

the journal

and digest of decisions

Independent Review Service for the Social Fund
Summer 2003 issue 25

Inside: amounts to award telephone applications judicial reviews



INVESTOR IN PEOPLE

irs

Independent Review Service
for the Social Fund

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Editor's letter

Welcome to the 25th edition of the IRS journal and digest. This edition covers a variety of topical issues. Some of the areas covered by our writers are:

- reasonable amounts to award and
- crisis loan applications by telephone

The remainder of the Journal covers queries raised by our readers panel, details of past judicial review cases and a summary of the Social Fund Commissioner's annual report.

We are constantly looking at ways to improve the content of the Journal and we value all feedback from our readers. Please let me know if there is anything we can change or include to better meet your needs. We are particularly interested to know if there are any topics you would like to see featured in future editions. You can contact me at the usual IRS address, by telephone on at np@irs-review.org.uk I look forward to hearing from you.



Natalie Penrose

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Ros
Judy

News

Workshops

In 2002/3 we delivered 439 workshops to 3,700 people. The workshops were delivered to staff at the Department for Work and Pensions and also to a wide range of advisor organisations. Workshops are held in a venue of your choice, are for a minimum of 12 people and are free of charge. If you would like to receive further details about the workshops we provide, please contact Lorraine Moran on the Business Team (see contact details below).

Self-instruction packages

We produce a self-instruction package giving a basic overview of the Social Fund. This is available from Avril Wharton on the Business Team (see contact details below) or can be downloaded from the Public Information Help and Support section of the IRS website. Other packs covering evidence, Community Care Grants and Crisis Loans are being developed and will be available by the end of the summer.

Crisis Loans by telephone

On 1st October 2002 regulations were amended allowing crisis loan applications to be made other than in writing. Jobcentres and Social Security offices throughout the country have therefore been establishing procedures for the completion of crisis loan applications by telephone. New guidance about this is included in the Social Fund Guide paras 4066-4071. An article on crisis loan applications by telephone is included in this journal.

Website content

The IRS website, www.irs-review.org.uk is a useful resource for information as well as offering details about the IRS review, and ways of contacting us. Under the IRS publications section you can view previous journals, digest of decisions, and annual reports as well as the Commissioner's Advice to Inspectors.

Raising Awareness

We regularly distribute raising awareness packs, which contain leaflets and posters. In 2002/3 we sent 11,996 packs in total. This included 1,450 to libraries, 2200 to Citizen's Advice Bureaus, and 119 to prisons. If you would like a pack please contact Avril Wharton on the Business Team (see contact details below).

In 2002/3 we wrote 32 articles for inclusion in publications by other organisations, such as Help the Aged, Citizen's Advice Bureau, Gingerbread, and RNIB. If you would like an article written for your publication please contact Janet Simkins (see contact details below).

In 2002/3 we attended 7 conferences, including Wales Council for Voluntary Action, Social Workers Conference and MIND. If you would like us to exhibit at a conference, please contact Jim Davies-Shuck (see contact details below).

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Jim Davies-Shuck. **Tel:** 0121 606 221, or **eMail:** jds@irs-review.org.uk

If you live in Northern Ireland you should contact the Office of the Social Fund Commissioner. Please see the back cover for details.

Amounts to award

– What is reasonable?

How much is a reasonable amount? When should amounts be reduced? Can local prices be used a guide? Do Inspectors pay higher amounts? **Bob James** answers your queries and questions.

The issue of how much to award for an item is one that can cause difficulty for decision makers at all levels. It is an area where the IRS is often asked to provide information and clarification.

Following the recent changes to the Secretary of State's guidance on this subject, and as budgets become increasingly stretched, we see more cases where the

amount of the award is an issue.

Donna Bateman covered this subject in some depth in Journal No 19. This article seeks to update our readers following the changes in the guidance. It covers those areas where questions are most commonly asked. The article is written with particular reference to community care grants.

At what point should I consider how much to award?

A decision maker should consider the amount to award **only** after he has determined the priority of the need.

The decision maker must satisfy himself that the budget can afford to meet that level of priority in the particular case. Neither the amount requested nor the potential amount of the award is relevant when assessing priority. At this point, the decision maker is considering the applicant's general need rather than the need for a specific item. By this, I mean the decision maker is looking at, for example, the need for sleeping facilities rather than the need for a double or single bed. Or, somewhere to sit rather than for a sofa or a three piece suite.

When should the amount requested be awarded?

