the floor. He wanted help with items to enable his children to be able to stay with him for visits in the school holidays.

Mr M had help from an Advancement Support Worker at Jobcentre Plus in helping to organise an English course. Mr M also had help from his local Church. He stated he was setting up his home as part of a planned programme of resettlement.

The Reviewing Officer's Decision

The Decision Maker (DM) decided that Direction 4 was not met and Mr M requested a review. He was invited to a review interview in May 2004. Mr M attended the review interview and brought an interpreter to help with his English. He did not provide any further details about his situation other than what he had stated on his claim form. The Reviewing Officer (RO) did not ask for any other details. He did not ask about why Mr M considered himself to be on a planned programme of resettlement. The RO decided on the evidence before him that Direction 4(a)(v) was not met. Although the RO agreed Mr M had been unsettled in the past months and that he was setting up his home, he was not satisfied that Mr M was having sufficient support to be on a planned programme of resettlement.

The Social Fund Inspector's Decision

The Social Fund Inspector (SFI) asked for further details about the timescales of the homelessness and the details of the plan Mr M said he was following. Mr M explained he had a job when he first arrived in the UK. This lasted 5 months. Since losing his job he had slept in his car and at friends homes for about 7 months. Mr M also told the SFI that he had followed his own plan of resettlement. His plan had been started when he lost his job in September and was an ongoing process with the aim of passing his English exams in July. He had applied for housing with some help from his friends when he lost his job. Mr M explained he was working with job agencies towards getting further employment and also trying to take steps to equip his home for his children coming to stay in the future.

The SFI did not consider the RO had sufficient information to decide whether Direction 4(a)(v) was met. Mr M had clearly been unsettled and was setting up his home. The RO was on notice to use his inquisitorial role to find out whether Mr M was on a planned resettlement programme. The SFI decided that although this plan was basic and being run without much support it did amount to a planned resettlement programme. As the period Mr M had been homeless amounted to 7 months the SFI was also satisfied that he was setting up his home following a period in which he had been without a settled way of life. A CCG was awarded of £548.00 for a bed, seating, crockery, cutlery, bedding, living room carpet, 2 pairs of curtains and a set of towels.

Comment

This case demonstrates the importance of gathering information where an RO is on notice that any one of the three parts of Direction 4(a)(v) needs further investigation. Mr M had stated he was on a planned resettlement programme and had mentioned having some support from his Church and a Support Worker. The RO had the opportunity at the interview to find out more about why Mr M considered he was setting up his home as part such a resettlement programme. Further details were needed about the extent of Mr M's programme and how he was to achieve his aims. In this case Mr M had set up his own plan that he had tailored to meet his own needs when he lost his job. Here the plan was very basic and was not being run by a professional organisation or body.

But the important elements such as a plan of things intended to happen and an element of progression were present. Mr M was sorting out his housing, language problems and issues around employment as well as seeking to equip his home towards having his daughters to stay. Although the plan was informal and basic it was sufficient to meet the qualifying Direction. If Mr M had definite arrangements in place for his children to visit him a fresh claim could be made under Direction 4(a)(iii).

Good use of Inquisitorial role

- By the Reviewing Officer and Direction 4(a)(v)

Case 29.4

Application Details

Mr D was in receipt of income based Jobseeker's Allowance. He applied for a community care grant (CCG) on 24 March 2004 for pots, pans, crockery, cutlery, bedding, a washing machine, carpet, curtains and a freezer. He had been living in hostel accommodation since 2002 and had been waiting for 18 months for council accommodation. Mr D was being subjected to abuse at the hostel and he began to get depressed. He felt he could not wait any longer for local authority housing. He arranged his own private part furnished tenancy. The hostel and another unnamed charitable organisation helped him move at the start of March. A bed and cooker as well as a fridge were provided. Mr D stated he was setting up his home as part of a planned resettlement programme.

