

the Digest of Decisions

Issue 32 Winter 2005/006

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INVESTOR IN PEOPLE

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**Independent Review Service
for the Social Fund**

Welcome to the 32nd edition of the digest.

This edition covers a range of issues:

- **Budgets.** These cases show a range of cases with budgets in very different positions. The cases demonstrate the impact that the budget can have on the outcome of a case.
- **Interviews and Direction 3.** There have been recent changes to Direction 33. These cases illustrate the impact of those changes.
- **Cases with delays.** These are cases that were delayed before they came to the IRS.
- **Budgeting loans.** A range of budgeting loan cases.

We hope you find these cases helpful.

As usual we welcome your feedback.

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Budget under pressure

- Award Restricted. Reviewing Officer's decision correct

Case 32.1

Application Details

Mr and Mrs P applied to the Social Fund on 8 January 2005 for a community care grant (CCG) for a bed (£150), bedding (£80.00), a washing machine (£250) and a fridge (£129).

The couple were in receipt of Income Support including Disability Premium. The bed was second hand and had been given to them by a family member. The springs were coming through the mattress fabric and there was little support. The bedding was faded and very thin in places. The washing machine did not spin properly. This meant that all of the water was not removed from the laundry so it took longer to dry. The bedding and clothing once dry had a musty smell. There were no outdoor drying facilities and the property had storage heaters.

The couple had a second hand fridge that was no longer chilling foodstuffs properly. Food had to be thrown out as it had gone off. Mr and Mrs P lived in a rural area with one local general shop and had to get the bus to larger stores or a supermarket. The lack of a fridge meant that the family were shopping more frequently for items than before. They were finding this expensive.

Mr P had irritable bowel syndrome (IBS) and also depression. He had medication from his GP for both conditions and had been advised to eat more fresh fruit and vegetables by a dietician to help his IBS. The IBS affected him with bowel incontinence on a regular basis. On bad days he had stomach pains, bloating and stayed in bed. There was extra laundry each week because of the incontinence problem.

Mrs P was in good health but had been to see her GP recently after feeling down and tearful about her situation. Mrs P was worried about how they would manage to replace household items in their financial situation. Her sleep had been affected and she felt anxious and stressed. Her GP had provided one month's antidepressant tablets and made a further appointment to see her. Mrs P had recently had a miscarriage and this left her anaemic and lacking energy. She was having trouble coming to terms with the loss of her baby. She had fainted and been taken to hospital 5 weeks ago.

The couple had total debts to credit card companies and store cards of £12,000. The companies were pressing for payment and suggesting that matters would be placed in the hands of debt collectors.

The Area Decision Maker's (ADM) guidance was that the district was able to meet all high priority needs from 1 April 2004. The additional information dated December 2004 about how the budget had been managed suggested that all high priority needs had been met but because of pressure on the budget the amounts of awards had been restricted to those at the lower end of a reasonable price range to provide items from local or national retail outlets. At the time of the Reviewing Officer's decision the district was 15% overspent.

The Reviewing Officer's Decision

The Reviewing Officer (RO) made his decision on 14 February 2005. He decided Direction 4a(iii) was met and that a grant would help to ease exceptional pressures on Mr P and his family. The RO took account of the ongoing health problems, recent loss of the baby and the financial pressures. He concluded that a bed, bedding, washing machine and fridge were all high priority needs in Mr P's circumstances.

However, in view of the 15% overspend the RO decided that the district could not meet all of these high priority needs on this occasion. He made an award for the bed and washing machine only as he considered that these were the items that would be the most compelling in terms of easing the exceptional pressures.

The Social Fund Inspector's Decision

The Social Fund Inspector (SFI) made his decision on 12 March 2005. He found that the RO's decision had been reached correctly. He agreed with the RO that the overspend suggested the district budget could meet a more limited range of needs than was set out in the ADM's guidance. The impact that the bed and washing machine would have on the couple's daily living conditions was more significant than the impact of new bedding and a fridge. This was because the facts suggested that the couple had some bedding to use and access to a local store.

Comment

In this case the RO had correctly identified that all of the needs were high priority. He then considered the position of the district grants budget and decided to depart from the ADM's guidance, which said all high priority needs could be met. It was right to take a more restrictive approach than was suggested by the guidance because of the substantial overspend.

The RO had met the full range of needs he had concluded the district budget was capable of meeting at that point.

Application Details

Mr C applied on 23 May 2005 for a community care grant (CCG) for a cooker (£200), bedding (£50), crockery (£20), living room carpet (£180) and an easy chair (£150). He was in receipt of Income Support and Incapacity Benefit.

Mr C had a history of mental health problems and had spent several spells in residential care in the last 5 years. Most recently Mr C had been a resident for 6 weeks following a breakdown. He had been released at the beginning of May and moved back into his former Housing Association property. Mr C had a mental health worker who spoke to him or saw him each day. Mr C also attended counselling every fortnight with the aim of reducing support over time. Mr C was taking prescribed anti-depressant medication.

Mr C had damaged items in his home when he had his breakdown. He had torn bedding and slashed the settee and bed with a knife. The crockery had been broken and he had one cup and plate left to use. The living room carpet was old and lumpy, it had been given to him when he moved into his home and was not laid properly. Mr C had one torn sheet and a duvet but no pillows or cases to use. The cooker was old and the knobs were broken. This meant that he had to use pliers to turn the gas on and off and to control the flame.

The ADM's guidance dated 1 April 2005 suggested that the district was able to meet all high priority needs. The district budget was on target against planned spend. The district had also provided additional information dated 01 May 2005 about how the budget had achieved the current position as required by Direction 41. This stated that the area was able to meet all high priority needs at reasonable sums having regard to local outlets. Awards were being made that were sufficient to provide new items of serviceable quality.

The Reviewing Officer's Decision

The Reviewing Officer (RO) decided that following Mr C's six week stay in residential care Direction 4a(i) was met and a grant would help Mr C to establish in the community following his stay in care. Given Mr C's mental health issues and need for a stable home the RO also considered that a grant would help Mr C to stay in the community rather than go into care and that Direction 4a(ii) was met. The RO decided that a cooker, crockery, bedding and an easy chair were high priority needs. These items would allow Mr C to move back into his own home and provide him with adequate sleeping and cooking facilities and also some seating. The RO considered that these items would have a substantial and immediate effect in helping Mr C to establish in the community and in helping him to stay in his own home rather than go into care.

The RO considered that on the evidence available to him Mr C's need for flooring would only have a noticeable affect in helping his situation and was a medium priority need.