The Directions do not specify a maximum grant award. Nor, do they prescribe how the amount of the award should be decided. However, the Secretary of State's guidance does address the issue. Paragraph 3362 of the Social Fund Guide advises that decision makers should normally allow the amount requested if they consider it is within a broad range of prices considered appropriate for an item of serviceable quality.

So what, exactly, is a price that is "within a broad range of prices appropriate for an item of serviceable quality"?

This is a little more problematic. The underlying principle is to pay the amount requested if this is reasonable. However, what is "reasonable" can vary from case to case. Decision makers should consider the individual circumstances/needs of the applicant and any family he may have. It may be that health, or behavioural problems, or family size mean that more expensive items fall within a broad range of prices considered appropriate for items of serviceable quality. Decision makers should therefore ask the question "Is the amount requested reasonable to meet the applicant's/family's needs in their particular circumstances?".

When should an amount be restricted?

If the amount requested is clearly unreasonable or unrealistic, decision makers should award an amount that is reasonable. In doing so, decision makers should generally look to ensure that the applicant is not disadvantaged by having asked for an amount that is unreasonable. They should not routinely award the lowest possible price for which an item can be bought. But rather an amount that is sufficient to allow some

degree of choice – depending on the budget position.

And what about the budget? What impact does this have?

The state of the budget is one factor a decision maker must consider when deciding the amount to award. The Social Fund is a budget limited scheme and the size of award amounts impacts on the number of awards that can be made. So, even if the amount requested is "reasonable" it may be appropriate for the decision maker to restrict the award. This may be in cases where:

- The budget is significantly overspent compared to profile; or
- The budget can only be kept on target by restricting the amount of awards: or
- The budget is only able to remain on target by leaving some high priority needs unmet.

In circumstances such as these, the restriction of prices, where appropriate, can play an important role in maximising the number of high priority needs that can be met from the budget.

However, even in circumstances such as these, the decision maker should remember that the budget is only one of the factors he must consider in deciding the amount of the award. The other circumstances of the case may make it appropriate to award the full amount requested. For example, in some cases the aims of Direction 4 may not be met if a full award is not made. The amount awarded must not only be sufficient to cover the cost of the expenses but also to meet the aims of Direction 4 (paragraph 3368 of the Social Fund Guide).

So, if the budget is under pressure, what evidence should be provided to support a reduced award?

If a decision maker is restricting an award because of budgetary pressures, then it is important that the decision maker submits sufficient evidence to support a reduced award.

Perhaps I can best demonstrate the type of evidence required by reference to a recent case received at the IRS for review.

Example: The applicant, a single mother with three young children, had been granted her own unfurnished tenancy. Her children all suffer from asthma and use inhalers. She had been staying for six months in a refuge

where she had fled to escape domestic violence. She had now been granted her own unfurnished tenancy. She applied for a community care grant for items of furniture and household equipment. These included £180 for a living room carpet. The applicant had enclosed an estimate from a local carpet store showing she needed 20 square yards of carpet for the room.

The decision maker made a partial award but refused a payment for living room carpet on priority grounds. The applicant asked for a review of the decision and the Reviewing Officer subsequently awarded £120 for a living room carpet. The applicant then asked for a further review by a Social Fund Inspector saying the amount allowed for the carpet was insufficient. The Reviewing Officer had explained his decision along the following lines.

He explained that he had considered the urgency of the applicant's need for a living room carpet and decided the need was a high priority one. He had considered the amount requested (£180) and acknowledged this was reasonable. He had then gone on to consider the district budget. He explained that the budget had been meeting all high priorities throughout the year to date. However, the budget was 4 percent overspent against its planned profile. Furthermore, there was a backlog of 150 CCG applications awaiting processing and 50 cases awaiting review. The "true" overspend was therefore in all probability greater than 4 percent. He had decided, therefore, to award £120 for the carpet. He had named two local furniture stores where carpet, suitable for use in a living room, could be bought at prices starting from £4.50 a square yard. His award of £120 would therefore enable the applicant to carpet the room and allow her a degree of choice when purchasing the carpet. The Reviewing Officer had provided the following documents to support his decision:

- A copy of the current Area Decision Maker (ADM) guidance;
- A profile of the grants budget for the year;
- A copy of a recent grants budget status;
- A written statement from the ADM showing the position of the workload at the end of the previous month. Together with confirmation of the budget position by means of a comparison of year to date expected spend against actual spend.