The Reviewing Officer's Decision

The Decision Maker (DM) decided Direction 4(a)(v) was not met. Mr D requested a review and was invited to an interview. Mr D attended the meeting and the Reviewing Officer (RO) asked for more details about the extent of the help provided to Mr D in setting up his home and what the resettlement programme consisted of. Mr D explained that the hostel offered single homeless men safe and supportive temporary accommodation. The aim of his plan was to get him his own permanent home. He had sessions with a Key Worker allocated to him. The sessions consisted of a brief chat and update on the housing situation. No follow up visits were provided to people once they had left the hostel and he had no further contact with them.

Since his move Mr D had borrowed some bedding from his landlady and was eating out most of the time. He was using a Day Centre for a meal and a bath.

The RO decided that Mr D could not be said to be setting up his home as part of a planned resettlement programme. Whilst living in the hostel the help he had received was linked to his accommodation needs only.

There were no other resettlement issues that he was given help with. The RO decided the help Mr D had received was not sufficient to form a programme of resettlement. He decided that Mr D did not qualify for a grant award.

The Social Fund Inspector's Decision

The SFI sent a statement of issues and facts to Mr D for his comments. This document detailed the facts as stated by Mr D at the interview. Mr D replied and indicated he agreed with the facts in the statement of issues and had nothing further to add. The issue in this case related to whether the help Mr D had received amounted to a planned resettlement programme. The RO was right to ask for more details about the help Mr D had received to decide this issue. The only help he had received was around the need for accommodation. The SFI agreed with the RO that this was not a planned resettlement programme. No award was made.

Comment

Evidence was important here to establish if Mr D was setting up his home as part of a planned programme of resettlement. The RO correctly used his inquisitorial role to establish if Mr D was setting up his home as part of such a programme. The facts indicated Mr D had a Key Worker and regular meetings. The RO was correct to ask further specific questions. These queries centred around the level of help received and the content of the support. The Inspector set out the extent of the help in the statement of issues and facts and Mr D was again given the opportunity to add further details if needed. In this case Mr D did not actually have any help with any issues other than housing and did not have help with any other resettlement needs to qualify for a grant award.

Direction 33 and Direction 4(a)(v)

- The opportunity to attend an interview
- 'without a settled way of life' - factors to consider

Case 29.5

Application Details

Miss A applied for a community care grant (CCG) on 2 March 2004 for a cooker, pans, crockery, cutlery, bed, bedding, carpets, curtains, sofa, table and chairs, hoover, iron and ironing board and washing machine.

Miss A suffered from chronic depression and paranoia for which she was receiving treatment. Her problems had led to eating disorders and acts of self-harm including cutting herself and taking an overdose. She was attending psychology therapy twice a week. Miss A had been living with her elderly parents for the last 3 years but had also spent time in bed and breakfast accommodation, psychiatric hospital, prison, probation and bail hostels. She found it very stressful living with her parents especially as her mother was food obsessive and spent most of the day cooking.

Miss A had now obtained her own unfurnished tenancy.

The Reviewing Officer's Decision

The Reviewing Officer (RO) invited Miss A to attend a review interview at the local office. Miss A did not attend and given her mental health problems the RO decided to telephone Miss A to ascertain if she wanted to conduct the interview over the telephone. Miss A told the RO that due to her health problems she was sometimes unable to complete everyday tasks. She was receiving therapy for her condition and extensive therapy for her eating disorder, bulimia nervosa. Miss A stated that a table and chairs were very important to her as it would provide discipline and encourage eating in a controlled situation. She was finding it very difficult to follow the advice of her therapist, as she currently had to eat her meals off a tray on her lap.

The RO decided that Miss A qualified for a CCG. Given her mental health problems and history of hospitalisation he considered that there was a risk of care. The RO considered Direction 4(a)(ii) was satisfied as an award for all of the items would help Miss A to remain in the community rather than enter institutional or residential accommodation in which she would receive care. He considered that an award for a cooker, pans, crockery, cutlery, bed, bedding, carpets, curtains, sofa and a table and chairs to allow her to progress with her rehabilitation would have a substantial and immediate effect in improving or resolving Miss A's circumstances and in helping her remain in the community. These were high priority items and an award was made.

The RO considered that the iron, ironing board, hoover and washing machine would only have a noticeable effect on Miss A's circumstances. As the budget was not able to meet medium priority needs a payment could not be made for these items.

