

the Digest of Decisions

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Independent Review Service
for the Social Fund

Welcome to the 36th edition of the Digest of Decisions.

This edition covers the difficult subject of priority. We have chosen cases that illustrate that there is no formulaic approach to assessing priority. Each case, and individual need, should be decided on its own merits.

We hope that you find these cases interesting and helpful.

Natalie Penrose
Martin Keeves
Carlo Rioda
Donna Bateman

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Case 36.1

Priority and the Link to Direction 4 -

A Community Care Grant is paid for a TV and video but not a bed

Application Details

Miss M applied for a community care grant (CCG) on 15/5/06 to meet the cost of a bed, a television, a video player and chest of drawers. Miss M was in receipt of Income Support.

Miss M is a single parent with three children ages 16, 13, and 1 year. The two elder girls are in good general health; however Miss M's baby daughter was born prematurely on 5/4/05 and did not leave hospital until 14/2/06. She has mitral regurgitation (a heart condition for which she was awaiting surgery), subglottic stenosis (the narrowing of an airway) and chronic lung disease. She receives oxygen 24 hours a day via her tracheotomy.

As a consequence of these health problems Miss M's baby is quite immobile and had been unable to explore her environment as would normally be expected for a child of her age.

Miss M's home had recently been burgled and her television and video had been stolen. She had been given some videos to help her baby's development but she now had no video player or television that she could use. A speech therapist, dietician and play specialist all regularly visit the home to support her.

The two older girls share a double bed. A single bed was requested so that the girls could sleep separately. The chest of drawers Miss M had planned to use for the baby's things was worn and battered. Miss M had thrown it out.

The Decision Maker's and Reviewing Officer's Decisions

The Decision Maker decided that Direction 4(a)(iii) was met in this case. However, he decided that all of the items lacked priority for payment on the grounds they were not needed urgently and some were replacement items (see case 4 for more information about cases involving replacement items).

Miss M was not invited to take part in an interview to discuss her case. The Reviewing Officer (RO) made an immediate decision. She was satisfied that a grant would ease exceptional pressures on Miss M and her family. The conditions of Direction 4a (iii) were met.

The RO said that a bed is high priority, but the other things were less important and medium priority. She paid the £85 requested for a bed and a payment was refused for the other needs. The RO said these things are desirable but they would not have a substantial effect in easing the pressures on the family.

The Social Fund Inspector's Decision

The Social Fund Inspector (SFI) was not satisfied the decision was reached correctly. There were two problems with the Reviewing Officer's decision:

- The SFI was not satisfied that the RO had taken all relevant considerations into account when deciding priority. In particular, he did not consider the health problems of the baby, the treatment required or the impact the health problems were having on the family; and
- The RO is required by Direction 33 to arrange an interview appointment with Miss M. The RO did not give Miss M a sufficient opportunity to put her case.

The SFI wrote to Miss M and asked for more information about the family's circumstances and the impact of the baby's health problems.

In reply she confirmed that the play specialist had advised her to create a sensory type of room to stimulate her baby. She explained that her baby will stay wherever she is placed. When she was in hospital they used television and videos as part of her treatment. The speech therapist had given her the videos and stressed the importance that the baby receives a lot of extra stimulus. The child often gets very frustrated due to being in one place a lot of the time attached to her oxygen machine, and this is very stressful for Miss M.

In addition, Miss M explained that she stores her baby's clothes in cardboard boxes, but this makes the bedroom cluttered. She also has a lot of equipment from the hospital that she has to keep in the bedroom. She is concerned about keeping dust to a minimum in view of her daughter's tracheotomy and lung problems. She added that whilst the two older girls were content to share a bed, it would be nicer for them to be able to sleep apart in separate beds.

The SFI agreed that because of the baby's health problems and the problems this causes, a grant would help ease the exceptional pressures on Miss M and her family.

The SFI decided that a grant for a television and video player would complement the work done by other agencies. He was satisfied that because the baby was significantly behind in her development that these things would have a substantial and immediate effect in easing exceptional pressures on Miss M and her family. He also found an urgent need for a chest of drawers, to help keep the baby's room clean and tidy and to minimise dust. This would help alleviate the chest and breathing difficulties that the baby had. All of these things would play a very important role in easing the particular pressures on the family.

The SFI acknowledged that it would be ideal if the two elder girls could have their own beds, but this issue had little to do with the exceptional pressures the family is facing because of the baby's health problems. In view of this a new bed was a medium priority need.

The budget for grants was paying all high priority needs. Miss M had requested £400 for a television, £200 for a video player and £200 for drawers. The SFI found these estimates were outside an appropriate range of prices for suitable items. He reduced the award using high street shops as a guide to prices. He allowed a grant for a television £100, video player £60 and chest of drawers £70. So the total grant was £230.

The SFI explained that he was not awarding a grant for a bed. As Miss M had already received £85 for a bed this was an overpayment. However, as the overpayment was a result of the Reviewing Officer's incorrect decision it was non recoverable.

Comment

Decision makers routinely see applications for the more basic kinds of household furnishings and equipment. It is common for such items to be paid ahead of items that are mainly used for entertainment, such as a video player. This will often be the right decision, but not always. It is important for decision makers to remember why an applicant has satisfied Direction 4.

