

the Digest of Decisions

Issue 31 Summer 2005

**Inside:
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Independent Review Service
for the Social Fund

Welcome to the 31st edition of the Digest of Decisions.

This digest covers:

- Natural justice and crisis loans
- The need for clothing
- Direction 49

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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Crisis Loan

- Natural justice failure

Case 31.1

Application Details

Mr C applied for a crisis loan (CL) for living expenses on 04 October 2004. His Incapacity Benefit claim had been closed in July 2004 as he had been found fit for work. He had recently appealed against this decision. Mr C had claimed Jobseekers Allowance but had been refused, as he was not available for work. He had also made a claim to Income Support, which had been turned down and he was appealing against this decision.

The Reviewing Officer's Decision

The Reviewing Officer (RO) did not offer Mr C an interview and made his decision without contacting Mr C. The RO said that as Mr C had managed since July without benefit Direction 3 was not met. He did not consider that Mr C was in an emergency situation. The RO considered that Mr C should have appealed against the decision to stop his Incapacity Benefit sooner.

The Social Fund Inspector's Decision

The Social Fund Inspector (SFI) decided the RO had not made his decision correctly as he had not offered Mr C an interview and given him the opportunity to provide further information about his circumstances. The SFI did not consider that the RO had used the law correctly.

Having spoken to Mr C the SFI ascertained that he had been borrowing money from friends and relatives but could no longer continue to do this. Mr C had appealed against the decision to stop his Incapacity Benefit as soon as he was aware that he could do this. At the time Mr C made this application he had run out of food and money.

The SFI accepted that Direction 14 was met as Mr C was without sufficient resources to meet his immediate short-term needs. He also considered that Mr C was in an emergency and a crisis loan was the only means to prevent serious risk or damage to Mr C's health or safety. A CL was awarded for 2 weeks from the date of Mr C's application. The SFI advised Mr C that it was important he pursued his appeal and contacted the benefit section to get his benefit sorted out. This award would allow Mr C two weeks to do this.

Comment

In this case the RO failed to meet the requirements of natural justice. Mr C should have been made aware of the case against him and been given sufficient, real opportunity to provide additional relevant information. The SFI telephoned Mr C as this was an urgent case. In community care grant (CCG) cases the SFI sends the applicant a statement of issues (SOI). This identifies the issues and relevant facts and allows the applicant to respond to any questions and provide any further information.

Although Mr C was not in receipt of benefit at the time of his application the SFI was satisfied that he was likely to be able to repay the crisis loan. The law requires Decision Makers to have regard to the likelihood that the applicant will be able to repay any loan

offered and the time within which repayment is likely. This issue arises at the very end of the decision making process. Before addressing this issue, the Decision Maker should already have made a preliminary finding on how much to award. He should then go on to decide whether the applicant is likely to be able to repay this loan. In cases such as this one, a crisis loan applicant may have been refused benefit and, as a result, may not have any regular income at all. In these cases, the Decision Maker will need to consider how likely it is that the applicant will receive an income within a reasonable period of time.

Crisis Loan

- SFI use of inquisitorial role

Case 31.2

Application Details

Mr W applied for a crisis loan (CL) on 11 October 2004 as he had no money for food and was not due benefit until 13 October. Mr W stated he had spent the remaining £30 of his benefit on taxi fares to return to a hostel where he had stayed up to July that year. He had left a number of bags of clothing at the hostel as at the time he could not manage them on public transport. Mr W only had the clothes he was wearing and had been wearing since July. Mr W said that he had got a taxi at a rank outside his local supermarket and produced a receipt showing £30 for the return journey.

Mr W was refused a CL as the Decision Maker (DM) telephoned the number on the taxi receipt and the firm were no longer trading. The DM also contacted taxi licensing who confirmed the firm had ceased trading in 2000. The DM did not accept Mr W's evidence and did not find Direction 14 met.

The Reviewing Officer's Decision

The Reviewing Officer (RO) interviewed Mr W but did not ask any questions about the taxi receipt. The RO also telephoned the hostel where Mr W stated his clothing had been collected from. The hostel did not know of Mr W and had did not hold any clothing for him. The RO also did not put this to Mr W.

The RO decided that, as there were a number of discrepancies in Mr W's evidence he could not accept Direction 14 was met and refused a CL.

The Social Fund Inspector's Decision

The Social Fund Inspector (SFI) was not satisfied that the RO reached his decision correctly. He considered that the RO should have put the discrepancies to Mr W to give him the opportunity to comment on them. As he had not done this natural justice had been breached.