The Social Fund Inspector's Decision

The Social Fund Inspector (SFI) decided that the RO had reached his decision correctly and confirmed the decision. The SFI was satisfied that the RO had given Miss A the opportunity to provide the relevant evidence and had reached a right decision.

Comment

An applicant has a responsibility to provide information in support of his case. However, a Decision Maker has an inquisitorial role, a duty to establish the facts. For ROs an interview will often be the best way of doing this. Where an applicant does not attend it may be an appropriate and sensible use of the inquisitorial role to make further enquiries by other means, particularly if there are health or other problems that may make it difficult for the applicant to engage in the review process.

In this case the RO had used his inquisitorial role to find out further information about Miss A's circumstances. This contrasts to some of the earlier cases where the evidence was not sought by the RO and the information did not come to light until the SFI's decision.

Application Details

Mr E applied to the fund for a community care grant (CCG) on 9 March 2004 for help with items including a cooker and connection, washing machine, bed and bedding, crockery, pans, utensils, a sofa, carpet, table and chairs, a fridge, storage items and a coffee table.

Mr E came to the UK in 2002. He was in receipt of income-based Jobseeker's Allowance and was living in National Asylum Support Service (NASS) accommodation. He was granted leave to remain in the UK in January 2003. He then went to live with friends until he was allocated an unfurnished local authority property in February 2004. At the time of his application he had moved into his new home and was without household items. Mr E was sleeping on the floor and eating takeaway foods or going to his friend's home for meals.

He was partially sighted and had a problem with his ears. He had low back pain and had been sent for a MRI scan. He was able to use public transport but could only walk short distances because of the pain.

Mr E was referred to the Refugee Support Officer and signed up to the Support Scheme on 3 March 2004. At that time a complete assessment was carried out to include financial matters around budgeting, benefits and connection of utilities. He had some language problems and his educational needs were being assessed. He had been referred to Connexions at the Refugee Centre. He would continue to get some help and support until all of his identified needs were met. The Refugee Support Officer was acting as Mr E's representative on his CCG application.

The Reviewing Officer's Decision

The Decision Maker (DM) decided that Direction 4(a)(v) was not met. Mr E's representative requested a review of the decision. Mr E did not attend the review interview nor did the representative make contact. The Reviewing Officer (RO) decided that Mr E was not following a planned resettlement programme. This was because no written plan had been provided to show the level of help Mr E needed or on what basis this was being given. The RO was not satisfied that there was sufficient documented evidence of a plan that was being followed. Mr E requested a review by a Social Fund Inspector (SFI) via his representative.

The Social Fund Inspector's Decision

The SFI found that the RO's decision was not supported by the facts. The facts indicated Mr E had help from a number of sources around issues such as budgeting and benefits, language and education. Assessments had been made about Mr E's individual needs and an agreed plan was in place. The plan provided ongoing support and was tailored around assisting Mr E with a range of needs including the need to set up home. Consequently, the SFI was satisfied that Mr E was setting up his home as part of a planned resettlement programme following a period during which he had been without a settled way of life. He went on to make an award for £1004.00 for a cooker and connection, washing machine, bed and bedding, crockery, pans, utensils, sofa and carpet.

Comment

In this case the RO had relied upon the fact that there was no documented plan as a reason to refuse an award. The facts suggested Mr E was being supported on a variety of issues including financial and educational. He had also been assessed to ensure his needs were being fully met.

Although some organisations may adopt a more formal written resettlement plan or programme, this does not mean that this format alone is acceptable as evidence. Mr E's own evidence about his situation was sufficient to show that he met Direction 4(a)(v). If he had provided a written plan or document this would have supported his application but this is not required to satisfy the Direction.

Direction 4(a)(v)

- No planned resettlement programme evident

Case 29.7

Chronology

September 2002	Mr P moved to Resettlement Project for 3 weeks
7 October 2002	Housing Association property accepted. Grant application made at that time, which was refused.
December 2002	Mr P found work
April 2003	Mr P became unemployed
August to September 2003	Mr P moved to London to look for work.
November 2003	Returned to the unfurnished property
April 2004	A further grant claim made

Application Details

Mr P applied for a community care grant (CCG) on 5 April 2004 for household items to include carpets and curtains, a washing machine and tumble dryer, cooker and kitchen utensils, bed, bedding and seating.