In this particular case the RO paid a grant for a bed for Miss M's 13 year old child, but there was not a substantial link between this need and the reasons why the family are facing exceptional pressures. While a bed for the 13 year old would inevitably have some role in easing the exceptional pressures faced this need had little to do with the pressures arising from the one year old child's care needs.

Finally, in this example the RO proceeded without making an attempt to interview the applicant. Direction 33 used to allow for the RO to do this where a partial award had already been made. But this Direction has been amended, and an interview offer is now required, even though some of the requests have been paid.

Case 36.2

Requests for Multiple Items -

Where a bed for one child is paid but beds for other children are refused

Application Details

Mr W applied for a community care grant (CCG) on 2/5/06 for a washing machine, tumble dryer, two beds, bedding, clothing for each of his children, pots and pans, crockery, cutlery, a mop, bucket, and broom.

Mr W lives with his wife and three children. The children are ages 1, 3 and 6 years. Mr W has anxiety and depression and these problems are impacting to such an extent that he is virtually housebound. His son, C, is six years old and has autism and a receptive language disorder. C soils himself frequently and is destructive. He needs constant supervision. Mr W receives Income Support. Disability Living Allowance is in payment to both Mr W and C.

The Decision Maker's and Reviewing Officer's Decisions

The Decision Maker (DM) decided that Mr W qualifies for a CCG under Direction 4a (iii). An award will ease exceptional pressures on him and his family. The DM decided that all of the requested items lacked priority for payment. No reasons were given for reaching this conclusion.

The Reviewing Officer (RO) interviewed Mr W by telephone and established that his one year old daughter T is almost too big for her small sized cot, and Mr W plans to put T in her elder sister D's junior bed. He is requesting a full size single bed for D. At the moment his daughters are sleeping okay but he said it is only a matter of time before this changes. He has a basic supply of bedding for his two daughters but they could do with a bit more.

Mr W went on to explain that his son C had soiled his bed and bedding so often that these items were now very unhygienic and beyond cleaning. C is increasingly restless at night time and his behaviour had worsened because his parents struggled to get his bedding washed and dried in time to use again. Their washing machine broke 7 weeks earlier and they had tried to wash clothes in the bath. They have so much laundry that the situation was not working out at all. It was stressing them all. Mr W's wife had tried using the launderette but it is three miles from their home.

Mr W said his own bedding was old and worn. Kitchen utensils were still in use but were generally old and not matching. The children could all do with new clothes. They had last been bought some four months ago and Mr W normally plans for these ongoing costs. However D had broken a lot of things around the house lately and this was costing them money they could ill afford. They have a mop, bucket and broom but these things had all seen better days.

The RO decided that high priority should be given to a washing machine, tumble dryer, a bed for Mr W's son C, and bedding for C. The RO said these are the family's most important and basic needs.

The RO found that the remaining items would not have a substantial and immediate effect in improving or resolving the family's circumstance and in easing exceptional pressures on Mr W and his family. They therefore had medium priority.

The amount spent on grants was in line with plans. This was managed by paying all high priority needs and paying reasonable amounts for items. Medium and low priority needs were being refused. The RO decided that only Mr W's high priority needs could be met and he paid £250 for a washing machine, £125 for a tumble dryer, £80 for a bed, and £37 for bedding for Mr W's son, C. These were the amounts Mr W had asked for. So the total grant was £492.

The Social Fund Inspector's Decision

Mr W disputed the decision to refuse the remaining items he had asked for. The Social Fund Inspector (SFI) wrote to Mr W and asked him to confirm how many sets of clothes each of the children currently had available. She also asked him if there was anything else she should know about the difficulties the family is facing without the things that had been requested.

In reply Mr W said that his son C was down to only one set of clothes and these were soiled and torn. He had no further comment to make, except to say that he could do with any help that can be provided.

The SFI found the RO's decision was reached correctly

The SFI went on to explain that the need for the child T to move from a cot to a bed, meaning that their sister D would need a bigger bed, had occurred in the normal course of events. This was only indirectly related to the exceptional pressures faced. The main difficulties arose due to the care and support that C requires, and the damage that his soiling and destructiveness is causing. Compared with this, the two daughters sleeping arrangements were currently adequate, and while it was understandable that Mr W wanted to move his girls into bigger beds the situation was not causing significant problems. A grant for a bed for D would not have a substantial and immediate effect in easing exceptional pressures on Mr W and his family.

In light of Mr W's extra information the SFI gave high priority to a grant for two sets of clothes for C. She said that while C's need for clothing will be ongoing Mr W had difficulty in meeting all of his costs at the moment, and that without something as basic as a change of clothes it will be all the more difficult to manage C's behaviour and care needs.

The SFI went on to pay a grant for a pack of underwear £7, a pack of socks £7, 2 T shirts £9, 2 sweatshirts £11, and 2 pair of trousers £18. These were amounts that Mr W had provided the SFI.

Comment

This case sets out to highlight the difficulties that decision makers can face when dealing with requests for a lot of items, particularly where more basic types of items are requested such as sleeping facilities.

Everybody needs somewhere to sleep. It is a very basic requirement. But it is not automatic that grants will always meet such needs. In this case Mr W's two daughters already have somewhere to sleep, and while it is inevitable that eventually they will outgrow their cot and junior bed this had not happened yet. Furthermore, the reason why Mr W qualifies for a grant was more to do with his son C's autism, and the impact this has on their lives. Providing a bed for D would help to some extent. But it would not substantially ease exceptional pressures on Mr W and his family. On the other hand, C's need to replace his soiled bed, bedding and clothing, together with the need for laundry facilities, were all far more urgent and related to the pressures faced.