The SFI telephoned Mr W and asked if he could explain why he had a taxi receipt for a company that was no longer operating and also asked him to confirm the address of the hostel. Mr W could not explain the taxi receipt and stated he just got into the first taxi at the rank. He confirmed the address of the hostel and could not explain why none of the staff there knew of him. The SFI asked Mr W whether he had been given a receipt for the clothing when he left it there in July. Mr W said that the hostel do not give receipts although they will hold on to property for former residents.

The SFI considered that although possible it was unlikely that Mr W would have been given a receipt for a taxi journey quoting a firm that had not been operating for 4 years. He also considered it unlikely that no one at the hostel would remember Mr W collecting clothing just 2 days before or that Mr W would have waited nearly 7 months before collecting his clothes.

The SFI did not accept that Mr W was without sufficient resources to meet his immediate short term needs and did not find Direction 14 met. A CL was refused.

Comment

As in Case One the RO did not meet the requirements of natural justice. He should have put the adverse evidence to Mr W and invited his comments. The rules of natural justice apply to all judicial decisions. They have been described as the 'twin pillars' of natural justice and are shown in the Oxford Dictionary of Law as:

- The rule against bias – the person adjudicating upon the case must be impartial and unbiased.
- 'Hear the other side' – this states that a decision cannot stand unless the person directly affected by it was given a fair opportunity both to state his case and to know the answer to the other side's case.

The SFI telephoned Mr W and gave him the opportunity to resolve the conflicts in his evidence. Mr W was unable to give any sound explanations for these discrepancies and the SFI confirmed the RO's decision.

Application Details

Mr T applied for a crisis loan (CL) for living expenses on 09.12.04.

Mr T had been out walking and suffered an epileptic fit. When he got home he realised that his wallet containing £80 was missing. Mr T had made previous CL applications as follows:

- 11 November 2003 lost money after epileptic fit.
- 28 November 2003 lost wallet after epileptic fit.
- 26 April 2004 lost money after epileptic fit.
- 09 July 2004 lost money after epileptic fit.
- 13 October 2004 lost money after epileptic fit.

The Reviewing Officer's Decision

The Reviewing Officer (RO) accepted that Mr T's epilepsy created some vulnerability. However, he did not consider that it was likely that Mr T had lost his money six times in thirteen months.

The RO did not find Direction 14 met, as he was not satisfied Mr T was without sufficient resources to meet his immediate short term needs. A CL was refused.

The Social Fund Inspector's Decision

The SFI did not consider that the RO had reached his decision correctly. Although the RO had interviewed Mr T there was no evidence he had given him the opportunity to comment on his previous losses. The SFI was not satisfied that natural justice requirements had been met.

The SFI telephoned Mr T on 10 December 2004. He asked him whether he had any comments to make about his previous applications; that is the high number of previous incidents where Mr T had reported his money was missing after he had suffered an epileptic fit. Mr T said that he felt anxiety about being robbed might have bought on epileptic fits and that he was getting a cash card so he could withdraw his cash in smaller amounts.

The SFI said he accepted someone may be unfortunate and lose their money or have it stolen from time to time but he considered it unlikely that Mr T had lost his money for the sixth time following an epileptic fit in thirteen months. The SFI did not find Direction 14 met, as he did not consider that Mr T was without sufficient resources to meet his immediate short-term needs. A CL was refused.

Comment

Although the SFI confirmed the RO's decision he did not consider that it had been reached correctly as the RO had not given Mr T the opportunity to provide an explanation about his previous losses.

In most cases it is only evidence relating directly to the application being decided that is relevant. However, there may be occasions when it is appropriate to refer to other applications. Similar fact evidence is evidence showing similarities between the circumstances of the application under consideration and other applications. Some of these similarities will be perfectly consistent with what a reasonable person would expect. However, other occurrences of similar fact evidence may damage the applicant's credibility, so it is important to treat it with some caution.

To damage credibility, there has to be some striking similarity or a pattern that is unlikely to have a logical explanation, and cannot be explained just on the basis of coincidence. The key question is the relevance and probative value of the evidence. An application will not always fail if credibility is affected. The existence of similar fact evidence may raise doubts about the evidence in the current case, without itself having sufficient probative value to tip the balance of probability against the applicant's assertions.