He was a single man aged 20 and was in receipt of income based Jobseeker's Allowance. Mr P had been living with friends before he moved into a Resettlement Project for 3 weeks in September 2002. He then accepted a Housing Association unfurnished tenancy. He moved in on 7 October 2002. Mr P applied for a grant at that time but was refused. He was not aware of the right of review or the review process and did not pursue this application.

As Mr P had no household items he stayed with various friends. He had also been employed in a factory since his move. He became unemployed again in April 2003. When he was working he did not earn sufficient to equip his home. Between August and October 2003 Mr P went to London to look for work there but was unsuccessful. He came back to the unfurnished flat in November 2003.

The Reviewing Officer's Decision

The Decision Maker (DM) decided Direction 4(a)(v) was not met. Mr P attended the interview and told the Reviewing Officer (RO) he was sleeping on a broken bed with an old blanket. He was eating takeaway foods when he could afford it or eating with friends. Sometimes he went without food. He had neck and back pains, that he thought were due to sleeping in the broken bed. He also had a skin condition for which he had prescribed medication.

The RO decided Mr P had been without a settled way of life. However, he did not consider he was setting up his home as part of a planned resettlement programme. He offered Mr P a crisis loan (CL) of £380.00 for a cooker, pots/pans and a bed and bedding.

In his review request Mr P stated he was setting up his home as part of a programme of resettlement run by K Housing Association.

The Social Fund Inspector's Decision

The Social Fund Inspector (SFI) agreed that the RO's decision was correct on the facts before him. There was no planned resettlement programme at that time. Mr P had in effect been the tenant of an unfurnished address for some time and needed help with furnishings.

Following the comments in the SFI review request, further details about the resettlement programme Mr P was following were requested by the SFI.

Mr P stated that he was on a programme because of the help he had from the Housing Association. He had contacted them about getting a property and he had seen a Tenancy Support Officer who had helped him provide relevant details and contacted him about his property. Mr P stated he was now studying A levels.

The SFI was not able to conclude that Mr P was setting up his home as part of a planned resettlement programme. The help Mr P had received was concerned solely with housing. Mr P had been employed for a while and had now started at college. The SFI agreed with the RO's decision to award a crisis loan.

Comment

The RO was right to decide Mr P did not qualify for a grant under Direction 4(a)(v). There was insufficient evidence to support the conclusion that Mr P was following a planned resettlement programme. The SFI had probed the issue further and given the opportunity to provide greater detail. Mr A suggested he had received some support to get a property only. The lack of any planned programme around other resettlement issues led the SFI to conclude that Direction 4(a)(v) was not met.

Direction 4(a)(v) - 'planned resettlement programme'

where the applicant has formed his own programme of resettlement

Case 29.8

Application Details

Mr K applied for a community care grant (CCG) on 07 April 2004. He wanted help with a cooker/fitting, double bed, bedding, seating, cutlery, crockery, pans, carpet and curtains, a fridge and a washing machine. He was in receipt of Income Support.

He had come to the UK from the Democratic Republic of Congo in January 2003 and was granted indefinite leave to remain in October that year. His wife and child were still in Congo and Mr K was trying to bring them to the UK with the help of the British Red Cross.

Mr K was studying IT and English at college. He was a member of his local Church and was trying to become involved in his community. He had received help and support from the Asylum Team with access to healthcare services and education as well as accessing the Citizens Advice Bureau (CAB).

Mr K was living with friends at the time of his application and supplied no address details but stated he was waiting for his own tenancy from the Local Authority.

The Reviewing Officer's Decision

The Decision Maker (DM) was not satisfied Mr K met the tests of Direction 4(a)(v). Mr K asked for a review and was invited to a review interview. The Reviewing Officer (RO) decided Mr K did not meet the tests of Direction 4(a)(v) as he was not setting up his home as part of a planned resettlement programme at that stage. He had no address to move to and was waiting to hear from the local authority. He had not attended at the review interview because of illness and no further details had been obtained about his circumstances.

