

the Digest of Decisions

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Independent Review Service
for the Social Fund

Welcome to the 35th edition of the Digest of Decisions.

This edition covers:

- Amount to Award
- The Inquisitorial Role

We hope you find the content useful. More information on both of these topics can be found on our website at www.irs-review.org.uk

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Amounts to Award and Area Decision Maker's Guidance

- Failure to take account of guidance and Direction 41 information

Case 35.1

Application Details

Mr and Mrs A applied for a Community Care Grant on 13th April 2006 for a cooker (£300) and a fridge/freezer (£250).

The couple were aged 81 and 75 and in receipt of Pension Credit (PC). They had lived with their daughter, Miss A, for the last 2 years. This was only ever intended to be a temporary arrangement. This was because their daughter's home was overcrowded. Miss A slept in one bedroom and Mr and Mrs A were sleeping in the other. Miss A's daughter was sleeping on a sofa bed downstairs as her grandparents were using her room.

Mr and Mrs A were worried and upset about their son, who is an alcoholic. He had turned up at Miss A's home several times and demanded money. He had become abusive when asked to leave.

Mr A has angina and arthritis. His arthritis is severe. He walks with a stick and has difficulty using his hands. Mrs A has rheumatism and has recently had a pacemaker fitted. She also finds it difficult to get about. Both Mr and Mrs A spend a lot of time indoors and rarely leave the house.

Mr and Mrs A had been allocated a new part furnished home to move into. They lacked the two appliances requested.

The Area Decision Maker's Guidance and District Budget Information

The guidance states that the district grants budget can meet all high priority needs. The supporting information (as required by Direction 41) said that awards can be made at 'medium, high street prices'.

At the time of the application it was the start of a new financial year and the area had received an increase of 2% on the previous year's budget. In 2005/6 the district had met all high priority needs all year and had stayed consistently on target against profile.

The Decision Maker's and Reviewing Officer's Decisions

The Decision Maker refused a grant on the basis that Direction 4 was not met. Mr A requested a review. The Reviewing Officer (RO) wrote to Mr A offering an interview over the telephone. Mr A did not answer the phone when the RO rang for the interview at the agreed date and time. The RO decided he had enough information to reach a decision. He therefore proceeded with the case even though he had not been able to contact Mr A.

The RO decided that Mr and Mrs A satisfied the criteria for Direction 4(a)(iii) and that the family was facing exceptional pressures. He found that both of the items had sufficient priority for an award from the budget. An award was made for a cooker £200.00 and a fridge/freezer for £179.99. The RO did not say why he had reduced the requested amounts from the prices requested. Argos and Additions were listed as possible suppliers.

Mr and Mrs A requested a review as they said the amounts were not enough to buy new items.

The Social Fund Inspectors Decision

The Social Fund Inspector (SFI) was not satisfied that the RO's decision was reached correctly. The SFI was not persuaded that the RO had taken account of the ADM's Guidance and supporting budgetary information when deciding the amount to award.

The information supporting the guidance said that awards could consistently be made at medium, high street prices. The amounts that Mr A had requested fell into this category. As such, there was no basis for the arbitrary reduction of the amounts to such low amounts.

The SFI increased the award to the prices that Mr A had asked for.

Comment

The Area Decision Maker should provide formal guidance on the level of priority that can be met from the District grants budget. In addition Direction 41 requires Area Decision Makers to provide supporting information that as a minimum should include: the annual allocation, the planned profile, the actual spend and the variant between planned and actual spend. Where there are budget pressures additional information should be provided e.g.:

- How the district budget position has been reached e.g.: have prices been restricted and if so, to what level
- Information about workloads e.g.: whether there is an abnormal head of work or a backlog.
- An estimation on how long the abnormal workload has existed and how long it will take to clear.
- Local information.

In this case both the RO and the Inspector agreed that the cooker and a fridge-freezer were both high priority needs. The crucial issue in the case was the amount of money that should be paid for those items.

The RO did not take account of the supporting information, when he reached his decision.

The prices that had been requested for both appliances were within an appropriate range when looking at a range of high street outlets supplying new items of serviceable quality. Alongside this the Inspector considered the information from the district. Also, the budget was on target against profiled expenditure. Having looked at all of this evidence the Inspector was satisfied that the requested amounts should have been paid.