The RO made a payment for a cooker £139.90, sheets £9.89, duvet cover £4.49, pillows £6.99, crockery £10 and a chair £80 based on Argos prices. The amounts awarded were less than requested and no additional reasons were provided as to the basis of the lower award.

Mr C requested a review on the refusal of carpet and because he felt the amounts awarded were too low.

The Social Fund Inspector's Decision

The Social Fund Inspector (SFI) asked Mr C about the basis of his requested amounts and how he had spent the money awarded by the RO. Mr C explained that the prices he requested were from a local store on the high street and that he had been there with his Mental Health Worker. He had not spent the money because he was waiting to hear the final decision.

The SFI agreed with the RO's decision about priority. He considered that the decision to restrict the amounts of the awards was not sustainable on the evidence. The information about the budget suggested that the district was able to meet all high priority needs and the budget was on target against planned spend. There were no routine price restrictions in place.

The sums that had been requested by Mr C were within an appropriate range to provide items of serviceable quality. The SFI considered that the budget could sustain an award for the requested sums and increased the award to reflect the amounts requested.

Comment

The Social Fund Guide gives advice on the amount to award. The amount requested should normally be awarded so long as this amount is within a range of prices considered appropriate for an item of serviceable quality. An exception to this is if the requested amount is outside this range, or due to pressure on the budget the district is restricting amounts of awards.

In this case the district grants budget was being managed within its planned parameters and routine price restrictions were not being used to control it. It was not, therefore, appropriate to reduce the amounts awarded for Mr C's needs.

If there were reasons to restrict the amounts awarded the burden of proof was on the RO to provide information about why price restrictions were necessary.

Budget Underspent

- Reviewing Officer's decision correct

Case 32.3

Application details

Mr and Mrs M applied to the fund on 30 November 2004 for a community care grant (CCG) for a cooker (£250), 2 mattresses (£140), a bedroom carpet (£400), and a wardrobe (£440). They were in receipt of Income Support with a disability premium.

The couple had twin girls aged 7 who both bed wet each night. In addition they both had eczema and asthma. These conditions were treated by creams and inhalers prescribed by the GP. The asthma was well controlled but the eczema was more of a problem to the twins. This was over their bodies, hands, feet and scalp. The twins' bedwetting aggravated the eczema and due to scratching their skin would also bleed. There was more wear and tear on the bedding due to staining and frequent washing.

The twins' mattresses were stained, torn in the middle and smelt. The carpet in their room was frayed and they had soiled it when they had not managed to get to the toilet in time. They did not have any storage and clothing was left in piles on the floor or in boxes. The dust particles affected the children's skin and it was harder to keep clothing clean.

Mr M had arthritis of the spine. His mobility was affected and he took strong painkillers for this. Mrs M took antidepressant medication for anxiety and depression. The cooker had not worked properly for about 8 months and had now broken beyond repair.

The ADM's guidance from 01 April 2004 was that all high priority needs could be met. As at the end of October the district was 15% underspent against planned spending. The underspend had been increasing month on month and additional information in the guidance confirmed that the district was up to date on both application and review work.

The Reviewing Officer's Decision

The Reviewing Officer (RO) decided that Direction 4(a)(iii) was met. He considered the most important items in Mr M's circumstances were those providing his family with adequate cooking and sleeping facilities. The RO decided that a cooker and two mattresses would have a substantial and immediate effect in helping Mr M's situation and in helping to ease the exceptional pressures faced. A payment was made for these high priority needs at the amounts Mr M had requested. The RO decided the carpet and wardrobe were less compelling and were medium priority needs.

In looking at the District's grant's budget and ADM's guidance the RO decided that a wider range of needs could be met than was supported by the guidance. In reaching this decision he took account of the month on month underspend as well as the confirmation that there were no arrears of work.

Taking this into account the Reviewing Officer decided that some of the more important medium priority needs could be met at this stage in the year. He decided to make an award for the carpet (£120) and wardrobe (£120).

Mr and Mrs M requested a review on the basis of the amounts awarded for these needs as they had a large bedroom of 6 x 7 metres to carpet and wanted a sturdy wardrobe.

The Social Fund Inspector's decision

The Social Fund Inspector (SFI) agreed with the RO's decision and found the decision had been made correctly. He agreed with the RO's priority findings and his decision to make an award to include the medium priority needs. The SFI agreed that the amounts requested by the applicant for the wardrobe and bedroom carpet were outside an appropriate range and was satisfied that the amounts awarded by the RO were sufficient to buy items of a reasonable quality.

Comment

In this case the RO was able to make a larger award than that suggested by the guidance. This was because of the details provided about the district budget. The state of the budget is decided by looking at the planned spend against the actual spend for the most recent month end. The Direction 41 information gives the detail as to how the district has arrived at the current position. This includes details of workload, arrears and potential values for these cases. Clerical spend that has yet to be put on system is also relevant.

In this case the RO was right to look at a number of factors. These included the degree of underspend against planned spend, the historical data showing an underspend all year as well as the state of work. All of these factors supported the RO's conclusion that a wider range of needs than those suggested by the ADM's guidance could be paid at the time of his decision.

A Decision Maker may make an award outside of the range suggested by the ADM's guidance where the evidence supports this. As part of the ongoing review of the budget and its management it is also incumbent on the ADM to issue new guidance to decision makers where the levels of need that may be met have changed.

Application Details

Mr W applied for a community care grant (CCG) on 10 April 2005 for a bed and bedding (£150), a bed settee (£150) and a tumble dryer (£150).

Mr W lived with his partner and had a number of physical health problems. These included having one lung, asthma, poor circulation in his legs and feet as well as osteoporosis. He also had incontinence and mobility problems. He used a Zimmer frame to get about and had difficulty getting upstairs. Mr W took a number of medications for his conditions. Mrs W had an eating disorder and bowel problems. She also had poor circulation and arthritis that caused her some mobility problems. She felt depressed and had problems sleeping.

The laundry was done by Mr W's granddaughter two or three times per week. Their daughter came each day to check on them and a friend helped with household chores and shopping.

Mr and Mrs W both slept downstairs as they were not able to get upstairs. Mr W slept on a bed. However, the bed base was broken and the springs were poking through the mattress. Mrs W slept on a bed settee, which was worn out and not comfortable. Due to Mr W's incontinence the bedding required frequent washing and was worn. There was extra washing to be done and laundry was being dried outside. This meant that it was harder to dry things in bad weather. The property had a gas fire in the living area only but this was not helpful for Mr W's breathing problems.