In the request for a review by a Social Fund Inspector (SFI) Mr K had changed his address and he appointed the CAB to act for him.

The Social Fund Inspector's Decision

The SFI obtained further specific evidence about Mr K's housing situation. Since the RO's decision Mr K had obtained an unfurnished address of his own to move into. The representative explained that Mr K had drawn up his own plan that was basic but involved Mr K working with other agencies and accessing their support. Mr K had help from the Asylum Team Advisor for housing, healthcare and education. He was working with a tutor around his college courses and had accessed the CAB for help about benefits and his grant application. The plan included language and educational issues as well as working towards family reunion with the Red Cross. Mr K had set out his own goals around getting his home and setting it up, passing his examinations to help with job success and being reunited with his family in the long term.

The SFI found that the RO was right to refuse a payment on the facts before him as he had no address to move into and was not at that stage "setting up his home". The SFI was satisfied that Mr K met all parts of the test as he had been without a settled way of life living in both national asylum seeker service (NASS) accommodation and with friends. He now had a home to move to

and this formed part of his own plan of resettlement. A CCG of £737.00 was awarded for a bed and bedding, cooker, crockery, cutlery and pans. Some seating and carpet and curtains were paid for the living room as well as bedroom curtains.

Comment

The SFI was able to establish further details that satisfied him that Mr K was following a planned resettlement programme that was tailored to his own, individual needs. A number of agencies were supporting Mr K in his own educational, employment, housing and reunion aims. Mr K had assessed his own needs and identified his own short and long term goals. He had accessed the help himself but was clearly relying on support from other sources to achieve his aims. The Direction does not specify who should be running a resettlement programme or the extent of any supervision or control. The most important elements relate to the nature and aims of the plan and the needs it is aiming to meet. As each individual is likely to require different types of support resettlement programmes are likely to reflect this individuality. The applicant's own evidence regarding his circumstances and needs was key in deciding if Direction 4(a)(v) was met in this case.

Direction 4(a)(v)

- Lack of a planned programme and applicant has settled way of life

Case 29.9

Application Details

Miss Z applied to the fund on 2 March 2004 for household items to include a bed, bedding, cooker, carpets, settee, curtains and poles, kitchen items including a toaster and kettle, a fridge and washer/dryer, freezer, vacuum, television, towels and storage items as well as coffee tables, an iron and board, kettle, linen basket and bin.

Miss Z lived in privately rented, furnished accommodation between February 2002 – November 2002. She gave up this tenancy as she could not afford the rent. For two months she stayed with her boyfriend's mum or friends while she sorted out another property. She moved to her current privately rented, furnished tenancy in February 2003.

Miss Z referred herself to an Advice and Resettlement Agency in January 2004 for help with getting herself a larger local unfurnished authority property. Miss Z wanted a new, larger property as she had found out she was pregnant. They began working with her in February 2004. Miss Z requested help as and when she needed it, either at the homeless centre or on the telephone. She had applied for and was offered a two-bedroom local authority home that was unfurnished.

The Reviewing Officer's Decision

The Decision Maker (DM) decided that Miss Z did not meet the tests of Direction 4(a)(v). Miss Z requested a review but did not attend the review interview. The Reviewing Officer (RO) decided that Direction 4(a)(v) was not met. He was not satisfied that Miss Z had been living without a settled way of life or that she was setting up her new home as part of a planned resettlement programme.

By the time of the request for a review by a Social Fund Inspector (SFI) Miss Z had appointed a representative. They argued that she was setting up her home as part of a planned resettlement programme and that they had been helping her with this programme.

The Social Fund Inspector's Decision

In the statement of issues and facts the SFI asked for more details. This included questions about the resettlement programme and in particular the terms and extent of any plan and the role Miss Z had in this. In addition the SFI asked about who had arranged the move to the current address.

The representative replied that Miss Z was unsettled as she was only in her previous rented home through lack of choice and that it was of a poor quality. There were drug addicts in the area that did not help the situation.