Application Details

Mr K applied for a Community Care Grant on 15th May 2006 for a single, orthopaedic bed (£150). He was in receipt of Pension Credit (PC) and was aged 68. He had arthritis in his hip and was having increasing difficulty using the stairs. Mr K was also awaiting a knee replacement. As a result of these two factors he needed to move to sleep downstairs at his home. Mr K was also struggling to get out of the house. A friend and neighbour was shopping and paying bills for him.

Mr K's double bed was over 10 years old and the springs were poking out of the mattress. The double bed would also not fit downstairs.

Mr K wanted a single, very firm bed to provide more support for his hip problem. He required a single bed so that it would fit downstairs.

The Area Decision Maker's Guidance and District Budget Information

The Area Decision Maker's (ADM) guidance said that the area grants budget could meet all high priority needs. The budget was on course against planned spend at the time of the Reviewing Officer's decision

There was no comment on the amounts that should be awarded in the supporting information.

The Decision Maker's and Reviewing Officer's Decisions

The Decision Maker refused Mr K on the basis that he did not qualify for a grant. Mr K was unhappy about this and he requested a review.

Mr K had a telephone interview where he explained that he had priced the bed from a furniture store local to where he lived. He wanted a firm bed because of his health problems.

The Reviewing Officer (RO) decided that Mr K's place in the community was vulnerable given his health problems and current situation. Having considered all of the evidence the RO was satisfied that an award for a bed would help Mr K remain in the community rather than enter institutional or residential accommodation in which he would receive care. Direction 4a (ii) was met.

The RO decided that the need for a bed was of high priority for an award.

The RO awarded a payment of £80 for a bed. The RO commented that he considered the amount requested to be unreasonable in a cash limited scheme and that the urgent need was for basic sleeping facilities. He stated he had awarded what he considered was a reasonable amount using Argos as a price guide.

Mr K requested a review because he was unhappy with the amount awarded.

The Social Fund Inspector's Decision

The Social Fund Inspector (SFI) concluded that the RO's decision had not been reached correctly. Whilst he agreed that Mr K should be awarded a bed, he did not agree with the amount awarded by the RO.

The RO had restricted the award to the very lowest end of the range. The ADM Guidance and position of the budget did not support such a restriction. The SFI increased the award to £150, which was the amount requested.

Comment

The crucial issue in this case was the amount that should have been paid for a new bed.

In this case the RO paid a very low sum for a new firm bed. However, the budget position and Direction 41 supporting information did not support a price restriction to the lowest price available.

The SFI was satisfied that Mr K had an urgent need for a firm, single bed. The Inspector was also satisfied that the requested amount fell within an appropriate range. Mr K needed a firm, single bed. £150 was both appropriate and reasonable in his particular circumstances. The award was increased to £150.

Application Details

Miss D applied to the Social Fund on 14th March 2006 for a Community Care Grant for the cost of a washing machine (£350), seating (£350), freezer (£150) and pans (£30.00).

Miss D lived with her daughter aged 6. She was in receipt of Income Support. Miss D and her daughter had recently moved from part furnished accommodation to an unfurnished local authority flat. They had moved because of problems at their previous property. At her previous home she had trouble with harassment from her neighbours and the police had been involved on several occasions.

The family had no seating at all and were sitting on the floor. The laundry was being done by hand. Miss D had a fridge but no freezer. Miss D had no pots or pans and as a result she was struggling to cook.

Miss D's daughter had night terrors and problems with incontinence. She wet the bed most nights and Miss D was having problems keeping the bedding clean and dry. Miss D had psoriasis which was particularly severe on her hands and arms. As the family didn't have a washing machine she was washing all of the laundry by hand. This was affecting her condition. Her hands were very chapped and sore. Miss D also had depression, for which she was taking medication. The family had a number of debts and Miss D was struggling to meet all of her regular outgoings.

The Area Decision Maker's Guidance and District Budget Information

The district budget was on target against planned spend. The area guidance said that "Decision Makers may only meet needs assessed as high priority to the extent that the budget allows".

The additional Direction 41 budgetary information indicated that the budget had achieved its current position by consistently meeting all high priority items at the very lowest prices for which new serviceable items could be obtained locally.

The Decision Maker's Reviewing Officer's Decisions

The Decision Maker concluded that Direction 4 was not met and refused payment. Miss D requested a review and the Reviewing Officer (RO) arranged a telephone interview.

At the interview Miss D explained that she found it hard to keep up with the washing because of her daughter's incontinence, and the consequent frequent washing of bedding. It was also leaving her hands raw and sore. Her GP had told her to limit her exposure to hot water.

Sitting on the floor was causing Miss D to have a stiff and sore back and Miss D had recently seen her GP about feeling even more depressed.