The principles of natural justice require that any doubts about the evidence must be explained to the applicant, who may be able to provide an explanation.

Clothing

- Additional benefits in payment

Case 31.4

Application Details

Mrs H applied for a community care grant (CCG) on 18 January 2005 for clothing and footwear for her son. She was in receipt of Income Support and Disability Living Allowance high rate care for both of her children.

Mrs H suffered with depression and panic attacks for which she took medication. Her four year old daughter had heart problems and her six year old son had spina bifida, which caused mobility problems and incontinence. He had broken his leg some months ago and had just come out of plaster. Some of his clothing had been damaged, as it had to be cut to fit when he was in plaster. He had a pair of jeans, one jumper, four t-shirts, two shirts and a coat. His footwear no longer fitted him and he needed good quality shoes because of his mobility problems.

The Reviewing Officer's Decision

The Reviewing Officer (RO) considered that a grant would help to ease exceptional pressures on Mrs H and her family and decided that Direction 4a(iii) was met.

However, he said that Mrs H could replace her son's clothing and footwear from the additional benefits paid for him and that this was a medium priority need.

The Social Fund Inspector's Decision

The Social Fund Inspector (SFI) decided that the RO's decision had not been reached correctly as it was not supported by the facts of Mrs H's case. In particular, the RO had made assumptions that Mrs H had money available to purchase the items for her son without any evidence as to what the additional benefit was used for.

In view of Mrs H's son's health problems and his lack of adequate clothing and footwear the SFI considered that shoes, a pair of trousers and a jumper would have an immediate and substantial effect in helping to ease the exceptional pressures faced. An award was made for these items.

Comment

The law requires all decision makers to have regard to the applicant's income resources, except the mobility component of Disability Living Allowance (DLA). However, before resources such as the care component of DLA can be taken into account when deciding priority, it must be evident from the papers that they are actually available to the applicant to meet the need.

If the applicant has additional income, but there is no evidence to suggest that it is likely to be able to meet his need, Decision Makers should not go on "fishing expeditions" to seek it. Where there is no evidence about how the applicant uses his income resources, the Decision Maker's starting point should be that these resources are not available to meet the need.

However, where the available evidence puts the Decision Maker on notice that there may be additional income from which the need may be met, it may sometimes be appropriate to seek further information. When Decision Makers do make further enquiries about an applicant's expenditure, they should be up front about why they want to know. They should not ask leading questions that could be seen as trying to trap the applicant into a response that would damage his case.

The questions that need to be asked are, for example, what does the applicant spend the additional benefits on, whether there are other debts they are being used to meet or any regular outgoings associated with his disability, which reduce his ability to use them to meet his present needs. In the absence of any evidence or breakdown of expenditure, it should not be inferred that the money is available to meet the need.

Clothing

- Exceptional pressures

Case 31.5

Application Details

Miss M applied for a community care grant (CCG) for clothing and footwear on 27 January 2005.

She was in receipt of Income Support and Disability Living Allowance care and mobility. Miss M suffered from bronchitis, asthma, anxiety and thyroid problems for which she took medication. This caused her weight to fluctuate; she had recently put on one stone. She also had pain in her legs, which meant she was only able to walk short distances.

Miss M had been staying with her eldest daughter and partner but during her stay was assaulted by them and thrown out of their home. Consequently she was left with only one set of clothing which was worn and too small for her because of her weight gain. Miss M then went to stay with her sister who has the care of Miss M's disabled son. Miss M's sister was also in receipt of Income Support and was not happy about Miss M staying with her as she felt it upset Miss M's son. Miss M was borrowing her sister's clothes but this was causing friction between them. Miss M's sister had limited clothing and was finding it difficult to wash the clothing in time for both herself and Miss M to change. She had warned Miss M that if the situation did not improve she would have to leave.

The Reviewing Officer's Decision

The Reviewing Officer (RO) decided that Miss M did not qualify for a CCG as no part of Direction 4 was satisfied. In particular, he did not consider that Miss M and her family were under exceptional pressures.

The Social Fund Inspector's Decision

The Social Fund Inspector (SFI) found that the RO's decision had not been made correctly as it was not supported by the facts of Miss M's case. The SFI did not consider that sufficient account had been taken of Miss M's health problems, the lack of adequate clothing and the friction caused between Miss M and her sister.