Case 36.3

Replacement Items -

A Community Care Grant for a washing machine and cooker is paid

Application Details

Miss A applied for a community care grant (CCG) on 3/5/06 to meet the cost of a cooker and a washing machine,

Miss A is a single parent with three children all under 4 years of age. She receives Income Support. One of her sons has eczema and psoriasis. Another son has pain from a perforated eardrum. Miss A has depression and anxiety and at the time of making her application she was awaiting an appointment to see a psychiatrist.

The family live in a council house. They have been there for 5 years. Miss A bought things second hand when she moved in and these are wearing out. Her cooker and washing machine have both broken down and do not work at all. Miss A said these things were years old when she bought them and someone she knows has looked at them and said they are beyond repair.

The Decision Maker's and Reviewing Officer's Decisions

The first Decision Maker said that while the conditions of 4a (iii) were met these needs are replacement items and should be budgeted for. A grant was refused as the needs were found to be of insufficient priority.

In her letter to the Reviewing Officer (RO) Miss A said her mother who lives a few streets away was helping out with cooking but this was stressing the family out. Miss A was washing clothes by hand. She was finding it difficult living this way and looking after 3 young children. She was becoming increasingly tearful and withdrawn and her doctor had increased her medication and was trying to get Miss A an urgent appointment with a Community Psychiatric Nurse (CPN).

The RO sent Miss A two letters inviting her to take part in an interview. A time and date was set for when the RO would call her. Alternatively Miss A could attend the office at those times. Miss A did not make herself available for either of these appointments.

Looking at the information that was presented the RO said that he acknowledged Miss A was having difficulties without these facilities but that Secretary of State's guidance advised him to refuse an award for replacement needs such as household items that had broken down through general wear and tear. He gave medium priority to a grant and as only high priorities were being paid no award was made.

The Social Fund Inspector's Decision

The Social Fund Inspector (SFI) was not satisfied the decision was reached correctly. He said that the RO had not taken all relevant considerations into account. While the RO had looked at the nature of the need he had not balanced this with the extent and urgency of the situation. The SFI replaced the decision.

The SFI wrote to Miss A setting out the facts of the case and asking for more detailed information about her circumstances. Miss A told the SFI that her mother was only prepared to provide them with meals for so long, and anyway Miss A did not always feel well enough to leave her home because of her depression. Her appointment had come through from the clinic to start seeing a psychiatrist the following month, and in the meantime she was seeing the CPN on a weekly basis.

She also said that her laundry was piling up and she did not know what to do.

The SFI said he was satisfied that in this case a grant for a cooker and a washing machine would have a substantial and immediate effect in easing exceptional pressures on Miss A and her family. Miss A was really struggling without a cooker and a washing machine and in view of her health problems and parental responsibilities an award for cooking and laundry facilities would have a very important role in terms of easing the particular pressures on the family. The fact that these items had broken down in the normal course of events was a less important factor than the evidence about the urgency of the need in these particular circumstances.

The SFI went on to award £200 for a washing machine and £250 for a cooker, using high street shops as a guide to prices. This was because Miss A had requested £400 for each of these things and this was found to be unreasonably high.

Comment

The primary legislation says that all decision makers are required to consider the nature, extent and urgency of the need in every case. This means that in each case decision makers need to weigh up the evidence and use this to determine how urgent and compelling each need is. In this case the nature of Miss A's health problems, together with her recent deterioration in health and the ages of her children all needed to be taken into account when deciding priority.

The Secretary of State also issues guidance. The guidance needs to be taken into account. However, it is not mandatory to follow it. Previously, there was a section in the guidance on priority that suggested giving a lower priority to items that needed replacement in the normal course of events. The Secretary of State removed this guidance several years ago. Despite this section being removed some time ago it is still common for Reviewing Officers to rely on this out of date guidance in their decision making.

Case 36.4

Dealing with Unusual Requests -

A Community Care Grant is refused for car repairs and an MOT test

Application Details

Mrs H applied for a community care grant (CCG) on 3/7/06 for car repairs and an MOT test. The total cost of the application was £1000.

Mrs H is 77 years of age and lives alone. She is in receipt of Pension Credit. She has arthritis in her legs that limits her mobility, and she has some mental health problems. She lives in a small village in a rural part of Great Britain. Mrs H is increasingly worried that she may have to sell her home and go into residential care. She feels very strongly that this must not happen. However some of the shops have closed down where she lives and her doctor's surgery has moved to the next village. She said that a car is essential because without this she won't be able to get out and about. She has a full driver's licence and is able to drive despite her health issues, but her car has not worked for almost a year.

The Decision Maker's and Reviewing Officer's Decision

The Decision Maker decided that no part of Direction 4 was met. Mrs H asked for a review.

The Reviewing Officer (RO) interviewed Mrs H by telephone. She told him that her son lives in the city some 10 miles away. He has a car and he visits her on a regular basis, usually once or twice during the week. At the weekends he takes her to the supermarket to do a weekly shop. He does his own shopping at the same time. However he has a full-time job and a family of his own to look after and she does not like to impose on him. When the RO asked how her son felt about this Mrs H agreed that he was content to help her, but she does not think it is right that she should have to rely on him. She admitted that she frequently phones her son's home because she worries about things, and this can upset her son and his family. Mrs H said she has a home help once a week but her time is mainly spent doing the cleaning. The RO asked about local facilities and Mrs H said there is a local convenience store that she uses to purchase milk and bread, but it is more expensive than the supermarkets and she does not like to use it too often.