The RO decided that the family were under exceptional pressures and that Direction 4(a)(iii) was met. He found that in this family's circumstances the need for a washing machine, seating and pans were of high priority for an award. This was because the need for each item was urgent and compelling in the circumstances on this case. He explained in his decision that he had taken

account of the amounts requested as well as the ADM's Guidance, the budget and the supporting Direction 41 information. Although the amounts Miss D asked for in respect of her high priority needs were reasonable he had to restrict them to the lowest amounts available on budgetary grounds.

The RO awarded a grant for a washing machine £169.99, seating £179.00 and pans £9.99. He explained he had used Argos as a guide for prices from a national retail outlet.

Miss D asked for a review as the freezer had been refused and she was not happy with the amount awarded for seating and the pans.

The Social Fund Inspectors Decision

The Social Fund Inspector (SFI) agreed with the decision made by the RO including the reasons behind it. The decision to reduce the award amounts was supported by the evidence about how the budget was being managed and the sums were still enough to purchase items of serviceable quality. The SFI did not increase the amounts paid for the high priority needs.

The Inspector also agreed that the freezer did not have sufficient priority for a payment. This was because it would have a less important impact in terms of easing the pressures on the family.

Comments

In this case there was clear ADM Guidance and additional information which set out how the budget had been managed. In this area the budget was kept target by reducing prices to the very lowest amounts available.

The RO correctly identified that although the amounts requested were reasonable he had to reduce them to the very lowest amounts. The RO gave clear reasons for this decision. His conclusions were in line with the ADM guidance, budget position and supporting information.

The SFI was satisfied that the decision had been reached correctly and was reasonable in all of the circumstances of the case.

Application Details

Mr H applied on 2nd February 2006 for a Community Care Grant for a single bed (£150), cooker (£250), crockery/cutlery (£60.00) and bedding (£70.00).

He was in receipt of Income Support with Disability Premium as well as Disability Living Allowance.

Mr H had split up from his partner 7 months previously. They had been together for 4 years. Mr H had stayed in their flat and his partner had left and moved elsewhere.

The bed-base was broken and he was sleeping on the mattress on the floor. His ex partner had smashed the glass on the oven door and the grill and 3 of the 4 cooking rings were also damaged. The bedding was 12 years old and worn out with holes and frayed edges. Crockery and cutlery had been smashed or lost over time. Mr H was using plastic cutlery and paper plates.

Mr H had epilepsy with fits about 3 or 4 times a week – this could cause some incontinence. Mr H had only one hand and this meant he had problems doing certain household tasks. He had also had depression since his partner left and he was taking medication for this and seeing a Community Psychiatric Nurse (CPN). He felt hopeless and lacked motivation. A neighbour would check on him each day and make him a hot meal about twice a week. Another friend took him shopping and also helped with the household tasks he could not manage. He had been eating cold foods or take away meals since most of the cooker had broken.

The Area Decision Maker's Guidance and District Budget Information

The guidance for this district said that the grants budget was “able to meet all high priority needs to the extent that the budget allows”.

The additional supporting information given to Decision Makers was that the area was likely to be able to pay for all high priority needs and that reasonable amounts should be paid.

At the time of the Reviewing Officer's decision the budget was 15% overspent with only 6 weeks of the financial year remaining.

The Decision Maker's Reviewing Officer's Decisions

The Decision Maker decided that Mr H did not qualify for a grant. Mr H asked for a review.

Mr H was interviewed by telephone. He explained that he had felt low and depressed since his partner left and that the state of his home did not help with this. He found it harder to manage on his own and was relying on other people more now. He was not sleeping well on the floor and it was also difficult to manage with no serviceable bedding.

The Reviewing Officer (RO) decided that Mr H's place in the community was vulnerable in view of his physical and mental health issues and reliance on others. Having considered all of the evidence the RO decided that an award for a grant for all of the requested items would help Mr H remain in the community rather than enter institutional or residential accommodation in which he will receive care. The RO also decided that all of the requested needs were of high priority and that the budget could meet these needs.

The RO concluded that the amounts requested were reasonable and he noted that the supporting information suggested he should pay those amounts. However, the RO also noted that the budget was substantially overspent with only 6 weeks of the year remaining. In view of the overspend and the time of the year the RO restricted the prices to the lowest available on the high street.

He made an award for a bed (£80), cooker (£140), crockery (£10), cutlery (£5) and bedding (£30.00).

Mr H asked for a review as he wanted more money for the things he had asked for.