The ADM's guidance dated 1 April 2005 was that the district was able to meet all high priority needs. Amounts of awards were being restricted to those at the lower end of the price range from local outlets. The budgetary information also indicated that the district was overspent by 2% at the time of the Reviewing Officer's decision. The Direction 41 information showed that there were arrears of work over and above the normal head of work. Based on the average award amount this meant that the district would be 10% overspent once these had been cleared.

The Reviewing Officer's Decision

The Reviewing Officer (RO) decided that Direction 4(a)(ii) and (iii) were met and that an award could be made for a double bed and bedding together with a tumble dryer. These were high priority needs. He considered that the bed settee was less important and of medium priority. The RO had commented that the overspend suggested a more limited range of high priority needs could be met on this occasion. Nevertheless, he found the items he had identified as high priority were sufficiently compelling to be met by the budget, despite the overspend.

The Social Fund Inspector's decision

In his statement of issues the Social Fund Inspector (SFI) asked Mr W why a bed settee was important in his circumstances. In his response Mr W told the SFI that he and his wife were unable to sleep in the same bed as his health problems caused him to become very breathless and restless. This prevented his wife from getting a good night's sleep which then exacerbated her health problems. Mr W explained that his wife was now sleeping in an armchair because of the condition of the bed settee. There was not enough room downstairs for two beds and a settee which was why he required a bed settee.

The SFI decided that the RO had made his decision correctly. However, based on the new information the SFI made a new decision. The SFI considered it was very important that both Mr W and his wife had adequate sleeping facilities and decided that a bed settee was a high priority need. Taking into account the arrears of work the district budget was overspent. However considering the extent and urgency of this need the SFI decided that payment for this item came within the margin of high priority needs that the district could meet. An award was made for the item at the requested amount of £150 which the SFI considered was reasonable.

Comment

In this case the district budget appeared to be on target against planned spend. However, there was additional information explaining that there was a backlog of work to be done. The value of this meant that the district was more overspent than first appeared. The RO's approach to consider priority and then revisit the issue again in the light of the budgetary pressures was the correct one. The SFI changed the decision on new information but had to critically consider the range of needs that could be met by the district at that time.

Budget under severe pressure

- Restrictions in place

Case 32.5

Application details

Mr F applied for a community care grant (CCG) on 23 July 2005 for a fridge/freezer (£200), washing machine (£250), tumble dryer (£180), microwave (£45), bed (£100), cooker (£180), bedding (£30) and bedroom carpets (£300).

Mr F had separated from his ex-partner on 3 April 2005 and she had taken the household items from the home as they were in her name. Mr F had no cooking, sleeping or seating facilities. He had been eating takeaway foods or at friends homes and had shopped as and when for fresh items. He had laminated flooring in the downstairs of his home and bare floorboards upstairs. Friends had been helping him out with washing and he was drying it either in the garden or on the radiators, if his heating was on.

Mr F had a five-year-old daughter who lived with another previous partner. He had access to her each weekend and this had been on a regular basis since he separated from her mother three years ago. Due to the lack of facilities in his home Mr F had been unable to see his daughter there since his ex-partner removed the household items. He had been relying on a friend and the use of their home to see her but this was only during the day. The child's mother was not happy about this arrangement and had threatened to stop the access if the child could not stay for the full weekend. Mr F was worried about losing contact with his daughter and the effect this would have on her.

Mr F had a badly damaged left arm with limited use and mobility. He had bouts of depression and anxiety and received counselling for this. He had also attended anger management classes previously. Mr F had previous drug problems and had been in prison for 18 months before being released in 2004. Mr F's daughter suffered from severe eczema and her bedding and clothing had to be changed regularly because of the creams that were applied three times a day.

The ADM's Guidance for 2005/2006 was that all needs assessed as high priority to the extent the budget allowed could be met. The information supplied under Direction 41 suggested that the district were only paying the more important and urgent of high priority needs. The amounts of the awards were also restricted to those at the lower end of a reasonable price range. As at the end of June the district had spent 2% more than planned. The district was only able to keep on target by adopting these strict measures and was severely under pressure.

The Reviewing Officer's Decision

The Reviewing Officer (RO) decided given Mr F's health issues and his need to maintain ongoing contact with his daughter that Direction 4 (a)(iii) was met and an award would help to ease exceptional pressures on Mr F and his family. The RO considered that a bed, bedding and cooker were high priority needs and awarded the amounts Mr F had requested for these items.

In his review request Mr F stated he had tried to wash items by hand but had got a rash, he also could not hand wash large items such as bedding. He was concerned without clean clothing and bedding that his daughter may develop a skin infection. His friend had three children of his own and was getting fed up with helping him out.

The Social Fund Inspector's Decision

The Social Fund Inspector (SFI) did not consider that the RO had reached his decision correctly. The RO did not take into account all the information he should have, in particular looking at the practical impact of Mr F's physical restrictions and access to his daughter, as well as her health problems. The SFI took into account the problems Mr F had with shopping and laundry and that he needed to provide a stable home in order to continue the access to his daughter. He considered that a fridge/freezer, washing machine and tumble dryer would have a substantial and immediate effect in helping Mr F's situation and in helping to ease the exceptional pressures faced. These were high priority needs.

The SFI considered the position of the budget and how that was being managed. Not all high priority needs could be met. The SFI therefore considered which of the high priority needs came within the range able to be met by the district grants budget. He decided that the most important of Mr F's high priority needs were those providing food storage and washing facilities. The SFI accepted that a tumble dryer and a freezer would add to the convenience of Mr F's home but did not consider these items were of sufficient importance and urgency to be paid. An award was made for a fridge (£109.00) and a washing machine (£180.00).

Comment

In this case the issue was about identifying all of the high priority needs and then looking at the impact of the budget and how this was being managed. This is a two-stage process with priority being dealt with first. Here there was clear evidence about how the budget was being managed and the impact of the approach. In this case the budget was under severe pressure with not all high priority needs being met and routine restrictions on the amounts of awards. The SFI had correctly identified all high priority needs first but had to then restrict his award because of the situation with the budget.

Applicant given sufficient opportunity to provide all details relating to case - Reviewing Officer's

Case 32.6

~~Decision correct~~

Application details

Miss M applied for a community care grant (CCG) on 17 December 2005 for a table and chairs (£125), washing machine (£200), pushchair and rain cover (£130), repair to the tumble dryer timer (£75) and living room carpet (£120).