The SFI found Direction 4a(iii) was met and that an award would help to ease exceptional pressures on Miss M and her family. He considered that two pairs of trousers, two jumpers, a coat, two bras, a pack of pants and a pair of shoes would have a substantial and immediate effect in helping to ease the exceptional pressures faced by Miss M and her family. He considered that further clothing was medium priority as he had given Miss M a change of clothing, footwear and a protective coat.

Comment

When considering whether Direction 4a(iii) is met the Decision Maker has to look at all the evidence available. In this case there were two main factors to consider:

- Miss M's numerous health problems.
- Her lack of adequate clothing and the problems this was causing her and her sister.

The combination of these factors meant that the family were facing exceptional pressures. Although an award was only for clothing for Miss M, it would help to ease the pressures on both Miss M and her family.

Clothing

- Individual circumstances

Case 31.6

Application Details

Mrs R applied for a community care grant on 07 February 05 for clothing and footwear for herself and her husband. Mrs R was 45 and her husband was 65 years old.

Mrs R suffered from mental health problems, Alzheimer's, under active thyroid, an enlarged spleen and menstrual problems. She was waiting to have a hysterectomy. Her husband had suffered a stroke, which affected his right side, had rheumatism and arthritis in his legs and knees and was doubly incontinent.

Mrs R had no washing machine and was washing some items by hand. She suffered from heavy bleeding and as she was not prepared to wash her husband's soiled and stained clothes she threw them away.

The Reviewing Officer's Decision

The Reviewing Officer (RO) considered that Direction 4a(ii) and 4a(iii) were met and that a grant for underwear, pyjamas, a housecoat and slippers for Mrs R would have a substantial and immediate effect in helping her stay in the community and easing the exceptional pressures faced.

However he considered that, as Disability Living Allowance (DLA) was not in payment for Mrs R's husband there was not a risk of care and clothing for him was of insufficient priority to be paid.

The Social Fund Inspector's Decision

The Social Fund Inspector (SFI) did not consider that the RO reached his decision correctly. The SFI said that the RO was wrong to consider that, as Mr R was not in receipt of DLA there was no risk of care. The SFI considered that the RO did not apply the law correctly as he should also have considered what impact an award for clothing for Mr R would have on easing the exceptional pressures faced.

In his statement of issues the SFI asked Mrs R to tell him exactly what clothing both herself and her husband had that they could wear. Mrs R replied that they both had one set of clothing, which was stained and very worn, neither of them had a coat.

The SFI considered that Direction 4a(ii) and 4a(iii) were met and that a grant would help Mr and Mrs R to remain in the community rather than go into care and in easing the exceptional pressures faced. He considered that a coat, a nightdress, slippers, a housecoat, two salwaar kameez, two cardigans, two long johns, a vest, a bra and six pairs of knickers for Mrs R along with two pairs of trousers, a coat, two shirts, two jumpers, two long johns, two vests, six pairs of pants and socks, two pairs of pyjamas and a pair of slippers for her husband would have a substantial and immediate effect in helping them to stay in the community and easing the exceptional pressures faced.

The budget for Mrs R's area was on target and meeting all high priority needs at reasonable amounts. The SFI considered that the amounts Mrs R had requested were reasonable and made an award of £560 for Mrs R and her husband's high priority needs.

The SFI advised Mrs R that as she had not applied for a washing machine he was unable to consider one. However he mentioned that she could make a fresh application for a washing machine

at her local Jobcentre Plus office, although he could not predict the outcome of this application. He also informed Mrs R of her right of review.

Comment

The Reviewing Officer was wrong to consider that, as Disability Living Allowance was not in payment for Mrs R's husband there was not a risk of him going into care. The RO applied an additional test and should have taken into account Mr R's health problems not what benefits he was receiving when deciding whether there was a risk of care. Given the health problems both Mr and Mrs R had and their lack of adequate clothing the RO should also have considered what impact clothing for Mr R would have on easing the exceptional pressures faced.

Due to the unsuitability of Mr and Mrs R's clothing the SFI considered that two sets each to allow a change along with a coat and nightwear would have an immediate and substantial effect in helping them remain in the community and in easing the exceptional pressures faced. Due to Mrs R's culture her request included clothing that could not be purchased from usual high street retailers. The SFI was satisfied that the amounts Mrs R had requested were reasonable and paid these amounts.

Clothing

- Applicant in hostel

Case 31.7

Application Details

Mr M applied for a community care grant (CCG) on 29 May 2004 for four t-shirts, two pairs of jeans, four pairs of socks, two jumpers, underwear, three shirts, a jacket, a pair of shoes and a pair of trainers.