The Social Fund Inspectors Decision

The Social Fund Inspector (SFI) agreed with the RO's decision. Given the circumstances of the case the RO was right to find that all of the needs were high priority and could be met by the budget. The RO was also right to take account of the significant budget overspend and depart from the supporting information.

Comment

In this case the ADM guidance said that the district could meet all high priority needs. The additional, supporting information said that reasonable amounts could be paid.

However, crucially, the budget was substantially overspent at the end of the year. This suggests that in reality the district could not routinely meet all high priority needs at reasonable amounts. Once the overspend started to build the district should have revised the supporting information, and if necessary, the guidance. It needed to be tightened to address the overspend.

Given this situation the RO was right to give greater weight to the over-spend and award lower amounts than suggested by the supporting information.

Correct Outcome

- Appropriate prices awarded

Case 35.5

Application Details

Miss L was in receipt of Income Based Jobseekers Allowance. She applied for a community care grant on 27th November 2005. She wanted help with a sofa-bed (£150.00), washing machine (£250.00), vacuum cleaner (£90), microwave (£60) and table/chairs (£100).

Miss L had been homeless for most of 2003 and 2004. She had been moving between friends' homes and sleeping on the floor. She had also spent some time sleeping rough. In early 2005 Miss L sought help from a housing project. The project provided Miss L with a room in a shared home.

Whilst at the project Miss L was allocated a Resettlement Officer who worked with her on a one-to-one basis. She had help with living skills, budgeting and running a home, career/benefits advice and also counselling. The project had helped her to apply for her own home and recommended her as part of the 'Move On' scheme after a number of months as part of her resettlement plan. Miss L moved into her own unfurnished local authority flat at the end of November 2005. The Resettlement Officer was continuing to see Miss L twice a week for the first 6 months.

During the time Miss L had been suffering with substance abuse and she was getting help for this via Narcotics Anonymous and also from counselling arranged by the housing project. Miss L also had asthma that she used inhalers for. Since moving home she was sleeping on the floor and eating take away foods.

The Area Decision Maker's Guidance and District Budget Information

The guidance said that the district can meet high priority needs to the extent that the budget allows.

There was additional information that said that the district could meet all high priority needs. The information also said that decision makers must have regard to the amounts and award prices at the lower end of high street prices. The budget was on target against planned spend.

The Decision Maker's and Reviewing Officer's Decisions

The Decision Maker decided that no part of Direction 4 was met. Miss L applied for a review with the help of her Resettlement Officer. Miss L was invited to a face-to-face interview. She attended the interview with her Resettlement Officer.

Miss L explained that her new home was a bed-sit and it had some carpets and curtains. She wanted a sofa-bed because the space was small. Miss L had no local launderette nearby and she found items were not getting as clean as she would like when she washed by hand. Items were also taking a long time to dry. Sleeping on the floor was affecting her asthma due to dust in the carpet fibres and her sleep was also being disturbed which affected her chest. Miss L had gone to see her GP as she was more wheezy since she had moved in and she also suffered an asthma attack one night which had scared her. The GP had increased the frequency of inhaler dose and given her steroid tablets but had suggested she needed to get off the floor and keep her flat dust free. Miss L wanted a vacuum cleaner with extra suction and filtration to help with her asthma.

The Resettlement Officer explained he was getting a move in package from the council that would provide a cooker and some bits of kitchen utensils and crockery.

The Reviewing Officer (RO) decided that Miss L was setting up her home as part of a planned resettlement programme following an unsettled way of life. He decided that her need for a sofa-bed and vacuum cleaner were of high priority. He concluded these items were most important in terms of helping Miss L resettle in her new flat. He felt that whilst the other items were important they would be less important in terms of the impact they would have on the resettlement process.

He considered the state of the budget and the guidance as well as the advice about the amounts to award. He paid £150.00 as requested for the sofa-bed and £90.00 for the vacuum cleaner. The RO commented that although vacuum cleaners were available for less, given Miss L's asthma he felt a more expensive model with features appropriate to her needs was suitable in this case. He took account of a range of prices for which vacuum cleaners could be purchased and of the extra functions available within the price ranges.

Miss L requested a review because she particularly wanted a washing machine.

The Social Fund Inspectors Decision

The Social Fund Inspector (SFI) was satisfied that the decision was reached correctly. She found that although the ADM guidance and budget had been managed via restrictions on prices it was appropriate to exercise discretion and award sufficient for a higher specification model of vacuum cleaner. The washing machine was not considered to be of high priority because it would have less of an impact in terms of helping Miss L to set up home as part of her planned resettlement programme.