Miss M had three children aged nine, three and 21 months old. The youngest child Elsie had a neurological disorder that affected her mobility. She had a weakness on her right hand side that meant she could not use her hand or leg properly. She was not able to walk properly and would shuffle along. She also had epilepsy.

The washing machine had broken down and the timer had broken on the tumble dryer. The family were eating their meals whilst sitting in the living room and Miss M wanted to have a table and chairs to help control spillages. The living room carpet had become stained and threadbare in patches where it had been cleaned following food being spilt by the children. Miss M wanted a pushchair to help transport Elsie around.

Records showed that Miss M was paid a CCG for £300.00 for a washing machine and £150.00 for a pushchair on 18 September 2004.

The Reviewing Officer's Decision

The Reviewing Officer (RO) telephoned Miss M to conduct a review interview. Miss M stated it was not possible for her to talk at that time. The RO made an arrangement to call her the following day at an agreed time. When he did so there was no reply. He tried again several times during the course of the day but got no reply. He wrote to Miss M the following day but after receiving no response the RO went ahead and made his decision on the information held.

The RO found that Direction 4(a)(iii) was met and that an award would help to ease exceptional pressures on Miss M and her family. He considered that the living room carpet, table and chairs and the cost of the repair to the tumble dryer were high priority needs. The RO considered given that Miss M had received an award for a washing machine and pushchair within the last four months and he was unable to find out what had happened to these items that they would only have a noticeable effect on her circumstances and were medium priority. The budget was on target and able to meet all high priority needs at reasonable amounts. The RO made an award of £120 for the carpet, £125 for the table and chairs and £75 for repairs to the tumble dryer. He was satisfied that Miss M had been given sufficient opportunity to make her case.

Miss M requested a review. She said she really needed a pushchair as she had been carrying her daughter who weighed 2 stones and that this was too difficult to do. Her mum had been doing the laundry for her.

The Inspectors Decision

The Social Fund Inspector (SFI) agreed with the decision made by the RO given the available information. Miss M had been given the opportunity of a telephone review at an agreed time and the RO had rightly pursued the investigations in writing although this had not been successful. In his statement of issues the SFI asked Miss M whether she had bought a washing machine and pushchair with the previous award and what had happened to these items. He also enquired about the possibility of repairs. The SFI stressed how important it was that Miss M replied to his enquiries.

Miss M did not reply to the SFI's enquiries or to his reminder. The SFI also tried to call Miss M on the telephone but had no reply. The SFI considered that as Miss M had received an award only four months ago sufficient to buy a new washing machine and pushchair that it was more likely than not that these items were still available to her. He concluded that these needs were of insufficient priority for an award to be made.

Comment

Direction 33(1) sets out the requirements around interviews and Miss M was given the opportunity of a telephone review.

Whilst he was unable to conduct this the RO attempted alternative methods of obtaining further details using the inquisitorial role to try and fill the gaps in the evidence. The SFI was satisfied that all attempts had been made to meet the requirements of natural justice.

The offer of an interview does not necessarily discharge the inquisitorial role. In some cases it may be necessary to write to an applicant asking specific questions, as the RO did in this case.

Reviewing Officer's failure to offer interview

- Incorrect decision

Case 32.7

Application details

Ms D applied for a community care grant (CCG) on 3 December 2005 for a cooker (£250), fridge (£150), table and chairs (£78), microwave (£45), washing machine (£300) and dishwasher (£295). She was in receipt of Income Support including a disability and severe disability premium. She also received Disability Living Allowance middle rate care.

Ms D had ongoing unspecified health problems and had a son aged 16 who helped with household tasks as well as personal care for his mum.

The washing machine was not working properly; the cooker was very old and took a long time to heat up and the table and chairs were needed to be able to eat in the kitchen. Ms D wanted a dishwasher and microwave to help her son manage his time better.

The Decision Maker decided Direction 4(a)(iii) was met and paid a grant for a cooker only. Ms D requested a review saying she needed all of the items and it was too difficult to manage without a washing machine.

The Reviewing Officer's Decision

The Reviewing Officer (RO) decided not to offer an interview, as Ms D had not provided a telephone number. He agreed with the Decision Maker that Direction 4(a)(iii) was met and a grant would help to ease exceptional pressures on Ms D and her family. The RO considered that only a cooker was a high priority need in Ms D's circumstances and upheld the Decision Maker's decision.

Ms D requested a review saying she was very poorly and it was not right her son had to care for her without household appliances that worked.

The Social Fund Inspector's decision

The Social Fund Inspector (SFI) was not satisfied that the RO's decision had been reached correctly. This was because the RO had not offered Ms D a telephone interview or written to her inviting her to attend a face-to-face interview if she could not get access to a telephone. Further details were needed to clarify the exact nature and extent of the health problems as well as the needs. There were large gaps in the evidence, in particular regarding what the health problems actually were, how the family were managing and the impact on the family. There was little detail in the papers about the health issues or family circumstances and it was not appropriate here to proceed without gathering more information.

In his statement of issues the SFI asked Ms D to tell him more about her health problems and how they affected her. He also asked for more information about the items she required and the impact this was having on her and her son. In her response Ms D told the SFI that she had rheumatoid arthritis in her spine, hips and joints – her mobility was stiff and restrictive. She had a poor sense of balance and could not stand in one position for long. At times Ms D had incontinence and she took anti depressant medication prescribed by her GP. Ms D had a friend who helped her and her son. She came to check on her when her son was at college. This friend had been doing the laundry for Ms D but she found it embarrassing to get her to deal with soiled items.

The washing machine would not work at all. The fridge was needed to help the family manage the shopping as they were reliant on help from others and could not always go when needed. Ms D wanted the microwave and dishwasher to help her son manage his time better so he could spend less time preparing meals and doing chores. Ms D also felt she would be able to use the microwave and help more with food preparation. The table and chairs the family had been using were broken and Ms D found it hard to manage food from a tray on the comfy seating. She would spill things and found it painful to bend over her food.

The SFI considered that given Ms D's health problems and the care she received from her son and friend a grant would help to ease the exceptional pressures on Ms D and her family. The SFI considered that a fridge, table and chairs, washing machine and microwave along with the cooker already awarded by the RO would have a substantial and immediate effect in helping Ms D' situation and were high priority needs. The budget was on target and meeting all high priority needs at reasonable amounts. The SFI awarded the amounts Ms D had requested for these items.