Mr M was in prison from 13 February 2001 to 27 February 2004. On his release he stayed with friends and claimed income based Jobseekers Allowance (JSA). He then moved to the Salvation Army Hostel from 27 April 2004.

The Reviewing Officer's Decision

The Reviewing Officer (RO) contacted the prison, with permission from Mr M, who told him that on his release Mr M had one sweatshirt, one jacket, one jumper, three t-shirts, two pairs of tracksuit bottoms, one pair of jeans, a belt, socks, trainers and flip flops. He was offered a clothing board but refused this. At the review interview Mr M told the RO that he had left prison with one pair of trousers, one jacket, one jumper, trainers, one t-shirt, socks and underwear. The staff at the hostel had given him a pair of shoes and a t-shirt left by a previous tenant.

The RO considered that a grant would help Mr M to establish in the community following his stay in care and that Direction 4a(i) was met. However, he decided that as Mr M had some clothing he could wear, further clothing would only have a noticeable effect in helping him establish in the community and was a medium priority need.

The Social Fund Inspector's Decision

In his statement of issues (SOI) the Social Fund Inspector (SFI) asked Mr M more about his living arrangements and asked him to explain why the list of clothing provided by the prison differed from the information Mr M had given the RO at his review interview.

Mr M replied by telephone to the SFI's enquiries. He said that the clothing the prison said he had on discharge was damaged and he took out the better items and left the others at the prison. He only had the clothes that he was wearing; the shoes given to him by the hostel were too small. Mr M also said that the hostel washed his clothing every two weeks for a charge, this clothing had become very worn. While his clothing was being washed he was sitting in his room until it was returned.

The SFI considered that the RO had reached his decision correctly. However based on the new evidence provided by Mr M the SFI made a new decision. The SFI agreed with the RO that Direction 4a(i) was met and a grant would help Mr M to establish in the community following his stay in prison. Given that Mr M's only set of clothing was worn the SFI awarded him two pairs of trousers, two jumpers, two t-shirts, four pairs of socks, three pairs of boxers and a pair of shoes.

Comment

Para 2424 in the Social Fund Guide states ‘ A CCG may be awarded for clothing if the applicant has very few suitable clothes. As a general rule the applicant should have at least one change of clothing and enough protective clothing’.

In Mr M’s case the one set of clothing he had had been worn continuously for four months. The SFI decided that as it was more likely than not that this clothing would be worn and awarded two sets of clothing to Mr M.

Direction 4a(v)

- Setting up home including clothing

Case 31.8

Application Details

Miss G applied for a community care grant (CCG) on 07 January 2005 for household items, furniture and clothing.

Miss G was pregnant and had been thrown out of her grandmother's house when she announced her pregnancy. After being thrown out Miss G moved into a hostel. Miss G left the hostel accommodation on 02 January 2005 after a two-month stay, she then moved in with friends. The baby was due on 08 April 2005. Miss G had been offered an unfurnished tenancy, which she was unable to move into until it was suitably furnished. At the date of application Miss G was six months pregnant and had not been able to buy any maternity clothes. She was wearing an old t-shirt and pair of jogging bottoms which were wearing thin and becoming too tight.

The Reviewing Officer's Decision

The Reviewing Officer (RO) refused a CCG, as he did not consider that any part of Direction 4 was met. He had invited Miss G for an interview but she did not attend or reply to the letter he sent asking for further information.

The Social Fund Inspector's Decision

In his statement of issues (SOI) the Social Fund Inspector (SFI) asked Miss G whether she was participating in a planned resettlement programme, whether she had now moved into her new tenancy and if so how the lack of items she had applied for affected her. Since the RO's decision Miss G had approached her Housing Officer to represent her and he replied to the SFI's questions. The Housing Officer confirmed that Miss G was receiving help to set up her new home as part of a planned resettlement programme. The programme involved help with finding Miss G accommodation, benefit advice, budgeting and life skills, help with setting up utilities and ongoing support. Miss G's representative also told the SFI that Miss G had moved into her property and was sleeping on a blow up mattress and eating takeaway food.

The SFI considered that the RO had made his decision correctly on the information available to him at the time of his decision. However, based on this new information the SFI considered that Miss G was setting up home as part of a planned resettlement programme following her unsettled way of life and that Direction 4a(v) was met. The SFI awarded Miss G a cooker, cutlery, pans, crockery, a bed, bedding, seating, living room carpet and curtains, bedroom curtains and two sets of clothing. He decided that these items would have a substantial and immediate effect in helping Miss G set up home.