The RO's decision was correct on the evidence before him. The SFI took account of the new information but concluded Direction 4(a)(v) was not met. The information provided did not show Miss Z was setting up her home as part of a planned resettlement programme.

Also, the SFI did not find that Miss Z had been without a settled way of life. This was because she had been at her previous home for over 12 months before applying for a larger home due to her needing more space. The quality of Miss Z's home and nature of the area was not relevant in deciding if she had been without a settled way of life.

Comment

The facts showed that Miss Z had given up her original home because of the expense. She now wanted to move from her current property to get a larger home for her and her baby. She had received some help from the Advice and Resettlement Agency but this was on an ad hoc basis and was not as part of a structured resettlement plan. In this case two of the three strands of the Direction were not present. Miss Z was setting up a new home, however, this was not as part of a planned resettlement programme, nor was it following a period in which she had been without a settled way of life.

Once Miss Z was 26 weeks pregnant she could make a fresh CCG claim under Direction 4(a)(iii) and easing exceptional pressures on her and her baby if she wanted.

Crisis Loans by Telephone

- Good use of the inquisitorial role at an early stage

Case 29.10

Application Details

Mr T made an application for a crisis loan (CL) by telephone on 4 June 2004. The details that follow were recorded by a member of staff at the Jobcentre.

Mr T applied for a CL for living expenses as he had lost his money. He had been paid benefit of £75.00 on that day and was claiming £70.00. He was next due his benefit on 11 June 2004.

Mr T stated he had drawn his money from the bank that day at 9.30 am. He had put the money in his back pocket of his trousers and gone across the road to the newsagents. He bought some tobacco and bread and milk for his mother. He paid for this with a £10.00 note. He put the change in his front pocket and the tobacco in his back pocket. He then set off walking to his mum's home. She lives about half a mile away. He took the tobacco from his pocket on the way to roll a cigarette. When he arrived at his mum's he realised the rest of his money was missing from his back pocket.

Mr T stated he retraced his steps back to the shop but found nothing. He asked the shopkeeper but no money had been handed in. He spent the rest of the loose change on a bus home.

Mr T explained that he was in an emergency as he had no funds to last him and he needed to take medication with food. He had depression and a bad back. The painkillers needed to be taken with food. Mr T also stated he had short-term memory problems.

The Decision Maker's Decision

He made an award of £41.74 for the period 4 June 2004 until 10 June 2004. He was satisfied that Mr T needed to meet expenses in an emergency or as a consequence of a disaster. He was also satisfied that an award would be the only means of preventing serious damage or serious risk to his health or safety. All parts of Direction 3 were found to be met.

The sum of £41.74 represented 75% of Mr T's personal Income Support allowance of £55.65 for the seven day period. This was the maximum amount that he could be awarded under Direction 18.

The Decision Maker (DM) did mention that Mr T had made previous applications for crisis loans for lost money in November 2003 and March 2004 but that he did not consider these were a relevant factor for refusal given Mr T's memory problems.

Mr T requested a review of the amount awarded.

The Reviewing Officer's Decision

The Reviewing Officer (RO) agreed with the DM's award.

Mr T again asked for an Inspector's review as he stated he wanted the £70.00 he had requested and not £41.00.

The Social Fund Inspector's Decision

The Social Fund Inspector (SFI) confirmed the RO's decision. He agreed that the evidence supported the award in this case and that no further money could be awarded.

Comment

In this case the officer taking the telephone claim had obtained full evidence. In particular all details surrounding Mr T's movements and steps he had taken to trace the lost money were documented. Additional details about Mr T's health issues and in particular memory issues were important because of the previous losses and the reliance that could have been placed upon these. The detailed evidence obtained meant that Mr T had received a payment at the earliest opportunity and enabled him to manage his health and medication. Mr T had been paid the maximum permitted amount for living expenses at 75% of his personal allowance for the days he was without money until his next due pay day. No additional money could be paid to him.

Crisis Loan - Express living expenses claim made by telephone

- Insufficient details obtained

Case 29.11

Application Details

Mr B applied for a crisis loan (CL) for living expenses on 3 August 2004. He made his application by telephone and the following details were recorded by a member of staff at the Jobcentre.