This information confirmed the validity of the comments made by the Reviewing Officer in reaching his decision. The Inspector confirmed the Reviewing Officer's decision. He was satisfied the decision had been reached correctly and was sustainable on the evidence. The Inspector was satisfied the decision was the right one in all the circumstances of the case.

Summary

To sum up, I have listed below the main points decision makers should address when deciding on amounts to award. They should:

- Initially, determine the priority of the need without reference to the budget or the amount requested;
- Normally allow the amount requested if it is within a broad range of prices considered appropriate for an item of serviceable quality. When deciding this they should ask themselves "is the amount requested a reasonable one to meet the applicant's/family's needs **in their particular circumstances**";
- If the amount requested is unreasonable, allow a more realistic amount;
- Remember the budget is one factor to consider when deciding the amount to award. In certain circumstances, it may be appropriate to restrict the amount of the award even if the amount requested is reasonable. In such a scenario, it is important that the budgetary evidence presented supports the reduced award.

It is an important aspect of community care grants that the question of how much to award is a matter for the decision maker's judgement. It allows an applicant's individual needs to be addressed and satisfied. All applications are different, even if they include a request for the same items. It is vital that decision makers acknowledge this individuality when making decisions.

Where to find out more

In this edition, the enclosed Digest of Decisions has examples to show how this applies in practice. Readers can also access the advice given by the Social Fund Commissioner on the topic of "amounts to award" by visiting our website at www.irs-review.org.uk Just click on 'IRS Publications' and follow the link to 'Commissioner's Advice to Inspectors'.

Complaints about IRS decisions and service

Donna Bateman explains the role of the Customer Service Team

What should I do if I am unhappy with the Inspector's decision or the service I have received?

We treat any expression of dissatisfaction about an Inspector's decision or our service as a complaint. Our Customer Service Team is responsible for dealing with all complaints.

The team comprises of experienced Inspectors who operate at arm's length from the Inspectors who undertake reviews of Jobcentre Plus decisions. The Inspectors on the Customer Service Team examine complaints thoroughly and provide the appropriate remedy.

What can I expect from the Customer Service Team?

Where a complaint about a decision is justified, the Inspector will consider whether the error impacted on the substance of the decision or its outcome. Where it has not, he will acknowledge the error and apologise for it. In cases where the error has impacted, he will conduct a review of the Inspector's decision. Under section 38(5) of the Social Security Act 1998, Inspectors have the power to review their own or another Inspector's decision.

Where a complaint has been made about service, the Customer Service Team will issue an explanation of what went wrong, and an apology. They will also correct anything that can be put right. When appropriate they will instigate a review and revision of procedures, to prevent similar occurrences in the future.

Learning from complaints

Complaints provide a valuable source of information from which we can learn, whether or not the complaint is justified. We analyse the nature of complaints and

the issues arising from them. Some common themes in 2002/3 were:

- appropriate enquiries had not been made in order to establish the facts of the case;
- some decisions had not taken fully into account the extent of the pressures on the local budget in deciding whether to make an award or the amount to award;
- there were indications of some inconsistencies in the approach to the tests of qualification under Direction 4(a)(ii).

External Complaints Panel

The Social Fund Commissioner recently appointed a panel of independent experienced people. The purpose of the panel is to examine the fairness, impartiality, openness and responsiveness of our complaints service. It is not intended that the panel provides a further tier of review for applicants or examines the judicial aspects of Inspectors' decisions.

The panel meet three times a year and randomly select a range of complaints that the Customer Service Team have dealt with with. The panel report their findings directly to the Social Fund Commissioner.

Contacts

To contact the Customer Service Team call
0121 606 2149

Customers can call the local rate number
0845 300 1966



Crisis loans and telephone applications

When can telephone applications be made? Can I still make an application using an application form? Is this happening in all parts of the country? **Kevan Hands** explains the facts and answers some common queries.

The Social Fund (Applications) Regulations 1988 required that every application for a payment out of the Social Fund... "shall be made in writing".

From 1 October 2002 these Regulations were amended to allow crisis loan applications to be made other than in writing. This means that crisis loan applications can now be made by telephone.

The advantages for the applicant are:

- The need to complete, sign and post an application form are removed, as is the need to travel to a local Jobcentre Plus Office to have an application taken
- In most cases, an immediate decision should be able to be given once the telephone application has been completed.

Is it compulsory to make a crisis loan application by telephone?

No. The Department for Work and Pensions' intention of introducing crisis loan applications by telephone is to provide the best possible service for applicants. The

use of the telephone should enable an applicant to get a decision immediately, meaning they would not need to make unnecessary journeys to the local office, and not have delays associated with the posting of application forms.