Comment

Setting up home primarily involves finding somewhere to live, related tasks such as applying for housing benefit, as well as furnishing the property and making it habitable. As well as allowing for things related directly to the home such as furniture, the direction is wide enough to encompass a range of needs. For example, an award for clothing would come within the terms of the direction if the applicant's lack of suitable clothing was having an adverse impact on his ability to successfully set up home. In Miss G's case clothing would make it easier for her to set up home. Also see Bob James article on page 2 of Journal 31.

Application Details

Mr B applied for a crisis loan (CL) on 1 February 2005 for household equipment and furniture.

Mr B was in receipt of income based Jobseeker's Allowance for his partner and three year old son. The family had been living in furnished temporary accommodation for homeless people and had now moved to an unfurnished permanent Local Authority. Mr B had no items of furniture or equipment for his new property.

The Reviewing Officer's Decision

The Reviewing Officer (RO) considered that Mr B was in an emergency situation and that a CL was the only means to prevent a risk to the health and safety of Mr B and his family. He awarded a CL for a cooker, a double bed, a single bed, saucepans, crockery, cutlery and bedding. Mr B accepted the CL but requested an independent review, as he was unable to buy all the items he required such as floorcovering and curtains.

The Social Fund Inspector's Decision

The Social Fund Inspector (SFI) did not consider that the RO had reached his decision correctly as he had not considered a community care grant (CCG). The SFI took into account that Mr B and his family had moved from furnished to unfurnished accommodation and from the papers it appeared that Mr B had little option but to accept the permanent tenancy. He had no items for his new home and all the floors were concrete.

Having established that Mr B did not have a separate CCG application under consideration the SFI used Direction 49 to consider a grant. Given the lack of items to meet even Mr B's basic needs the SFI considered that Direction 4a(iii) was met and a grant would help to ease the exceptional pressures faced by Mr B and his family.

The SFI decided that a cooker, a double bed, a single bed, pans, cutlery, bedding, crockery and carpets and curtains for the living room and bedrooms would have a substantial and immediate effect in helping to ease the exceptional pressures faced and were high priority needs. As Mr B had already received a CL for some of these items the SFI converted the CL into a CCG and paid Mr B the remaining balance.

Comment

Direction 49 allows decision makers to treat an application for a CL as one for a CCG, and vice versa, if there is a clearly arguable case or better. In opening up a case under direction 49, the SFI must make enquiries as to whether there is a separate application for the 'other' payment being considered.

In many CL applications it will not be necessary to consider a CCG. For example, where an applicant is not eligible for a CCG or when that type of award is unlikely to be made. In Mr B's case the evidence indicated that a grant was appropriate. Mr B and his family were moving from temporary furnished to permanent unfurnished accommodation and needed items to fulfil their basic needs such as sleeping and cooking facilities.

Application Details

Miss S applied for a crisis loan (CL) on 24 January 2005 for a double and single bed, bedding, a cot, a washing machine, seating, carpets, drawers, cutlery, pots and pans.

Miss S was in receipt of Income Support for her partner and two children aged four years and four months old. The family had lived at their present address for around 15 months. Miss S suffered with asthma. She owed rent arrears of £700, water arrears of £500, electric arrears of £700 and council tax arrears of £500 the total weekly payments on these were £70. At the time of her application Miss S's social fund debt was £117.54 and her partner's was £868.85, a total of £986.39.

Miss S's washing machine and seating had been repossessed, she had disposed of her bed, pots, pans and cutlery because of their poor condition and her baby was still sleeping in a Moses basket, which he had outgrown.

The Reviewing Officer's Decision

Miss S did not attend the review interview and the Reviewing Officer (RO) made his decision on the information available to him.

The RO refused a CL due to Miss S's outstanding social fund debt.

The Social Fund Inspector's Decision

In his statement of issues (SOI) the Social Fund Inspector (SFI) noted that as Miss S was in receipt of Income Support it was possible that she was unfit for work. He asked Miss S whether she had any health problems and how the lack of the items she had applied for affected her.