Mr B was 25, single and last paid his Income Support on 2 August 2004. He had received £125.00 and was next due a payment on 16 August 2004.

Mr B stated he had no money to live on as he had lost his money. After cashing his order book he had gone to pay a court fine and had discovered his money had gone. He thought he must have lost it on the bus. He stated he was destitute and there was a risk to his health and he had no money for food or fuel.

He detailed his weekly outgoings as a court fine £10, catalogue £10 and Provident £10.

The Decision Maker's Decision

The Decision Maker (DM) refused an award because Mr B had lost money previously in less than 6 months. He did not accept that Mr B would be so unlucky for this to happen again in such a short period of time. He did not accept that Mr B was without sufficient resources to meet his immediate short term needs (Direction 14). No payment was made.

Mr B requested a review that day and was invited to attend an interview at the office later the next day. Mr B did not attend and was not on the telephone at home.

The Reviewing Officer's Decision

The Reviewing Officer (RO) agreed with the DM. He also did not consider Mr B was without sufficient resources to meet his needs. The RO found the information taken by telephone to be vague and unconvincing.

There was a lack of detail about how the loss occurred or what steps he had taken to find the money.

He noted Mr B had previously applied for lost money in April 2004. He did not find it plausible that he would be in a similar situation again so soon.

Mr B attended at the office on 05 August 2004 and asked for an Social Fund Inspector's (SFI) review. He provided a mobile telephone contact number.

The Social Fund Inspector's Decision

The SFI rang Mr B to obtain further details. Mr B explained he had received his money on 2 August 2004 and put it folded up in his pocket. He had to go to the city centre to pay a court fine. He caught the bus from the road he lives on and bought an all day ticket for £2.20. He spent a further £2.00 in McDonalds on food and had about £120.00 left. He did not know if he still had money in his pocket when he left McDonalds to go to the court. He noticed it had gone when he went to pay his court fine. He thought it must have fallen out during the morning when he had his hand in and out of his pocket to pay for things. He retraced his steps to McDonalds but could not find the money. He

asked at the burger restaurant but no one had handed anything in. He also rang the bus company but again it had not been handed in.

Mr B explained he normally lived with his mum but he owed her digs money and she would not let him stay with her whilst he owed her money. He was staying with a friend who was putting him up but not giving him food and he had gone without meals.

Mr B did not understand why he was having to repeat all of these details as he had told the person on the telephone when he first applied. The SFI explained that the only information she had was the application form completed by a member of staff at the Jobcentre and very little information had been written down.

The SFI was not satisfied that the facts supported the RO's decision to refuse an award. The officer had relied on the poor quality of Mr B's evidence and the previous claim as the reason for refusal.

As no details had been provided about the circumstances surrounding the previous claim it was not appropriate to place significant weight on this particular evidence.

The SFI decided that Mr B was without sufficient resources to meet his short-term needs. Direction 14 and 3 were met. An award was made for £77.51 for the period 3 August 2004 – 15 August 2004.

Comment

In this case the applicant had provided detailed evidence at the start of the review process. This had not been fully documented meaning that both the DM and RO had little evidence to decide the case. This lack of detail coupled with a previous claim went against the applicant. The SFI could not support these decisions and made an award. Mr B in effect had to wait for the right outcome until the SFI's review when this could have been done sooner. This case demonstrated the importance of detailing everything the applicant states in his application. The officer taking the details needs to ask the right questions but also write down all that is said. Without these details an applicant is vulnerable to a refusal and a delay in having the case dealt with properly.

Application Details

Mr O was in receipt of income based Jobseekers Allowance. He applied for a community care grant (CCG) on 9 March 2004 for a cooker, bed, seating, carpets, pans, crockery, cutlery, bedding and decoration costs.

Mr O was an asylum seeker from Iraq. He came to the UK in November 2002 and was placed in National Asylum Support Service (NASS) accommodation after his arrival. Mr O was allocated his own unfurnished tenancy on 30 March 2004 and he moved in on 5 April 2004. Mr O was in good health and attending college. He had a mentor to help with language problems.