The amendment to the Application Regulations states a crisis loan application "need not be made in writing". This shows that crisis loan applications by telephone are not compulsory.

Further information is provided in the Department for Work and Pensions procedures guide. This makes it clear that applicants "must not" be compelled to make a crisis loan application by telephone. The guide further states that the option of a face to face interview "must always be offered". Therefore, the option of making a crisis loan application by telephone is added to a range of options that are already available to applicants.

The Social Fund Guide states "This service is intended for customers who make their initial contact to the office by telephone: customers who are already in the office must never be told to go home and telephone".

Is this happening in all parts of the country?

Not necessarily. The amendment to the Application Regulations, and good practice advice issued by the Department for Work and Pensions, means crisis loan applications by telephone can be made in all parts of the country.

However, as we have seen, there is no compulsion for such applications to be made by telephone, and therefore the arrangements are also not mandatory on Jobcentre Plus and Social Security offices.

The ability for some areas to be able to offer the option of crisis loan applications by telephone will depend on available facilities and local circumstances. For information on the practice in your local area you should contact the office directly.

Does this also apply to crisis loan applications for items?

Yes. The amendment to the Social Fund (Applications) Regulations 1988 says an application for a crisis loan need not be in writing. It does not therefore restrict such applications to living expenses only.

Again, the ability of local Jobcentre Plus / Social Security Offices to offer this as an option will depend on available facilities and local circumstances.

Can an application be made in person?

Yes. As the good practice advice has shown the option of a face-to-face interview “must always be offered”. This guide further advises that wherever practicable an appointment for a face-to-face interview should be on the day the crisis loan application is made. This will of course be dependent on local facilities, and the applicant being able to attend an office in time for such an interview to be undertaken.

The Social Fund Guide also advises that “Customers who have difficulty making themselves understood on the telephone must be offered an immediate interview instead”.

Will written confirmation of the decision be issued?

Yes. If the outcome of a crisis loan application by telephone is negative, then this will be confirmed in writing.

It is essential that the application is logged and written confirmation is issued. If this is not done then there will be no record that the application was made and the applicant will not have recourse to the review process.

The Social Fund Guide states: “If the decision is negative, the customer will receive that decision by telephone avoiding unnecessary journeys to the office and will also receive by post full written confirmation of the decision and notification of the right to a formal review”.

What happens if an applicant wants a review?

The formal written decision, informing an applicant that an award cannot be made, will include details of their review rights. At every stage of the crisis loan process, applicants should be advised of the next stage of the process, including the arrangements for review.

Review rights remain unchanged, this means an applicant would need to request a review by the local office, in writing, within 28 days of the local office decision being made. If, after a local review, the decision is still that no award (or only a partial award) can be made the applicant has the right of review by a Social Fund Inspector. Again, a written request for a Social Fund Inspector’s review must be made to the local Social Security Office within 28 days of the Reviewing Officer’s decision being made.

Summary

- The amendment to The Social Fund (Applications) Regulations 1988 came into force from 1 October 2002.
- The amendment makes it possible for an applicant to make a crisis loan application by telephone. There is, however, no compulsion for an applicant to do so, and some local Jobcentre Plus / Social Security Offices may not have these arrangements in place at present.
- The changes to the Application Regulations, and local office procedures, have no effect on an applicant’s review rights. These remain unchanged.

Where to find out more

- Contact your local Jobcentre Plus / Social Security office for information on how this is impacting locally
- The Social Fund Guide has been amended to reflect the changes – see paragraphs 4066 to 4071
- If you have any feedback on the telephone process, in particular pursuing a review on a crisis loan application made over the phone – then we would be happy to hear from you.

Judicial Reviews

and the Social Fund

Carlo Rioda highlights some of the Judicial Reviews that have been heard on Social Fund matters.



Judicial Review is the means by which the Courts supervise individuals and bodies performing public functions, in the exercise of their powers and the performance of their duties. The Readers Panel has asked for an article on the Judicial Reviews that have been heard on Social Fund matters.

Since the Social Fund scheme started, 31 applications for Judicial Review have received a Judicial Review hearing. Some of these cases were heard together, and some of them were heard by the Courts in Scotland and Northern Ireland. This article looks at some of the Judicial Reviews that Social Fund practitioners will find most relevant to present day applications.