Miss S replied that she was currently unfit for work due to her recent pregnancy which had been difficult. As well as asthma she was suffering from a chest infection. She had borrowed an airbed from her sister and Miss S, her partner and her elder child were currently sleeping on this. There was no carpet in Miss S's bedroom and she found that this caused the room to be cold. She had limited cutlery and pots and pans, no seating and little bedding. Miss S was currently washing by hand which she found difficult and there was no launderette in the local area.

The SFI considered that the RO had not reached his decision correctly because he did not consider a community care grant (CCG). Miss S had stated on her application that she suffered from asthma and had a number of debts; her social fund debt also prevented the possibility of a CL award. The RO should have considered whether a CCG was appropriate.

Having established that Miss S did not have a separate CCG application under consideration the SFI used Direction 49 to consider a grant. The SFI decided given Miss S's health problems, debts and lack of items including basic sleeping facilities that Direction 4a(iii) was met. A grant would help to ease the exceptional pressures faced by Miss S and her family. The SFI made an award for beds, bedding, pots and pans, cutlery, seating, a cot, carpet and a washing machine.

Comment

Determination of a CCG on a CL application can raise more questions than the determination of a CL on a CCG application. This is because the CL application form SF401 does not elicit all the necessary information that may be relevant to a CCG. Miss S had mentioned her debts and health problems and although she did not attend her review interview this should have put the RO on notice that a CCG may have been appropriate. The RO could have made enquiries by telephone or letter.

Application Details

Miss K applied for a crisis loan (CL) on 14 March 2005 for socket covers, corner cushions, cupboard and drawer catches, two safety gates and a fireguard.

Miss K was in receipt of Income Support and had a one year old son who had recently been diagnosed with asthma. He had been prescribed an inhaler suitable for a child his age. He had started crawling and Miss K had no safety equipment to prevent him from having accidents in the home.

Miss K owed £300 on a telephone bill, which she was repaying at £5 per week; she had £193 water arrears, which she was repaying at £33 a month, and £500 hire purchase which she was paying at £8 per week. Miss K's outstanding social fund debt was £389.94.

The Reviewing Officer's Decision

The Reviewing Officer (RO) considered that a CL for two safety gates and a fireguard would prevent a serious risk to the health and safety of Miss K's family and that Direction 3 was met for these items. Whilst he acknowledged that other safety equipment would be desirable he did not consider these items would be the only means of preventing such a risk.

The Social Fund Inspector's Decision

In his statement of issues (SOI) the Social Fund Inspector (SFI) asked Miss K to tell him more about her son's asthma and whether she had any health problems. Miss K replied that she was suffering from depression for which she took anti-depressants. She got paranoid and had panic attacks.

The SFI did not consider that the RO had reached his decision correctly as he did not use the opportunity of the interview to ask Miss K questions about both her son's health problems and whether there was any other information Miss K wanted to provide.

The SFI made a new decision. Having established that Miss K did not have a separate community care grant (CCG) application under consideration the SFI used Direction 49 to consider a grant. He considered given both Miss K's and her son's health problems along with her limited income that a CCG would help to ease the exceptional pressures faced by Miss K and her family and Direction 4a(iii) was met.

The SFI considered that a fireguard and two safety gates would have a substantial, and immediate effect in helping to ease the exceptional pressures faced and were high priority needs. The SFI accepted that Miss K would like to leave a safety gate at every door within her home and have other safety equipment but did not consider that these other items would be as important as the fireguard and two safety gates in helping to ease the exceptional pressures faced. He considered these other needs were medium priority. As Miss K had already received a CL for the high priority items the SFI converted this into a non-repayable grant.

Comment

In this case the information available to the RO was not sufficient for him to consider that a CCG was appropriate. However, he should have been on notice to make enquiries to establish whether consideration of a grant was appropriate. The RO did have the opportunity at the review interview to ask Miss K more about her son's health problems and gather any further information. Given the new evidence provided by Miss K in response to the questions in the SOI the SFI considered that a grant was appropriate in Miss K's circumstances.

Application Details

Miss L applied for a crisis loan (CL) on 17 February 2005 for a coat, a jumper, a pair of jeans, a pair of shoes and underwear.

Miss L was in receipt of Income Support. She suffered from emphysema, angina, asthma, depression and arthritis throughout her body. She used a nebuliser several times a day and a spray for her angina. She was unable to walk more than a few feet without becoming breathless and getting chest pains. She took antidepressants and had regular suicidal thoughts. Her arthritis was worse when Miss L was cold and she was prescribed strong painkillers and anti-inflammatories. She had a bowel disorder and was waiting to go into hospital for a hernia operation, an ear operation and tests for her bowel disorder. She had a lung and chest infection and was taking antibiotics; she was worried that this infection would lead to pneumonia as this had happened before.