She told the RO she would feel much more independent if she had a car. She added that increasing her own independence would also help out her son a great deal. At present she gets a taxi to the surgery and she goes there twice a month on average, or if her son is about he will take her. She told the RO it would be cheaper to run a car and that everyone else in her village has a car as they consider it is essential. Mrs H concluded the interview by stating that if she had her car repaired she could also use it for holidays.

The RO was not satisfied that Mrs H's health and living arrangements were such that there is a foreseeable risk she will enter institutional or residential accommodation in which she will receive care. The conditions of Direction 4a (ii) were not satisfied. The RO decided that Mrs H is part of a family facing exceptional pressures, so Direction 4a (iii) is satisfied. However, taking account of the help and support that is already in place he did not find there is an urgent or important need for a car. He gave an award for repairs and an MOT test medium priority, because it would have a noticeable effect in easing exceptional pressures on Mrs H's family. The budget for grants was overspent and paying only the more urgent and important of high priorities. The RO decided a grant for these expenses could not be paid.

The Social Fund Inspector's Decision

The Social Fund Inspector (SFI) was satisfied the decision was reached correctly. He asked Mrs H if she had any further comment to make on how a car would help her. The SFI also sent Mrs H information he had obtained off her local council's website that set out their policy on assisting elderly and disabled people with mobility needs. In particular, the council offered a "ring and ride" minibus service for people living in rural villages at nominal or no cost, and while the SFI could make no guarantees that they could help Mrs H he was interested to know if she had approached the council about this scheme. Mrs H replied and said she had not approached the council. This was because to do so would make her feel dependent and a burden. She would prefer her own car to maintain her independence.

The SFI decided that the RO's decision was the right one in all of the circumstances. While Mrs H's family are under exceptional pressures due to her on-going care needs her son is happy to continue taking her to the shops and the doctor's surgery. Furthermore Mrs H uses taxi's on occasion, and there is also the possibility that the ring and ride scheme could help if necessary. A grant to repair her car would not have a substantial effect in easing exceptional pressures on Mrs H's family and a payment could not be made.

Comment

This is a good example of where the RO, faced with an unusual request, has made very good use of the interview by finding out how Mrs H's mobility problems are affecting her family's situation and how they are all coping at present. This information correctly led him to conclude that a grant for car repairs and an MOT test held insufficient priority to be paid.

It is important to recognize that a grant will not be refused simply because the request is unusual. In other circumstances the need for car repairs might be urgent and important enough to be paid as a CCG. In cases like this it will often be necessary for the decision maker to make further enquiries about the extent and urgency of the need. This would most likely include some consideration of other transportation options that are available locally.

Case 36.5

Priority and Direction 4a(v) -

A Community Care Grant is paid for a fridge

Application Details

Miss K applied for a community care grant (CCG) on 2/6/06 to meet the cost of a cooker £250, bed £100, bedding £50, seating £160, fridge £130, washing machine £200 and a vacuum cleaner £50.

Miss K had arrived in the UK in March 2005 and claimed asylum. She had recently been granted leave to remain in the UK. She is in receipt of Income Based Jobseekers Allowance. She had been living in a hostel for just over a year and had been offered a permanent council tenancy that was due to start on 14/6/06. She is 19 years of age and has no family in the UK. This is her first tenancy.

The Decision maker's and Reviewing Officer's Decisions

The Decision Maker decided that Direction 4 was not met on the evidence she had available to her. Miss K and her representative asked for a review.

The Reviewing Officer (RO) interviewed Miss K in person and she was accompanied by her representative, Mrs P, from the hostel. Mrs P explained that when Miss K arrived at the hostel she had almost no English language skills. With the aid of an interpreter Mrs P had carried out an initial assessment of Miss K's needs. Following this Miss K was initially placed on an English language course. Whenever Miss K went shopping Mrs P would go with her and teach her the value of things and how to pay for goods. Miss K initially had little appreciation of this and she had a lot of problems managing her money. She has improved but still finds her benefits don't last. Miss K attended courses run at the hostel that showed her how to run a tenancy, set up utilities, and claim benefits. Mrs P also arranged for Miss K to see a counsellor because she was very upset about being separated from her family who live in a war torn country. Mrs P confirmed that the council property had carpets that were left behind by the former tenant and these were in good condition. Miss K has nothing else available. Mrs P will continue to visit Miss K on a weekly basis for a period of 6 months, and her support plan will be regularly reviewed. Later on that day Mrs P faxed the Jobcentre Plus office with a copy of Miss K's resettlement plan.

The RO decided that the conditions of Direction 4a(v) were clearly met, as an award will help Miss K to set up home as part of a planned resettlement programme and this follows a period when she was without a settled way of life. The RO went on to give high priority to a cooker, bed, bedding, and seating. He paid the amounts Miss K had requested for these items.

The RO said that the remaining items were medium priority because these would play a less important role in terms of enabling Miss K to live in her new home and follow her resettlement plan.

The budget for grants was meeting all high priority needs. The RO therefore decided a payment could not be made for the medium priority needs - a washing machine, fridge, or vacuum cleaner.