Comment

In this case the RO did not telephone Ms D, as she had not given a contact number. Direction 33 states that if the RO is not minded to change the decision wholly in the applicant's favour the applicant must be given the opportunity of taking part in a telephone interview before the decision is made.

In this case the RO did not have any information about Ms D's health problems, the effect these had on her or how the family was managing. Information about this was necessary before a decision could be made. If Ms D had not responded to the RO's invitation to take part in a review interview it would be necessary in this case for the RO to write to Ms D or even visit her asking specific questions about her circumstances and her need for the items she had applied for.

Interview offered and further information requested - No response from applicant

Case 32.8

Application details

Ms C applied for a community care grant (CCG) on 17 December 2005 for pans (£20), clothing/underwear (£100) and gym wear (£70) including tracksuits, t-shirts and trainers. Ms C also wanted roller blinds (£45) for the kitchen and bathroom and decoration costs (£230) for her living and bedroom.

Ms C lived alone and had suffered a brain haemorrhage and stroke in the past. She was in receipt of Disability Living Allowance care and mobility. The pans had broken handles and were hard to hold. There were net curtains in the kitchen and bathroom and Ms C felt blinds would be more useful as they would not need to be laundered. Her home had not been decorated for 3 years and was a little worn and she wanted to freshen it up. Ms C explained she went to a day centre 4 days in the week and went to the gym once a week. She had been borrowing her daughter's jog pants and a t-shirt although these were worn out and tatty. The trainers she had were her daughter's old ones and these were too small and hurt her feet. They had also split on the toe.

The Decision Maker (DM) considered that a grant would help Ms C to stay in the community rather than go into care and that Direction 4(a)(ii) was met. He made an award for pans.

Ms C requested a review and explained that she needed to go to the gym as part of her treatment for mobility after her stroke. She used a gym at a local hospital and this was on the advice of her GP. The stocks of clothing she had were all too tight and cut into her. She had gained two stones in weight. Ms C had one smock type dress that fitted her and a pair of trousers that she could not do up fully. She had an old stained sweatshirt to use and a cardigan that was past its best. Ms C explained that she wanted to get three sets of tops and bottoms that fitted her as well as some underwear because the few items she had were all too small, dug into her and were no longer supportive.

The Reviewing Officer's Decision

The Reviewing Officer (RO) did not have a contact number for Ms C so he wrote to her to offer her a face to face interview. Ms C did not attend this interview and the RO considered he had sufficient information to make a decision.

The RO considered Direction 4(a)(ii) was met for the pans, clothing and gym wear. He considered that Ms C was at risk of going into care and that a grant for these items would help her to remain in the community rather than go into care. Although he accepted roller blinds and redecoration would make Ms C's home more desirable the RO did not consider that a grant for these items would help Ms C to remain in the community rather than go into care. A CCG was refused for these items.

Given that Ms C needed to go the gym as part of her treatment for a stroke and had insufficient clothing to do this the RO decided that gym clothing and trainers along with two sets of clothing and some underwear would have a substantial and immediate effect in helping Ms C's situation and in helping her to stay in the community. These were high priority needs. The budget was on target and meeting all high priority needs at reasonable amounts. The award was increased to allow for a pair of jogging bottoms, a t-shirt and trainers as well as two tops and bottoms and multi packs of bra's and knickers.

Ms C requested a review, as she wanted roller blinds and decoration to make her home feel more welcoming.

The Social Fund Inspector's decision

The Social Fund Inspector (SFI) sent out a set of the relevant papers from the case that included full details of the RO's decision. Ms C was given the opportunity to make any further comments. She replied stating she had nothing further to add and that she agreed with the facts that had been detailed. The SFI considered that the RO had reached his decision correctly and was satisfied further details did not need to be sought. He confirmed the RO's decision.

Comment

Direction 33 states if the applicant does not have access to a telephone the RO should give them the opportunity of being interviewed in person. Even if the applicant does not have their own telephone this does not mean that they may not have access to one.

The RO invited Ms C to attend an interview which she failed to do. The RO therefore made his decision on the information available to him. As there were no apparent gaps in the evidence here the RO had exercised his discretion appropriately with regards to the inquisitorial role.

Application details

Mr S applied for a community care grant (CCG) on 13 December 2005 for a washing machine (£200), fridge (£130), coffee table (£65) and bookcase (£45).

Mr S lived with his wife and son who was at college. Mr S had mobility problems due to damage to his left leg and he was not able to go out alone because of this. His wife had renal problems and had regular dialysis at the hospital. She had a specific diet to follow and was on medication that needed to be kept cool. The family did not have a fridge to use as this had broken some time ago and been disposed of. Their washing machine had broken down.

The Decision Maker (DM) considered that Direction 4(a)(iii) was met but decided not to make an award on grounds of priority. He found that the appliances were needed due to ordinary wear and tear and were replacement needs. The other items were desirable but not essential.

The Reviewing Officer's Decision

The Reviewing Officer (RO) wrote to Mr S and invited him to attend an office interview. The letter stated that if he did not hear from him the review would go ahead without further delay. Mr S did not attend the interview or make any contact. The RO made his decision although he did have a telephone number for Mr S. He considered that Direction 4(a)(iii) was met and a grant would help to ease exceptional pressures on Mr S and his family. The RO considered that a washing machine and fridge were high priority needs in Mr S's circumstances. The grants budget was under severe pressure and only meeting a limited range of high priority needs. The RO decided that a fridge was the most important of Mr S's needs and made an award of £130. He did not consider that a washing machine was of sufficient importance and urgency to be paid.

Mr S asked for a review indicating that his son could not manage the laundry for the family and he and his wife could not hand wash.

The Social Fund Inspector's Decision

The Social Fund Inspector (SFI) decided that the RO had not reached his decision correctly as he should have given Mr S the opportunity to take part in a telephone review and had not used his inquisitorial role correctly. The RO only offered Mr S an office interview and this may have caused difficulties for Mr S given his mobility problems. There was insufficient detail in this case for Mr S's needs to be fully considered. Issues regarding the family's need for laundry facilities and how they had managed without a fridge were relevant. Too much emphasis had been placed on Mr S pursuing matters and the RO should have offered Mr S a telephone review or even considered a home visit.

The SFI wrote to Mr S and asked for more details about the family's circumstances and how they had been managing. In his reply Mr S explained that there was no local launderette and that his wife sometimes had accidents. This meant that there was more washing to be done. Their son was not always able to keep up with the hand washing and the laundry was piling up. Mrs S was prone to infections and so it was important for her health to keep clean for hygiene reasons. The family had not had a fridge for a while and had been storing some medication and food in next door's fridge. This could not continue as their neighbours were moving house. Their son found it hard to shop each day as well as attend his college courses and studies.