The Reviewing Officer's Decision

The Decision Maker (DM) decided Mr O did not qualify for a grant because Direction 4(a)(v) was not met. Mr O was not offered an interview because the Reviewing Officer (RO) decided he was changing the decision in the applicants favour and making a partial award. The RO decided that Mr O was setting up his home as part of a planned programme of resettlement. This was because he was in NASS refugee accommodation and moving into his own home. An award was paid of £713.00 for a cooker, bed, seating, living room and bedroom carpet, pans, crockery, cutlery and bedding.

Mr O asked for a review as he wanted to decorate his home.

The Social Fund Inspector's Decision

The Social Fund Inspector (SFI) did not accept that the evidence supported the conclusion that Direction 4(a)(v) was met. Further information was requested in the statement of issues to explore the situation further. Mr O was asked about any plan that was in place and what this involved. Mr O did not reply. The SFI found that although Mr O had been placed in temporary NASS accommodation his move to his own tenancy was not part of a planned resettlement programme. The RO was found to have wrongly paid a CCG award. The award was removed by the Inspector but it was not recovered.

Comment

In deciding about a planned resettlement programme details are required about the type and extent of help or support being given. Merely setting up a home is not sufficient as the Direction requires that this be part of a planned resettlement programme. The programme needs to encompass help with other resettlement issues such as budgeting, education, training or life skills. The planned programme should include a series of steps moving towards the goal of resettling the applicant. Setting up home must be part of the planned programme. The RO had decided that living in temporary NASS accommodation and moving to permanent accommodation was sufficient. But further support around other types of resettlement needs apart from accommodation must be present.

In this case the grant payment by the RO was an overpayment. Overpayments can only be recovered where an application has been fraudulently made, where facts are misstated or where there has been non-disclosure of relevant information.

Commissioner's Advice to Inspectors

Direction 4(a)(v)

Direction 4(a)(v):

A social fund payment may be awarded to promote community care by assisting...with expenses...where such assistance will help the applicant to set up home in the community as part of a planned resettlement programme following a period during which he has been without a settled way of life.

This Advice deals with the approach to take when considering applications under Direction 4(a)(v).

1. Setting Up Home in the Community

The aim of the Direction is to help the applicant to “set up home” in the community following a period during which he has been without a settled way of life. The implication is that the “home” should enable the applicant to establish a settled way of life.

Setting up home involves finding somewhere to live (and related tasks such as applying for housing benefit) as well as making the property habitable.

2. Being Without a Settled Way of Life

The intention of the Direction is to help people who do not have a stable or settled place to live. Examples in the Secretary of State's Guidance (for example, night shelter, hostel, sleeping on the streets) support this. However the list of examples in the Guidance is not exhaustive. An applicant moving between the houses of friends and relatives could also be said to have been without a settled way of life.

The Direction does not specify a minimum period for which an applicant must have been without a settled way of life. However, their unsettled state must have lasted long enough to become their way of life. How long this is will depend on the circumstances of the case.

3. Planned Resettlement Programme

A “programme” should consist of a series of things that are intended to happen. The requirement that an award must “help the applicant to set up home in the community *as part of* a planned resettlement programme” indicates that the programme should:

- **both** help the applicant set up home in the community...
- **and** help him/her with resettlement in some other way beyond merely setting up home. For example, budgeting skills, literacy skills, careers guidance, benefit advice.

The Direction does not indicate who should be running the planned resettlement programme. The planner could, for example, be a Probation Officer, Social Worker, Key Worker at a hostel or the applicant themselves. The status of the planner is less important than the fact that there is a planned programme.

4. The Timing of the Programme

The applicant must be setting up home as part of the planned resettlement programme. As setting up home involves more than simply moving into the property, an applicant can still be setting up home after he has been occupying the property for some time. If, for example, there was no (or very little) furniture in the flat, it would be difficult to say that he had completed the process of setting up home.

Inspectors must use their judgement to decide whether the applicant still needs help to set up home in the community. This means that applicants who begin resettlement programmes after moving into their property can meet the conditions of the Direction. Equally, moving into the property may be the very last stage of the resettlement programme.