Comment

In this case the RO correctly took account of all of the relevant factors in deciding on the amount to award for the vacuum cleaner. The evidence suggested that although the price Miss L had requested for the appliance was fairly high, in her particular circumstances it was important to provide a suitable model at a higher amount.

Correct Outcome

- Lower amounts awarded

Case 35.6

Application Details

Mrs W applied for help with a Community Care Grant on 27th February 2006 for a washing machine (£300), bed (£199) and bedding (£50).

Mrs W was in receipt of Income Support with Disability Premium and Enhanced Disability Premium. She had heart problems, incontinence and diabetes. She was waiting for a by-pass operation and her incontinence affected her both during the day and night. She had problems with breathlessness and found household tasks hard to manage. Mrs W took medication from her GP for these ailments and her daughter came to help her each day. The bed was ruined due to her incontinence.

Mrs W's bed was 30 years old. The mattress was sagging and smelly. The base was broken. The bedding was worn thin and had holes in places due to very frequent washing. The washing machine had been second hand when purchased and now was broken. Mrs W's daughter could not keep up with the laundry as the hand washing was difficult and took some time. This was causing friction between Mrs W and her daughter. Mrs W was worried that her daughter would stop helping her.

The Area Decision Maker's Guidance and District Budget Information

The guidance advised that the budget could not meet all high priority needs. Only the highest of high priority needs could be paid.

There was supporting information that explained that awards should be restricted to those at the lower end of a range of prices. Awards should be sufficient to provide items of serviceable quality from locally available outlets.

The district was on target against planned spend.

The Decision Maker's Reviewing Officer's Decisions

The Decision Maker decided that Mrs W qualified for a grant. However, he refused an award on the basis that the items lacked priority for payment. This is because all of the items had worn out over time and were replacements. Mrs W asked for a review.

The RO invited Mrs W to take part in a telephone interview. At the interview the Reviewing Officer (RO) found out that Mrs W needed to change her clothing about twice a day and her bedding once during the night because of her incontinence. She did use pads but these would leak. Mrs W had two sheets and a duvet set. These were in poor condition. She wanted to get three new sheets and another quilt set. Without a washing machine the bedding was not getting dry in time to be put on the bed. As a result she was often sleeping in damp bed clothes.

The state of the bed was upsetting her. She said it was very uncomfortable and she rarely slept through the night. The smell of the mattress was also very upsetting.

The RO decided that an award for all of the requested items would help Mrs W stay in the community rather than enter institutional or residential accommodation in which she would receive care. The RO decided that all of the items were of the highest priority.

The RO decided to reduce the amounts for some of the items even though he found the prices

requested reasonable. He explained that he was doing this because the budget was being managed by restricting awards to the lower end of the price range. The RO decided to pay £100.00 for a new bed and £196.95 for a washing machine. The bedding was awarded in full at £50.00. In deciding on these amounts the RO considered the prices in Comet, Currys and Additions.

Mrs W asked for a review because she felt the amounts awarded should have been higher.

The Social Fund Inspector's Decision

The Social Fund Inspector (SFI) found that the decision was reached correctly. She agreed that the all of the items were high priority. She also agreed with the amounts paid and the reason why the amounts awarded were less than the applicant asked for.

Comment

In this case Mrs W's requested sums were reasonable. However, the supporting information from the district indicated that the area could only meet needs from the lower end of the price range. The budget was on target against planned spending. In these circumstances the RO was right to award less than the applicant asked for.

The Appropriate use of the Inquisitorial Role

-Impact for Social Fund Inspector and Applicant

Case 35.7

Application Form

Miss A applied on 31st May 2006 for a Community Care Grant for a single bed (£74.99), single bedding (£22), a cot (£99), seating (£199), cooker (£139), fridge (£89), washing machine (£169), carpets (£300), 4 x curtains (£80), crockery (£10) and cutlery (£5).

Miss A was in receipt of Income Support and had a child aged 4 years. She had found a home to rent and wanted to move from her parents' home. She suggested she was following a planned resettlement programme on the claim form run by the Refugee Agency and gave permission to contact the named worker. She said she had been unsettled and wanted to live independently with her child.

The Decision Maker's Decision

The Decision Maker (DM) telephoned the named contact to ask about the planned resettlement programme and any support being given. The worker indicated that there was no programme in place that Miss A was following. He explained that Miss A had been living in the UK for 9 years and had permanent leave to remain. She had received help and advice from them about seeking housing and was currently living with her parents who also had permission to stay in the UK. Miss A had wanted to move to be more independent and had asked for their help in sourcing landlords.