The SFI agreed with the RO that Direction 4(a)(iii) was met. Given the effect the lack of a washing machine was having on Mr S and his family the SFI decided that this was a high priority need. He took into account that the budget was not meeting all high priority needs but considered in Mr S's circumstances that a washing machine was of sufficient importance and urgency to be paid along with the fridge already awarded.

Comment

In this case the RO offered Mr S an office interview only. The RO should have firstly offered Mr S a telephone review as per Direction 33. Also an office interview may not have been appropriate in Mr S's circumstances given his mobility problems. The RO did not have sufficient detail about the nature, extent and urgency of the needs to make a sound decision and further investigations were warranted by an alternative means.

Reviewing Officer

- Failure to use Inquisitorial Role

Case 32.10

Application details

Mrs A applied for a community care grant (CCG) on 30 April 2005 for removal costs (£1200), connection fees for a cooker (£50) and washing machine (£35) and train fares to Edinburgh (£95).

Mrs A was living in London and received Pension Credit and Disability Living Allowance high rate mobility. Her son lived in Edinburgh and had Multiple Sclerosis. He had suffered a stroke in February. Mrs A wanted to move to be nearer to her son.

The Reviewing Officer's Decision

The Reviewing Officer (RO) rang Mrs A but was unable to contact her. He then wrote and asked her to contact him as soon as possible. After receiving no contact from Mrs A the RO wrote to her again. He wrote again because there were specific gaps in the evidence that needed to be resolved before he made his decision. These were as follows:

- Where Mrs A was moving to and whether she had secured a house in Edinburgh
- Whether she was moving to furnished or unfurnished accommodation and what her needs would be in the new place
- When she was planning to move
- What assistance she would be offering her son and what his needs were
- How she anticipated that she and / or her son would benefit from her move

The RO received no reply to the letter and therefore decided his case on the evidence before him. The RO considered that on the information available to him no part of Direction 4 was met. He was also not persuaded that D4(b) for travelling expenses was satisfied. No grant award was paid.

Mrs A requested an Inspector's review stating she had not had any help before and that she would feel happier being nearer to her son and other relatives. She sent in a quote for a removal firm but did not answer the other questions the RO had asked her.

The Social Fund Inspector's Decision

The Social Fund Inspector (SFI) checked Mrs A's current address with her local Pension's centre. He was satisfied that the RO had taken all steps in order to obtain more information and to comply with natural justice. The SFI sent out a statement of issues and asked Mrs A for information about where she was moving to and whether she had secured accommodation, what her needs would be in her new home, when she was planning to move, what assistance she would be offering her son and how she expected that she and her son would benefit from the move. The SFI did not receive a reply to this letter or to a reminder. He tried to telephone Mrs A but there was no response. The SFI confirmed the RO's decision.

Comment

In this case the RO had done as much as possible to obtain further information about the case. Whilst it might have been unusual to use all of the available options it was right to pursue additional means of contact when the telephone review had failed. Here the RO was on notice that there were sufficient gaps in the evidence for extra details to be sought out and that an award might be payable. It is important that each case is considered on its own merits. However, the greater the gaps in the evidence the more likely it is that alternative measures should be taken where possible to ensure all relevant information is obtained.

Missing Casepapers

- Delay in reconstructing the case

Case 32.11

Application details

Mrs A applied for a community care grant (CCG) on 13 January 2005 for blankets (£45), sheets (£25), pillowcases (£15), clothing (£180), boots (£30) and a winter coat (£45).

There are limited facts as the papers were missing and it was not clear what information and evidence was available to the Decision Maker and Reviewing Officer. Mrs A was 37 and lived with her 14 year old daughter. She also had a 9 year old son who stayed at weekends and holidays.

The Decision Maker (DM) decided the application on 17 January and concluded that Direction 4 was not met. Mrs A requested a review of the decision on 7 February 2005.

The Reviewing Officer's decision

The Reviewing Officer (RO) made his decision on 10 February. He decided that Direction 4(a)(iii) was met and made an award for a blanket, clothing, footwear and a coat.

Mrs A requested a review by a Social Fund Inspector on 15 February 2005. She contacted the IRS on 9 March to check the status of her request for a review. The IRS contacted Mrs A's local office the same day. The Jobcentre Plus office said that no request for a review had been received. The Officer at Jobcentre Plus agreed to forward Mrs A a further IRS 1 review request form for her to sign and return.

On 15 March the IRS contacted the Jobcentre Plus office and they confirmed that they had received the review request but that they could not now locate the casepapers. The IRS advised the office not to unduly delay the case and to reconstruct the papers if necessary. They did not provide papers or the reconstructed case and the IRS tried unsuccessfully to contact them several times between 30 March and 6 April.

On 7 April the IRS spoke to the Jobcentre Plus office who advised that they could not find the duplicate review request. The IRS advised them to re issue a further IRS 1 form and ask Mrs A to send it directly to the IRS. The IRS received this on 11 April and the Jobcentre Plus office faxed screen prints on 12 April.

The Social Fund Inspector's Decision

The Social Fund Inspector (SFI) could not be satisfied that the decision was reached correctly because he did not have the case papers available to him and did not know the facts of Mrs A's case. In addition there had been unnecessary delay in dealing with this case. In his statement of issues the SFI asked Mrs A to tell him as much as she could about her circumstances and her need for the items she had applied for. Mrs A replied that although her ex-husband had custody of her son, there was an ongoing court case concerning her access to him. She saw her son at weekends and holidays whenever possible, however, her ex-husband was uncooperative about access and would not provide a change of clothes when he came to stay. Mrs A was suffering from Irritable Bowel Syndrome caused by stress. She was also repaying debts at £18 per week and was finding it difficult to manage. She also gave the SFI information about her need for the other items.

In light of the response the SFI was satisfied that Direction 4 (a)(iii) was met. He increased the award to provide for further bedding and clothing for the family.

Comment

In this case Mrs A had asked for a review of her application on 15 February 2005 but screen prints were not received at the IRS until 12 April some two months after the review request. During this time the family were without basic items such as bedding and footwear. The Jobcentre Plus office was initially unaware of the review request and issued a new one to Mrs A promptly. However, once this was received in the office it would have been appropriate to reconstruct the case, as the papers were known to be missing. A further difficulty in this case was the problems that the IRS experienced in making contact with the local office.