Miss L's clothing had worn out. Her jeans had shrunk and were too small. She had a thin nylon anorak, two pairs of pants, one bra, two pairs of socks and a jumper. Her one pair of shoes were not waterproof. Miss L was finding it difficult managing her money. She paid £12 per week to the social fund, £10 per week to Provident, £20 on fuel and £10 to a friend for a loan. She could not afford to buy clothing because of these commitments.

The Reviewing Officer's Decision

The Reviewing Officer (RO) considered that without adequate clothing there was a risk to Miss L's health and safety and made an award of £100 for clothing. He did not give a breakdown of this award.

The Social Fund Inspector's Decision

The Social Fund Inspector (SFI) did not consider that the RO had reached his decision correctly. As there was an arguable case that a community care grant (CCG) may have been payable and the RO should have considered this. Since the RO's decision Miss L had told the SFI that she had had tests as her doctor suspected she had diabetes. She had suffered two angina attacks in the last month and recently sprained her leg in a fall.

Having established that Miss L did not have a separate CCG application under consideration the SFI used Direction 49 to consider a grant. He considered that the nature and extent of Miss L's health problems combined with her lack of suitable clothing and footwear meant that there was a risk of her going into care. He considered that an award for the items requested would lessen that risk and so help her to remain in the community and that Direction 4a(ii) was met.

The SFI was satisfied that Miss L had an urgent need for warm clothing including a waterproof coat and footwear. He awarded a CCG for a coat, a jumper, a pair of jeans, a pair of shoes and underwear. The SFI was satisfied that these items would have a substantial and immediate effect in helping Miss L remain in the community.

Miss L told the SFI that she had bought a jacket £50, a pair of shoes £30 and underwear £20 from the £100 CL award. He considered that these amounts were reasonable and awarded £20 for a jumper and £25 for a pair of jeans which were the amounts Miss L had requested. The SFI converted the CL into a non-repayable grant and awarded Miss L the remaining £45 CCG.

Comment

The information available to the RO about Miss L's health problems was very detailed and sufficient for him to consider whether a CCG was appropriate.

She was in very poor health and had inadequate clothing. Therefore the right course of action was to determine a grant on this application using Direction 49.

Application Details

Miss G applied for a crisis loan (CL) on 15 February 2005 for a washing machine, a bed and bedding.

Miss G was in receipt of Income Support and had three children aged six and twins aged 13 years old. Miss G had emphysema, Chronic Obstructive Pulmonary Disease (COPD) and distension of the abdomen. She was incontinent and attended hospital for her lung problems.

Miss G's washing machine had broken beyond repair. She could not bend over the bath to wash by hand and could not afford to use the launderette. Her washing was piling up and she was finding it very hard to cope. The family were wearing the same clothes and she was concerned about the children attending school in dirty clothing.

Miss G's bed was damaged beyond use through incontinence and she was sleeping on living room chairs; she had also damaged her bedding.

The Reviewing Officer's Decision

The Reviewing Officer (RO) considered that given Miss G's health problems and lack of adequate sleeping facilities that a bed would prevent a serious risk to Miss G's health and safety. He was satisfied that Direction 3 was met and awarded a CL of £100 for a bed.

The Social Fund Inspector's Decision

The Social Fund Inspector (SFI) was not satisfied that RO's decision had been reached correctly. Miss G's circumstances indicated that she met the conditions of Direction 4a(iii) and a community care grant (CCG) would help to ease the exceptional pressures faced by Miss G and her family. Having established that Miss G did not have a CCG application under consideration, the SFI used Direction 49 to consider a grant. He decided that a bed, a quilt, two sheets and a washing machine would have a substantial and immediate effect in helping to ease the exceptional pressures faced by Miss G and her family and made an award for these items. As Miss G had already received a CL of £100 for a bed the SFI converted the CL into a non-repayable grant and awarded Miss G the remaining balance.

Comment

In this case there was sufficient information to indicate a CCG should be awarded. Miss G had a number of health problems and was without adequate sleeping facilities. Her incontinence caused extra washing and she was not managing this without a washing machine. Miss G and her family were therefore under exceptional pressures that would be eased by a CCG. As CCGs are non-repayable awards, consideration should have been given to such an award before consideration of a repayable CL.