Comprehensive coverage of the Judicial Review hearings on Social Fund matters can be found in Trevor Buck's book *The Social Fund Law and Practice* 2nd edition, published by Sweet & Maxwell.

Case: Re Ward June 4, High Court (N.I.) (R.F. 1170)
Date: 1993

This Judicial Review concerned an application for various items including a generator. The applicant had health problems and was living in a caravan. He had no generator. The Social Fund Inspector found that a generator had low priority for a grant on the grounds that there was no evidence to show what the generator was needed for, and no evidence to indicate that a lack of the item would adversely affect the applicant's health.

Carswell J. suggested that the starting point should be that a sufficient standard of heat and light is a basic need of humankind and must carry a correspondingly high priority. He observed that there was a great lack of evidence about the need for a generator and possible alternative sources of power. He decided that the Inspector could not sensibly decide on the applicant's need for light and heat without ascertaining what the possible sources were. A fundamental review of the applicant's need for sources of light, heat, and power was required. He set the Inspector's decision aside as he had failed to take account of the correct considerations. He directed that the Inspector should make a fresh decision.

Comment: In order to take account of all relevant considerations social fund decision makers will often need to exercise an inquisitorial role to establish the facts of a case.

Case: R v. Social Fund Inspector,
ex parte Taylor C.O.D 152

Date: 1998

This Judicial Review concerned an application for £3,850 for a car. The applicant could walk no more than 10 to 30 yards in open spaces before being overcome by a panic attack. He required a car to help him get around. The Inspector found that the application had insufficient priority for a grant. In deciding what level of priority the car had he took account of the budget allocation, and he compared this with the large amount requested.

Dyson J held that the Inspector had wrongly allowed budgetary constraints to influence his assessment of priority. Paragraph 3002 of the Social Fund Guide (now paragraph 2026) sets out the order of consideration: eligibility, qualification, priority, the budget, and award amounts. Although section 140(1) of the Social Security Contributions and Benefits Act did not stipulate such an order, section 140(2) of the Act required Inspectors to take account of the Secretary of State's guidance. Priority should be assessed before consideration is given to the budget.

There might be exceptional circumstances where a different order of consideration was appropriate. However, there were no such circumstances in this case, and he found it difficult to imagine what those circumstances might be. On the face of it, if an item had high priority, and the budget could meet high priorities, a payment should be made. However, the ultimate decision whether to make an award, or how much to award was at the discretion of the Inspector, having had regard to all the circumstances of the case. Where the amount claimed is disproportionate to the nature, extent and urgency of the need, that is a factor which can be taken into account at the final stage of the decision making process. The Inspector's decision was set aside, and the Inspector was directed to make a fresh decision.

Comment: Social Fund decision makers need to follow the order of consideration outlined in the Secretary of State's guidance, save in exceptional circumstances. A careful examination of that guidance reveals that priority considerations should not include consideration of the budget (or an applicant's resources). A separate issue in the case also led the judge to find that the "review process is essentially inquisitorial", a matter addressed in *Re Ward*.

Case: R v. Social Fund Inspector
and the Secretary of State
for Social Security, ex
parte Davey (CO/1418/97)

Date: October 19, 1998

This Judicial Review involved a dispute about whether Ms Davey was "in receipt" of Income Support within the meaning of Directions 25 and 8. Ms Davey's partner was moving in with her. Ms Davey handed in her income support order book at the post office on 30 October 1996. She applied to the Social Fund on 1 November 1996 for various items. Her partner claimed Income Support for Ms Davey on 5 November 1996, and the claim was backdated to 14 October. It was later determined that Ms Davey was not entitled to income support after 26 October 1996. The Social Fund Inspector decided that Ms Davey did not satisfy Directions 25 or 8.

Moses J held that in order to be "in receipt of" Income Support, within the meaning of Directions 25 and 8, an applicant has to be both in receipt of and entitled to Income Support. The applicant was neither. Although Ms Davey's partner came to receive Income Support for her, this did not mean that Ms Davey was in receipt of income support. Direction 8 makes a clear distinction between receipt by the applicant and receipt by his partner, which would be unnecessary if an applicant could be in receipt by virtue of the fact that his partner were in receipt. There is also a statutory principle that the person who receives Income Support is the person who is entitled to that support, and the person who is entitled to that support is the person who makes the claim. At the date of the application Ms Davey had handed in her order book and so was not in receipt of Income Support in her own right at that date. In addition, there was a later determination that she was not entitled to Income Support at the date of the application. This acted retrospectively for Social Fund purposes.