Mrs A had to wait 2 months for her paperwork to be sent to the IRS, request a review on three separate occasions and answer a significant number of questions from the SFI due to the lack of papers. Although the local office was unaware of the first review request, they were on notice from the first contact with the IRS that the papers would be required for a review. It was within their power to adopt a more proactive approach on Mrs A's behalf.

Delays

- Leading to hardship and delay for the applicant

Case 32.12

Application details

Mr L applied for a community care grant (CCG) on 18 February 2005 for carpet for the living room, bedroom, bathroom and hallway (£500), an easy chair (£150), freezer (£120), fridge (£109), tumble drier (£200) and locks for the windows and doors (£35).

Mr L had been involved in a serious car accident two years ago and as a result of this had his left leg amputated. This caused him mobility problems as he had to use crutches or a wheelchair depending on where he was going. He also suffered from severe depression following the accident and was prescribed antidepressants. He had attempted suicide twice in the last six months and had no family or friends to help or support him. His front door had been forced in and he wanted a tumble dryer as items had been taken from his washing line.

Decision Maker and Reviewing Officer's decision

The Decision Maker (DM) completed the case on 22 February and found that Direction 4 was not met. Mr L requested a review on 28 February and the Reviewing Officer (RO) made his decision on 4 March. He confirmed the initial decision.

Mr L completed an IRS1 requesting a Social Fund Inspector's review on 22 March. He sent this directly to the IRS.

The Case Management Team at the IRS telephoned Mr L's local Jobcentre Plus office to find out what stage his social fund application was at. They confirmed that Mr L had been sent the RO's decision. The IRS sent the IRS1 to the local Jobcentre Plus office with a letter requesting the casepapers to be sent as soon as possible. They also advised Mr L of this. Mr L contacted the IRS again on 30 March to check on progress and if his papers had been received. The Case Management Team had not received the casepapers for Mr L's application and the Jobcentre Plus office was contacted to find out about the situation. They confirmed that the review request had been received but that they were not able to locate the papers and were still searching for them. It was agreed that a reconstruction was needed in order not to delay matters further.

The IRS contacted the Jobcentre Plus office again on 6 April, as the reconstructed case had not been received. The office indicated that they had not as yet reconstructed the case. The IRS requested this to be done as a matter of urgency and for the screen prints and reconstruction to be faxed to the office. The IRS received only screen prints by fax on 12 April 2005.

The Social Fund Inspector's Decision

The Social Fund Inspector (SFI) was not satisfied that the RO had reached his decision correctly as there were no papers to consider only screen prints and he had no information about the facts of Mr M's case. The SFI wrote to Mr L and asked for further details. Mr L replied and told the SFI about his physical and mental health problems. He stated he had difficulty managing household chores. He lived in a block of flats and his friend lived on the floor below. This friend helped him with tasks such as shopping, washing and cooking. There were bare floors in his home and he did not have a fridge. He was able to store milk in the sink but did not buy fresh foods due to lack of chilled storage. Mr L was vegetarian and this meant his diet was more restricted. He found it hard to eat healthily. Mr L's friend had been cooking for him to help him out.

The seating he had sagged in the middle and had a board underneath for support. Mr L wanted locks as he had been broken into on two occasions. He wanted to dry the laundry in a tumble dryer rather than using the outside washing line for security and mobility reasons.

The SFI decided given Mr L's mobility issues, his depression and the help he received that Direction 4 (a)(ii) was met and a grant would help him to stay in the community rather than go into care. He considered that a fridge with a freezer box, an easy chair and carpet for the living area and bedroom were high priority needs.

Comment

Mr L's situation meant he was very reliant on his friend for help with basic needs. His position in the community at large was vulnerable. The fact that the Jobcentre Plus office waited before reconstructing the case and sending it to the IRS for a review caused unnecessary delay and hardship. Once a thorough search had been carried out and the casepapers not located it was incumbent on the Jobcentre Plus office to reconstruct the case from computer records and to send the case to the IRS for a review. Whilst additional details would generally need to be sought in any case where there are missing papers the matter of delay can be mitigated by proper adherence to the guidance issued. In effect Mr L should have been paid a CCG in February but had to wait until April to get the correct decision.

Budgeting Loans

- Failure to offer an interview

Case 32.13

Application details

Miss A applied on 16 June 2005 for a Budgeting Loan (BL) of £250 for furniture and household equipment.

The first decision on her application was made on 16 June 2005. On that day she had received Income Support for herself for at least 3 years, and she had an existing BL debt of £220.12.

The Reviewing Officer's decision

The Reviewing Officer (RO) decided that a BL must be refused. This was due to the extent of Miss A's existing debt and the effect this has on any potential award.

The Social Fund Inspector's decision

The Social Fund Inspector (SFI) was not satisfied the RO's decision was reached correctly because the RO should have offered Miss A an interview prior to completing their review.

The SFI wrote to Miss A with a summary of the facts and issues affecting her case and in reply she agreed that this information was correct. The SFI contacted the local Jobcentre Plus office on 14 July 2005 and established that Miss A's debt was now £172.52.

A person in receipt of a qualifying benefit for six months has a priority rating of 1. Each subsequent month of benefit receipt has an additional value, up to 1 ½ for 36 months or more. Miss A's priority rating was 1 ½.

In Miss A's area the maximum that a person with a priority of 1 can borrow is £309.77. In Miss A's case the calculation is $1\frac{1}{2} \times £309.77 = £464.65$. This is the maximum potentially that could be offered to Miss A.

However, the law requires that Miss A's existing BL debt must be counted twice when calculating how much can be awarded. As her debt was £172.52 on the date of the SFI's decision the amount that was taken into account was £345.04.

The amount of the award is the maximum possible loan (£464.65) – BL debt x2 (2 x £172.52) = £119.61. The SFI awarded this amount as a BL.

Post decision correspondence

The Jobcentre Plus office contacted the Customer Services Team at the IRS and asked for advice as the SFI had taken into account Miss A's debt at the time of the SFI decision rather than at the date of the original determination.

The Customer Services Team explained that SFIs have the power to update the customers circumstances, including BL debt and amount of time on benefit, but only in cases where a fresh decision was made. In this instance the SFI replaced the decision because the RO did not take account of the rules regarding interviews. In replacing the decision the SFI exercised her discretion and used Miss A's existing BL debt figure, which was lower than when the first decision was made. This allowed for a loan offer. Had the SFI used the initial debt figure of £220.12 then the most that could be awarded was £24.41, and as this is less than the £30 minimum allowed no loan could have been offered.