The Social Fund Inspector's Decision

Mrs P sought a further review, stating that Miss K needed all of the things that she asked for. Miss K gave her representative authority to act on her behalf and to see her grant papers.

The Social Fund Inspector (SFI) sent Mrs P a copy of the case papers and asked her for her comments. She also asked Mrs P how Miss K was managing in her new home without the other items she had requested.

In response Mrs P said she had been to see Miss K and she was generally settling well into her new home. She had bought the items awarded for the amounts paid. Miss K had told her she was washing her laundry by hand and she did not mind this too much. And she had obtained a brush to sweep her floors. Again this was not too bad, although a vacuum cleaner would be better. However Miss K was not coping well without a fridge. Much of the food she was buying was going off and making it all the more difficult for her to budget her money properly. Mrs P had increased the emphasis on shopping and budgeting in Miss K's resettlement plan as a result of these problems. A fridge would help Miss K make progress in this area.

The SFI was satisfied the RO's decision was reached correctly on the evidence available at the time.

The SFI noted the new information about Miss K's difficulty budgeting and that this was something that Mrs P was helping with as part of the resettlement plan. The SFI was satisfied that in this case a grant for a fridge was high priority because it will have a substantial and immediate effect in improving Miss K's situation and in helping her set up home as part of her planned resettlement programme. A vacuum cleaner and washing machine were medium priority and these were refused. The SFI paid the £130 requested for a fridge.

Comment

This case highlights the importance of linking priority back to the reasons why an applicant has qualified for a grant. In this case Miss K is setting up home as part of a planned resettlement programme. It became clear as the case progressed that a major part of this programme addresses her difficulty with budgeting her limited income. In this case there is a substantial link between Miss K's ability to follow her planned programme, enabling her to resettle in the community, and her need for a fridge. It is important to consider the degree to which a payment will help the applicant live a settled life.

Case 36.6

Asking Appropriate Questions and Avoiding Assumptions - The Social Fund Inspector pays a Community Care Grant for clothing

Application Details

Miss D applied for a community care grant (CCG) on 3/5/06 to meet the cost of two beds, clothing for herself, and sheets and underwear for her son R. She was in receipt of Income Support at the date the application was made.

Miss D is a single parent with 4 children. She has diabetes, an enlarged heart, bowel problems causing constipation, and arthritis. Her eldest son, 17 year old Z, has learning difficulties. 15 year old R has a "stoma" fitted and he cannot control his bowel and wears nappies.

Miss D said there had been an infestation of bed bugs and she had thrown out her daughter A's bed. She was sharing her sister P's single bed, but they were not getting proper sleep and it was disturbing everyone. R's divan bed was also affected by the infestation and his mattress was ruined through constant soiling. The council had since treated the infestation by spraying the home.

R's sheets were all old and worn out through constant soiling. Miss D said he could also do with new underwear.

Miss D said her own weight goes up and down due to the medication that she takes. At the time of her application she had lost some weight and weighed 17 stones.

The Decision Maker's and Reviewing Officer's Decisions

The Decision maker concluded that Direction 4 was met. However, he concluded that all of the items lacked priority for payment as they were replacement items. Miss D asked for a review.

The Reviewing Officer (RO) invited Miss D to take part in an interview but she did not answer her telephone at the time when the RO rang. He pressed ahead with his decision.

The RO said that the conditions of Direction 4a (iii) are met and a grant for two beds (for A and for R), plus sheets for R, is high priority. He said that clothing can be planned for and is medium priority.

The grants budget was meeting high priority needs only, and the RO paid a grant for two single beds £200, and sheets £40. These were the amounts requested.

Miss D asked for an independent review as she felt that clothes were equally important.

The Social Fund Inspector's Decision

The Social Fund Inspector (SFI) was not satisfied the decision was reached correctly. She said the RO should have asked Miss D about the extent and urgency of her need for clothing for herself and underwear for her son R. Although Miss D had missed one appointment the RO could have made another appointment or written to Miss D with the necessary questions. He had not taken all relevant considerations into account. Also, it was not sustainable on the evidence to conclude that clothing can be planned for. This was an assumption and did not show proper regard to the current situation.

The SFI wrote to Miss D on 3/8/06. In reply Miss D said her weight had gone up by two stones since she made her application. Her clothing was far too tight and worn out. She provided new information that she is incontinent and that she sometimes soils herself. She was finding it very embarrassing going outdoors with her children because her tops and skirts were completely inadequate and her underwear was all ruined. In addition her son R was down to one pair of underpants, and he really should be changing his clothes 2 or 3 times a day. Miss D said she normally planned for these ongoing costs but there had been a lot of extra financial problems of late, especially as she had thrown a lot of other things out after the infestation and was trying to replace them herself.

The SFI was satisfied a grant for 2 tops, 2 skirts, and a pack of underwear for Miss D, and a pack of underwear for R, is high priority. The SFI said that clothing is basic to anyone's circumstances but in this instance in view of their respective health problems it was all the more important that Miss D and her son had a hygienic change of clothes. An award will have a substantial and immediate effect in easing the exceptional pressures faced. The budget can meet these needs. The SFI awarded £100 for Miss D's clothing and underwear needs and £30 for R. These were the amounts that she had asked for. The SFI did not change the award that had already been made for beds and sheets.

Comment

It could not safely be inferred that Miss D had the resources to meet her clothing needs herself. The RO was put on notice by the evidence about weight fluctuations and incontinence problems to ask Miss D about her family's clothing needs.