The DM decided that no part of Direction 4 was met and no grant award could be paid.

The Reviewing Officer's Decision

Miss A asked for a review because she felt she was under exceptional pressures due to not having her own home since her marriage ended two years before. She stated her life was not easy at her parents' home and that she had found her own unfurnished private rented property with help from the Agency. She thought she was setting up her home and resettling after her divorce.

At the telephone interview the Reviewing Officer (RO) established that she had lived with her parents in their home which had 3 bedrooms until she got married and then she left. She then returned to them when her relationship ended and went back to her old bedroom. Her son was sleeping in the small box room. The RO asked her to explain what she meant when she had said her life was not easy and she explained that it was less private moving back in with her parents and she wanted more independence from her family. She felt it was a backwards step having to move home again and wanted to run her life without interference from her parents.

She was on the council waiting list but had not heard from them and had been told it may take some time. This is when she approached the Refugee Agency who had helped her get the tenancy. The RO told Miss A about what the contact at the Agency had stated and she agreed this was the case. The RO asked if she had received any other help from them and Miss A explained they had helped find out about her college course about a year ago. She was studying at college part time and her mother looked after her son when she did this. She could not take any items from her current home as they belonged to her parents who wanted them for other guests or if her son stayed with them. The family had no health problems but Miss A stressed she was keen to get on with her life without living at home.

The RO decided that no part of Direction 4 was met. He acknowledged it may be hard to lose her independence following the breakdown of her relationship but could not conclude the family were facing exceptional pressures. Although Miss A had got some help from the Refugee Agency this did not amount to a planned resettlement programme and he did not consider her to be unsettled in any case. No award was made.

Miss A requested a review suggesting she was desperate to move into her own home and felt uncomfortable relying on her parents for help. She did not consider it was right she should have to stay with her mum and dad after living in her own matrimonial home.

The Social Fund Inspector's Decision

The Social Fund Inspector (SFI) was satisfied that the RO's decision was supported by the facts. There was no further investigation or information needed to decide this case and Miss A did not provide any comments to the bundle of papers sent to her from the Inspector. The SFI confirmed the decision.

Comment

In this case both the DM and RO have obtained details relevant for making the decision. The DM correctly identified that he could call the Refugee Agency as they had been mentioned as running a programme. Doing this meant that Miss A had the opportunity of getting an award if one was merited. The RO followed up this approach by asking all relevant information at the interview. It was important to establish why it may be important for her to move home and what problems if any were being caused by the arrangements. Similarly the issue of any health problems may also have been relevant particularly given the limited information available on the application form.

Insufficient Enquiries Made at Review Interview

-Impact for Social Fund Inspector and Applicant

Case 35.8

Application Form

Mr S applied for a Community Care Grant on 12th December 2005 and wanted help with clothing and footwear for his son (£235), bedding (£20), a bed (£120), cooker (£200) and a fridge (£100).

On the application form Mr S said he received Income Support (IS) and lived with his wife who was his carer. He was getting the care component of Disability Living Allowance and was disabled. Mr S had a son aged 2.

Mr S applied for items as his home was completely unfurnished. No reasons were given about why he wanted clothing for his son.

The Decision Maker's Decision

The Decision Maker (DM) decided that although there were health problems, the records showed the family had lived at the address since 2001. From this he concluded that the family must have some items to use and Direction 4 was not met.

Mr S asked for a review as he stated his home was empty and he was very ill.

The Reviewing Officer's Interview and Decision

The Reviewing Officer (RO) conducted a telephone review. He explained why the DM had refused help and asked Mr S if he had comments to make.

Mr S stated he wanted a cooker and fridge because his were very old and he wanted new ones. The bed was for his son as was the clothing. He said he needed the items because he could not afford to buy them and he was very ill.

The RO decided that Directions 4(a)(ii) and (iii) were met because of Mr S's health issues and he awarded a bed and bedding for £120.00 and £50.00 only as high priority needs.

Mr S requested a review as he wanted help with the other items as well and could not afford them.

The Social Fund Inspector's Decision

In this case the Social Fund Inspector (SFI) asked for more detail about Mr S's situation. It was not clear exactly what Mr S's health issues were or of the limitations they placed upon him and his family. These questions were vital for establishing whether Mr S was at risk of entering care and the role the items would play in this. Similarly no evidence was provided about what care was provided by his wife.