Comment

Under the Social Security Act 1998 SFIs have the power to make any determination which an appropriate officer could have made. This means their powers go beyond those available to the RO. The RO's decision is tied to the material facts at the time of the original determination.

The Secretary of State's guidance advises that SFIs may decide to substitute a case that is urgent or where delays have occurred. Also, that there may be other reasons for a SFI to substitute a decision.

A month had passed since Miss A made her initial application for a BL. Given this delay it was appropriate to use the updated debt figure. The alternative would have been a fresh application to the local office, which was not appropriate given the length of time Miss A had already waited.

It is not automatic that the SFI will always update debt figures when replacing a decision, but it is within their discretion to do this where appropriate.

Budgeting Loans

- Wider criteria

Case 32.14

Application details

Miss P applied on 12 September 2005 for a Budgeting Loan (BL) of £500 for furniture and household equipment.

The first decision was made on 13 September 2005. The facts of her case showed that she had received income based Jobseeker's Allowance for herself, her partner, and her child since 12 July 2004, which was 14 months. Also, she had received Housing Benefit and Council Tax benefit since January 2002. She owed £400 in Budgeting Loans.

The Reviewing Officer's decision

The Reviewing Officer (RO) decided that a BL must be refused on priority grounds. This was due to the extent of Miss P's existing debt and the effect this has on any potential award.

The Social Fund Inspector's decision

The Social Fund Inspector (SFI) was not satisfied the RO's decision was reached correctly because the RO should have taken account of the amount of time Miss P had received Housing Benefit and Council Tax Benefit. The RO should also have shown regard to the amount of money profiled and spent from the loans budget.

The SFI explained to Miss P that calculating the amount she could potentially borrow (in the normal way) and subtracting this from twice what she owes for Budgeting Loans would not allow an award to be made. However, in these circumstances the SFI could consider if any wider criteria apply and if applying these extra rules would work out better for Miss P.

An applicant in receipt of a qualifying benefit for six months has a priority rating of 1. Each subsequent month of benefit receipt has an additional value, up to 1 ½ for 36 months or more. Miss P had not received Jobseeker's Allowance for 36 months, but using the wider criteria Miss P had been receiving Housing Benefit and Council Tax benefit for this length of time, so this added a value of 1 ½ to the priority of a BL. In addition, a partner has a weighting of 1/3 that of the applicant, so this adds ½. And Miss P's child adds a value of 2/3 that of Miss P, which adds a value of 1. So in total Miss P's application had a priority rating of 3 using the wider criteria.

The Area Decision Maker in Miss P's area had stated that a loan of £327.54 could be awarded for a priority rating of 1. So the maximum loan in Miss P's situation would be 3 x £327.54 = £982.62, However, the amount spent on grants was 9% more than had been planned for. The SFI found this was a substantial variance from plans. In Miss P's case the SFI decided the pressure on budget funds meant that the maximum loan had to be reduced by 9%. This came to £894.18.

When twice the amount of existing BL debt was taken from this maximum loan award the balance was £94.18. This is the amount the SFI awarded.

Comment

When the applicant's personal circumstances as specified in direction 50(1)(a) and (b), preclude the award, account must be taken of any of the wider criteria as specified in the Secretary of State's Direction 51. However, if any award of £30 or above is appropriate using initial criteria, the Decision Maker has no discretion to apply the wider test in order to obtain a more favourable award.

Wider criteria includes:

- the number of months that a person has received Working Families Tax credit, Child Tax Credit, Housing Benefit, or Council Tax Benefit during the last 36 months;
- whether the applicant or the partner is pregnant;
- if there is someone else living in the household who receives Income Support, Income-Based Jobseeker's Allowance or Pension Credit;
- if money is owed for any BL's received when the applicant was claiming for an ex-partner and the application is made as a result of the separation this money does not affect the amount that may be awarded.

Budgeting Loans

- Wider criteria

Case 32.15

Application details

Miss T applied on 30 June 2005 for a Budgeting Loan (BL) of £400 for furniture and household equipment.

The first decision was made on 30 June 2005. The facts of Miss T's case showed that she had received Income Support for herself and her child since 18 March 2004. She owed £385.98 in Budgeting Loans and was expecting her second child.

The Reviewing Officer's decision

The Reviewing Officer (RO) decided that a BL must be refused on priority grounds. This was due to the extent of Miss T's existing debt and the effect this has on any potential award.

The Social Fund Inspector's decision

The Social Fund Inspector (SFI) was not satisfied the RO's decision was reached correctly because the RO should have taken account of Miss T's pregnancy when deciding her priority rating for a BL.

Calculating the amount that Miss T could potentially borrow using initial criteria and subtracting this from twice what Miss T owed for Budgeting Loans would not allow an award to be made. However, in these circumstances the SFI could apply the wider criteria. This allows the unborn child to be treated as a dependant and given an appropriate priority rating.

The SFI calculated that altogether Miss T now had a priority rating of 2 and 2/5. Since the RO's decision was completed there had been a change to the Area Decision Maker's guidance, increasing the amount available for BL's. The SFI took account of both this and the fact that the budget for loans was 7% underspent at the end of September 2005. She calculated the maximum possible loan was £809.02.

When the SFI telephoned the local Jobcentre Plus office on 7 October 2005 she was told that Miss T's total Social Fund debt was now £426.12, repayable over 26 weeks, two of these were Crisis Loans. When the SFI called again on 12 October 2005 she was told that BL debt stood at £181.02 and the remainder were the crisis loans. The SFI exercised her discretion and decided to use these updated debt figures.

The maximum possible award (£809.02) minus twice the existing BL debt (2 x £181.02) left an award of £446.98. This was more than the £400 that Miss T applied for, so the loan was limited to £400.

Comment

If an award can be made under the initial test, any unborn child declared will not assist the applicant. However, if the wider criteria are used then any unborn child should be counted as though they were already part of the assessment unit.

The SFI is required to decide the maximum amount available to the applicant. The Area Decision Maker gives guidance on what the maximum amount should be. This is not binding on the SFI. The state of the budget is a key factor that will help the SFI to decide the appropriate maximum amount. Where the evidence shows the budget is underspent the approach will depend on the extent of the underspend. In general terms the SFI would determine a maximum amount that is relative to the degree of underspend. So an underspend of 10%, for example, would generally lead to a maximum amount of 10% more than that suggested by the Area Decision Maker.