Case 36.7

Items Awarded Before -

A second Community Care Grant is paid for a vacuum cleaner within nine months

Application Details

Miss G applied for a community care grant (CCG) on 7/7/06 for a vacuum cleaner costing £100.

Miss G is 77 years old. She lives with her 79 year old partner. Miss G claims Pension Credit. They have no savings. Both of them have arthritis affecting their joints. They struggle to manage daily tasks, but help each other as much as possible. Miss G also has bronchial asthma. She finds her health is greatly affected by dust. Neither of them can sweep their carpets clean with a brush without feeling pain in their joints.

Miss G said she needed an upright bagless vacuum cleaner. The one she had bought before was a cylinder cleaner and neither she nor her partner could drag it across the floor. It was too heavy and it caused her to strain a stomach muscle.

The Decision Maker's and Reviewing Officer's Decisions

The Decision Maker decided that Miss G did not qualify for a payment.

The Reviewing Officer (RO) invited Miss G to take part in a telephone based interview to discuss her need for a vacuum cleaner. She did not respond and the RO went ahead with his decision.

The RO was satisfied a grant can be considered under Direction 4a (iii), to ease exceptional pressures on Miss G and her family.

The RO said that Miss G had received a CCG of £80 for a vacuum cleaner some 9 months earlier and this was enough to meet her need. He said that the budget was overspent and could not sustain ongoing requests like this and gave an award medium priority.

As the budget could only meet high priorities a grant was refused.

The Social Fund Inspector's Decision

The Social Fund Inspector (SFI) was not satisfied the decision was reached correctly. He said that the previous grant award was a relevant consideration, however if the RO had concerns about what happened with that award he should have put them to Miss G. In addition, the RO had used the state of the budget to lessen the priority of an award. This was not the correct approach.

The SFI wrote to Miss G and asked her what happened with the previous award. Miss G said she had seen a cylinder vacuum cleaner brand new in a sale for £50. She had thought this would do. She spent the rest of the money on some bedding that she desperately needed. She now realises this was a mistake. She had given up trying to use the cylinder cleaner because it was so heavy. Dust was building up and she had been suffering more breathing problems. Her partner could not help.

The SFI was satisfied a grant for a lightweight and bagless upright cleaner was high priority. The current situation was causing Miss G and her partner great difficulties and impacting on Miss G's health. The SFI acknowledged that Miss G could have bought this type of cleaner with the previous grant, but he found this issue was outweighed by the extent and urgency of her current situation.

The budget for grants was meeting all high priorities. It was 3% overspent and prices were restricted to the lowest locally available.

The SFI was satisfied that Miss G's estimate of £100 was a reasonable amount needed for an upright vacuum cleaner, but due to budget pressures he limited the award to £70. He based this on national catalogue prices as a guide. This was enough for an upright and bagless cleaner.

Comment

The Secretary of State's guidance sets out the order of consideration for CCGs. The priority of an applicant's needs must not be influenced by the budget. This is a separate and later consideration. Only once priority is decided should the decision maker go on to see if the budget can meet the need.

Decision Makers are sometimes faced with applications for items that have been awarded in the past. These are often difficult decisions to make. It is not automatic that a payment will always be made, or indeed always refused. Proper consideration must be given to the current circumstances, and this should be balanced with what happened to previous awards.

Case 36.8

Dealing with Unusual Requests -

A Community Care Grant is refused for a headstone

Application Details

Mrs M applied for a community care grant (CCG) on 14/4/06 for two heaters, a cooker, and to meet the cost of a headstone.

Mrs M is a single parent with two children ages 2 and 3 years. She receives Income Support. Her husband left her with substantial debts when they separated last year. She owes £5000 in loans and catalogues. She has depression and an obsessive compulsive disorder (OCD). She experiences a lot of anxiety and stress. She has medication for her depression off her doctor and she also sees a psychiatrist on a regular basis.

Mrs M's cooker had completely broken down and was beyond repair. She was living off chip shop meals for some of the time, but she was very concerned that her children were not having a proper diet, and there were times when Mrs M was not up to going outdoors to shop for food. There were no heaters in the two bedrooms and Mrs M said the upstairs of her home was freezing.

Mrs M's father had died 12 months earlier. She had arranged for a company to carry out the work on building a headstone for her father's grave. It was very tall and ornate, and she felt it was what her father would have wanted. She still had not paid for it, aside from giving them a small deposit. She said she owed £1350 and it was stressing her out.

The Reviewing Officer's Decision

The Decision Maker decided that Mrs M did not qualify for a payment. Mrs M asked for a review.

The Reviewing Officer (RO) interviewed Mrs M. He asked her more about her health. She said her OCD forced her to bleach things clean every day. She also had a problem with mixing colours. She was requesting £300 for a cooker because it needed to be silver in colour. This was in line with the rest of her kitchen. She wanted £100 for 2 heaters. She said the rooms were often too cold to sleep in, and this made her health worse.

Mrs M told the RO that when she defaulted on the payment plan for the headstone the company wrote to her on 2/6/06 advising that they would be reclaiming the headstone in the next 7 days. She told the RO that other people would complain if there was no headstone and she was worrying about it a lot. When her father died her mother had claimed a funeral payment, and although this covered the basic cost of the funeral it did not allow for the headstone.