The SFI also asked questions about the individual needs. He asked:

- About the precise condition of the existing items and in what way the appliances were not usable.
- How Mr S was managing without a fridge and a cooker.

- For more details about the need for a bed for Mr S's son.
- Exactly what stocks of clothing / footwear his son had and why he needed new stocks.

In his reply to the Inspector Mr S explained that he had arthritis in his legs, hands and spine and high blood pressure. He also had diabetes that was treated with diet and insulin. He found it hard to walk very far and needed help in getting up and downstairs as well as in and out of bed and the bath.

The cooker was old and only one ring and the grill worked. The fridge thermostat was broken and food was going off. Mr S was also worried about storing his medication. Mr S's wife had to shop each day which was hard to manage with her son and him to look after.

Mr S's son's bed was broken and it had been disposed of. He was now sleeping with his parents but this meant everyone got disturbed at night.

Mr S needed to get clothing for his son as the existing stocks were too small. His son had 4 tops and 3 trousers to use as well as some underwear and socks. He used a fleece for a jacket and had some shoes that were scuffed. Mr S was worried he was growing quickly and he could not keep up with his need for things.

The SFI decided that Direction 4(a)(iii) was met and that a grant would ease exceptional pressure on Mr S and his family. This was because of the health problems and current home circumstances. He also considered that Direction 4(a)(ii) was met in respect of the cooker and fridge. This was because an award for these items would help Mr S remain in the community rather than enter institutional or residential care.

He found that the RO's decision was not reached correctly as he had not used his inquisitorial role correctly. The Inspector agreed with the award for a bed and bedding, in addition he awarded a cooker and a fridge. The clothing and footwear was not paid because the available stocks, whilst limited, allowed for laundering and suitable changes.

Comment

Very little was known about Mr S and both the DM and RO needed to establish more detail as part of his inquisitorial role to find out about the nature and extent of his requested needs. Both the DM and RO have a duty to make all enquiries necessary to make their decision.

In this case Mr S had an interview in which he was given the opportunity to make comments. As part of this interview the RO needed to probe further and direct the applicant to the relevant issues needing to be addressed. Where items such as clothing are required it is essential to establish exactly what stocks are in use and the condition of these.

Natural Justice

- Refusal based on information not put to the applicant

Case 35.9

Application Form

Miss F applied to the Social Fund on 24th April 2006 for a Community Care Grant. She wanted help with a double bed (£200).

Miss F was in receipt of Income Support (IS) and Disability Living Allowance and had asthma and problems with her legs in the form of ulcers. She attended a clinic for both of these health issues.

Miss F said her bed was in poor condition. She also said that she had a Social Worker and that he had provided her with a board to put under her mattress to give her more support. Her legs were painful and she had problems when the ulcers seeped and stained things. She had to wear special socks. Miss F stated she also had incontinence and had been sleeping on the settee since January because her bed was broken.

The Decision Makers Decision

The Decision Maker (DM) stated that Miss F was paid money for a new bed in September 2005 and that this should still be available to her. He decided that Direction 4 was not met.

The Reviewing Officer's Decision

Miss F asked for a review saying she had moved to her daughter's home as she was not well. She was using her daughter's bed and her daughter was now on her settee. Her leg ulcers can burst and cause a nasty smell and her old bed was uncomfortable and smelly.

Miss F was invited to a review interview and she attended with her daughter. She told the Reviewing Officer (RO) that she could not manage sleeping on her old settee any more and that her old bed was uncomfortable and smelt. The bed was too small. She said her daughter also had health problems and sleeping on the settee was affecting these. The RO did not mention the previous award at the interview.

The RO decided that he did not accept that a bed awarded in September would be beyond use in such a short space of time or that her ulcers could cause so much damage to the mattress. He considered the family was facing exceptional pressures because of Miss F's poor health and the conditions at her daughter's home. However, he decided that an award for a new bed again now was not of high priority for an award.

Miss F asked for an Inspector's review as she was unhappy with this decision.

The Social Fund Inspector's Decision

The Social Fund Inspector (SFI) asked questions about the award made in September 2005. He asked whether a bed had been bought and if so, what had happened to it. The SFI also asked for more information about the ulcers and treatment of these.

Miss F replied and explained that her ulcers had dressings on them changed every other day by

the nurse. She had problems with them healing up and she had to keep them clean and dry. She was in pain with them and sometimes the ulcers wept through the dressings and stained things. She said she was incontinent which affected her a few times a week and the combination of this and the ulcers had spoiled the bed. Miss F said she was arguing with her daughter who wanted her to move out again.