The RO decided that the headstone was not covered by the regulated funeral payment scheme and so it was something he could consider. He was satisfied the conditions laid out in Direction 4a (iii) were met, as a grant would ease exceptional pressures on Mrs M and her family.

The RO went on to give high priority to the cooker and two heaters. He said that it was especially important in this family's situation that they can manage a proper diet and manage adequate rest. In view of Mrs M's health problems, the likely consequences of not having a cooker or adequate heating were all the more serious.

The RO did not find a grant for the headstone would have a substantial effect in easing exceptional pressures on Mrs M and her family. While the RO said he sympathised with Mrs M's situation, and understood it was important to her that her father's grave had a headstone, he did not find that a CCG would have a substantial impact in easing the exceptional pressures. It was a medium priority need. The budget for grants was meeting all high priority needs but could not afford medium priorities.

The RO paid the amounts requested for a cooker and 2 heaters, but refused a payment for the headstone.

The Social Fund Inspector's Decision

Mrs M disagreed with the decision. She wanted higher amounts for the cooker and heaters would cost more, and she felt strongly that she should be allowed the CCG for the headstone.

The Social Fund Inspector (SFI) asked Mrs M what had actually happened to the headstone. In reply Mrs M said she could not face going back to the grave and did not want to phone the headstone company. She did not know if the headstone had been recovered. She said that death was very central to her thoughts at present, and she was worried about where her mother would be buried given that she owes this money to the headstone company.

The SFI also asked Mrs M why the cooker and heaters might now cost more than she asked for. In reply Mrs M said she had now managed to get these things for the amounts awarded.

The SFI was satisfied the decision was reached correctly and was the right one in all of the circumstances. He said that an award for the headstone would inevitably give Mrs M some peace of mind in the short term. However it was apparent that Mrs M had other financial worries as well, and that there were other things affecting her health. Furthermore the date for reclaiming the headstone had passed so it was unclear whether Mrs M still owed money to the company. Taking everything together the SFI decided that the RO's decision was the correct one. The SFI sent Mrs M some information about free debt counselling in her local area.

Comment

In this case the award for a cooker and heaters would help the family manage their everyday lives. The need for the headstone was more difficult to assess. On the one hand paying a grant for this expense would not materially help Mrs M's children, or impact much on their daily lives. But on the other hand it is clear that the worry was having an effect on Mrs M. She had a number of other issues affecting her daily life, including her debts and her OCD. In addition, she could seek advice from debt counsellors about this money owed for the headstone. There were other likely ways of dealing with this issue, apart from a CCG. Overall the Inspector concluded that a grant for a headstone would not have had as much effect as the grant for heaters and a cooker. There was not enough evidence to pay the headstone.

Case 36.9

Priority and the Budget -

A Community Care Grant for a holiday met by an underspent budget

Application Details

Mrs H applied for a community care grant (CCG) on 15/3/06 for a holiday. She was requesting £600 for one week in a self catering apartment and £300 for meals. The holiday would be in the UK.

Mrs H lives with her three daughters. She receives Income Support for her youngest daughter named R. Her other daughters N (24 years) and J (25 years) have their own benefit claims due to their health problems. Mrs H said there are many things that her daughters cannot do for themselves.

Mrs H sees her doctor regularly for depression and anxiety. She also has insomnia. Towards the end of 2005 she had spent 6 weeks in hospital with E-Coli and Septicaemia. She has a blood clot on her lung. She has recently lost about 2 stones in weight due to stress. Mrs H said that a holiday would help her to get back on track. She needs a rest away from it all.

A letter from the applicant's GP had been included in the papers. The GP explained that because of the range of her own health problems and those of her daughters Mrs H was becoming increasingly depressed. She was in great need of a break from her home. The GP's view was that a holiday would provide Mrs H with some much needed respite from the responsibilities at home. The respite would help support the treatment that was being given for depression and anxiety.

The Decision Maker's and Reviewing Officer's Decisions

The Decision Maker decided that Direction 4 (a)(iii) was met in this case. However, he concluded that a holiday for all of the family was low priority. Mrs H asked for a review.

The Reviewing Officer (RO) invited Mrs H to an interview but she did not attend. The RO wrote a second time and in reply Mrs H sent the RO a letter telling him to make his decision on the information she had already provided. This was because she did not feel up to an interview as her health was bad.

The RO said he could not determine a CCG for meals because this represents Mrs H's daily living expenses which were excluded by Direction 29(f). The RO could consider the request for self catering accommodation in the UK.

The RO decided that a grant for a holiday would ease exceptional pressures on Mrs H and her family, but he felt that the benefits of a holiday were likely to be short-lived. He gave an award medium priority because he decided an award would have a noticeable and immediate effect in easing the exceptional pressures on Mrs H and her daughters. The budget was slightly overspent at the end of March and only high priorities had been paid all year. The RO decided that the budget could not meet this request for a holiday.

The Social Fund Inspector's Decision

The Social Fund Inspector (SFI) was satisfied the decision was reached correctly. However, he made a new decision in view of the extra information that Mrs H provided and also because of a change to the CCG budget.

Mrs H gave the Inspector additional information about her case. She told the SFI that her daughter J has had epilepsy ever since she was involved in a car crash 10 years ago. She was also seeing a counsellor for behavioural problems. J has difficulty with managing general day to day tasks such as budgeting and shopping, and Mrs H supports her with this. J's behaviour can be erratic and so Mrs H provides most of the care for J's 6 year old son, who also lives with Mrs H.