Miss F told the Inspector that she had not bought a new bed with the earlier payment. Miss F had been awarded £60 and this was not enough for her to purchase a new bed. She therefore used this money to pay off higher than average winter fuel bills. Miss F wanted a double bed due to her size and needing space to move about and get comfortable.

The SFI was not satisfied that the RO had fulfilled the requirements of natural justice. The refusal for an award was based on a recent payment and the likelihood of it still being able to be used. The RO needed to put this information to Miss F and give her the opportunity to comment.

The SFI changed the decision. He agreed that Direction 4(a)(iii) was met because of the health problems and living conditions. He also concluded that the need for a bed was of high priority. The SFI made an award of a bed payable to a third party to ensure that a new, good quality item was purchased on this occasion.

Comment

In this case Miss F had not been given the opportunity to provide all details relevant to her application. The RO refused a payment based on two factors, neither of which was investigated nor put to Miss F at the interview. The officer needed to probe further about the previous award and also about the extent of the health issues. It is not appropriate to rely on factors that have not been put to the applicant as a reason for refusal.

Also, in this case the previous award was not sufficient to purchase a new, double bed. The low amount of the previous award explained why she had been unable to purchase a new bed with the previous award.

Application Form

Ms B applied for a Community Care Grant on 3rd April 2006 for help with decoration costs (£100) and carpets for the bathroom, hall and kitchen (£400).

Ms B was in receipt of Income Support and had one child aged 3. She was also pregnant with a baby due in June 2006. She lived in a Housing Association property in a block of flats. She said that there had been a leak from an upstairs neighbour's bathroom which had damaged her bathroom and caused water damage to carpets in her home. There was damp in her home since this leak. Her child had asthma and she was concerned about the damp and the effect of this.

In the application form Ms B gave permission for the Housing Association to be contacted.

The Decision Maker's Decision

The Decision Maker decided that although the family were facing some pressures he did not consider that these were exceptional and he refused an award.

Ms B asked for a review as she said her home smelt. She said that the Housing Association had sent someone out in April 2005 but they would not pay for the things she needed. The water had come down the walls and through the light on the ceiling. She had thrown out the bathroom carpet because of the mould on it. There was also mould on the walls in the bathroom.

The Reviewing Officer's Decision

The Reviewing Officer (RO) contacted the Housing Association about the leak and the extent of the damage to the flat. He spoke to a Tenancy Support Officer who has personally visited Ms B's home.

The Tenancy Support Officer had gone out to Ms B's home in May 2005 due to a leak from an upstairs property. The flat was inspected and there was some mild decorative damage to it. However, there was no evidence of mould. They had left their contact details with Ms B and advised her to call if there were any other problems. Ms B had not been contacted about any other damage or damp since that time.

Ms B did not call at her appointed time for a telephone interview and the RO tried to call her but got no reply.

The RO decided that because of the evidence provided by the Tenancy support Officer he did not accept Ms B's evidence about the damage to the flat and therefore Direction 4 could not be met.

Ms B asked for a review saying she really needed new carpets because of the water damage and she was worried about her child's health in a damp home.

The Social Fund Inspectors Decision

The Social Fund Inspector (SFI) wrote to Ms B and included a copy of the telephone call to the Housing Association.

She asked Ms B about her comments on the evidence from the Tenancy Support Officer. She also asked for confirmation on when the leak occurred and for more detail on the exact extent of the damage. She also asked if Ms B had been back in touch with the Tenancy Support Officer recently.

Ms B did not reply to the Inspector. The Inspector therefore tried to telephone Ms B but had no reply.

The SFI confirmed the RO's decision because, on balance, the weight of evidence was in favour of the version of events given by the Tenancy Support Officer. But the Inspector could not find that the decision had been reached correctly. Although Ms B had not attended her telephone review and no contact had been made, the SFI considered in this case it would have been appropriate to make further efforts to make contact with Ms B. This was because of the serious conflict in evidence in the case and Ms B's right to know the case against her.

Comment

In this case the RO correctly contacted the appropriate source about the damage to Ms B's home. This was relevant for establishing the extent of damage to her home given what she had said about her needs. Once he had this detail it was appropriate for this to be put before Ms B so that she could know the case against her. Whilst no contact could be made by telephone the RO could have written to her to give sight of the telephone record and to ask Ms B for her comments. This would have meant that Ms B had every opportunity to make her case and natural justice would have been served.