The middle daughter, N, has Downs Syndrome. She is due to leave college very soon, and Mrs H is very worried about what will happen to N after she leaves. On average N spends 2 nights in respite care every 6 or 7 weeks, but she hates going. N needs a great deal of supervision and care.

Mrs H summarised her situation by saying that everything had taken its toll, and she was completely worn out. She had asked Social Services and some charitable organisations for help but they had all said no because of their budget restrictions. Social Services said that they could provide respite care and support for Mrs H's family whilst she had a break away from home. However, they could not pay for the family of Mrs H to have a holiday.

Mrs H also explained that her insomnia was worsening, and she felt tearful all of the time. She was not eating properly.

Mrs H said that she looking for help for her to have a break away from the responsibilities at home. She said that she understood that she would need to budget for her food herself. She said this was not a problem. Her only concern was for the cost of holiday accommodation.

The SFI remained satisfied that this need for a holiday was medium priority for a CCG. However, since the RO's decision was completed there had been a fresh allocation of yearly grant funding. This was 4% more than the previous years allocation. All high priorities had been paid at reasonable amounts. By the end of June the area where Mrs H lives had spent 26% less on grants than was planned for at the start of April. The SFI said that although only 3 months of the budget year had gone this reduced spending on CCG's remained a very significant variance from plans. He checked with Mrs H's Jobcentre Plus office and they said there had been an unexpected drop in applications to the Social Fund. As a result the Area Decision maker had issued new guidance that said that the district were now able to meet some more compelling medium priority needs.

The SFI was satisfied that Mrs H's need for a holiday was a sufficiently compelling medium priority need to be met by the CCG budget. He awarded the £600 requested for accommodation.

Comment

It is not common place that the Social Fund can meet requests for holidays. However in this instance the SFI was satisfied that this medium priority need was compelling enough to be paid. Given the considerable problems that the applicant faces looking after her daughters, a holiday will have a big effect on her situation. Had the budget expenditure been on track with plans then no CCG would have been awarded. Principally because of the relatively short-term impact of the holiday.

In this case no other organization could offer assistance. But readers should be aware of the possible help provided by the Family Fund. This is a government funded registered charity covering the whole of the UK. It is completely separate from the Social Fund. The Family Fund provides timely grants to families with severely disabled or seriously ill children based on families' views and needs. The Family Fund is open to families with children and young people aged 15 and under who have a severe disability or serious illness. Their website is www.familyfund.org.uk and their telephone number is 0845 130 4542. Social Fund practitioners must always remember never to base a refusal of an award on the mere possibility that the Family Fund can help instead.

Case 36.10

Dealing with Unusual Requests -

A Community Care Grant is refused for religious items

Application Details

Mr M applied for a community care grant (CCG) on 28/2/06 for clothing and footwear, a prayer mat, religious books and shower slippers.

Mr M was in prison from 21/6/03 to 17/2/06. He lost the home and possessions that he had previously held. He left prison with a pair of old trainers, tracksuit bottoms, a t-shirt, thin jacket, 2 pairs of boxer shorts and 3 pair of socks. He has moved to a hostel. His key worker sent a letter in with the SF300 application form confirming that kitchen utensils, bedding and towels are provided by them. Mr M receives Income Based Job Seekers Allowance. He had no social fund debt.

The Decision Maker and Reviewing Officer's Decisions

The Decision Maker concluded that Direction 4 (a)(i) was met. However, he decided that all of the items lacked priority for payment because Mr M had the basic things he needed to establish in the community. Mr M asked for a review.

Mr M did not attend the prearranged interview appointment. The Reviewing Officer (RO) paid a grant of £165. This included £20 for shirts, £40 for trousers, £30 for trainers, £60 for a jacket, and £15 for a jumper. These were all of the items of clothing and footwear that Mr M had asked for at the amounts requested. The RO said the other items were all either medium or low priority needs that the budget could not afford.

The Social Fund Inspector's Decision

Mr M sought a further review, stating that the CCG was not enough. He said the amount for clothing and footwear is okay but he needs the other things.

The Social Fund Inspector (SFI) was satisfied the decision was reached correctly. He wrote to Mr M and asked him to explain how he was managing without the religious books, the prayer mat, and the shower slippers. In reply he said he had been going to his local place of worship and using their things, but he wanted his own. And he said he was concerned about catching infections using the hostel's bathroom facilities.

The SFI said that as Mr M is in a hostel it is possible that some facilities will be communal, however the SFI was still satisfied that the process of moving from prison to the community can be managed without shower slippers. In addition, the SFI said that while he did not wish to underestimate Mr M's religious beliefs he did not find there is a substantial connection between these needs and his establishment in the community. A grant would have a noticeable effect in helping Mr M to establish himself in the community and is medium priority.

Mr M's area was meeting only high priorities and the SFI decided that none of the remaining items could be awarded. The amounts paid for clothing and footwear were not in dispute. The decision was not changed and Mr M was not due another payment.

Comment

Sometimes decision makers are faced with unusual requests. No two cases are the same and it is always the individual circumstances that must be considered. So it is important to have careful regard to why an applicant is seeking help.

In Mr M's case he had moved to a hostel and had been given somewhere to sleep, kitchen utensils and towels. His most urgent need was for some additional clothing. He was given the opportunity to explain why the other items might be as important, but the facts of the case did not show any of these needs to be as urgent or pressing.