Comment: Ex Parte Davey is clear authority for the proposition that the term, "in receipt", within the meaning of Directions 25 and 8, requires actual receipt and entitlement. Despite this, a number of representatives continue to make arguments to the contrary, and one was recently refused leave for a judicial review on this point.



Paul Monaghan and **Natalie Penrose** answer a range of queries and questions raised by the Journal Readers Panel

Readers questions



For many years the Journal Editor has regularly met with a small group of our readers to seek feedback on the content of the Digest. About two years ago, a new style "Readers Panel" was formed, which extended and developed the input of our external readership.

The Panel is made up of welfare rights workers, applicants' representatives and staff from Jobcentre Plus. They meet 3 times a year, at the IRS, and feed back on the draft content of both the Journal and Digest of decisions. They also help the editor to plan topics for future editions, and occasionally contribute an article. At the meetings, the Panel air queries and issues for the editor to take forward. This article covers a range of questions that have been raised recently.

Reasoning in Reviewing Officers' decisions: How much is enough?

Decision Makers and Reviewing Officers should always identify the crucial matters in each case. These are the areas where the investment in sufficient explanation is needed. It should be clear to the reader, that all the evidence that is relevant to those crucial issues has been considered and that the correct legal tests have been applied.

To illustrate this point the following are two examples from recent cases:

Example 1

Mr J applied for a range of clothing for his children and coats for himself and his partner. Mr J signs sick. He has arthritis in his back, shoulders and wrists. He takes tablets for his condition and has been referred to the hospital. His partner takes medication for depression. She has also been seeing a counsellor for two months. Mr J and his partner do not have coats. The children's clothing is worn out. All of the family's income is taken up with paying the bills, buying food and meeting everyday expenses. The crucial issue for the Reviewing Officer was whether or not Direction 4(a)(iii) was met.

The Reviewing Officer's decision was drafted as follows: "All families on benefit are under pressure. But taking all of the circumstances into consideration I do not consider that a community care grant would ease exceptional pressures on him and his family. Direction 4(a)(iii) is not satisfied".

This decision does not show that the Reviewing Officer has considered the family's health problems and lack of suitable clothing when applying Direction 4(a)(iii) to the facts of the case. The decision shows a very narrow consideration of the evidence and Direction 4 (a)(iii). Not only did this decision lack reasoning, it was also not supported by the available evidence.

Example 2

Mr S was a single man who signed sick due to drug addiction. His request was for clothing and footwear. The people he shared a house with had given Mr S's stocks of clothing and footwear away. At the time of the application Mr S was borrowing his brother's clothing. There was no other evidence about Mr S's brother or the borrowed clothing. Mr S was invited to an interview but did not attend.

After setting out the facts of the case the Reviewing Officer made the following decision:

"CCG – Direction 25 is met. This is not a repeat application nor are any items excluded. Direction 4(a)(i) considered but I find that the applicant has not resided in accommodation which provides care. Direction 4 (a)(ii) considered but I cannot be persuaded that there is a risk of care despite his drug addiction. Direction 4(a)(iii) - As a single person any award will benefit Mr S only and will not ease any exceptional pressures there may be on his family. Direction 4(iv), (v) and 4(b) do not apply.

Direction 40 allows me to consider a crisis loan. Having had his belongings disposed of I accept that Mr S needs to meet expenses in an emergency. I do not, however, consider a crisis loan to be the only means of preventing

serious damage or serious risk to Mr S's health and safety. He has the use of his brother's clothing which will avert any immediate risk".

There was sufficient reasoning in this decision. The Inspector found the decision was reached correctly under Direction 1.

If you want to read more about Directions 1 and 2 to Inspectors please refer to issue 20 of the IRS Journal which covers the role of the Inspector.

Complaints and the IRS Customer Service Team: isn't this just another tier of review?

No. The Inspector's decision is normally the end of the review process. However, Section 38(5) of the Social Security Act 1998 does give Inspectors the power to review their own, or another Inspector's decision. This suggests that Parliament envisaged occasions where an Inspector's decision might need to be changed without having to seek a Judicial Review.

The IRS always aims to get things right first time. However, despite our best efforts things sometimes can and do go wrong. This may be because the Inspector has made a mistake about the law or the facts of the case. Or it could be that there is relevant information that was not before the Inspector. Queries about Inspector's decisions come from applicants, from applicant's representatives and also from Reviewing Officers. Occasionally errors are identified internally. These are also remedied by the CST under s38(5).

Details of when a Section 38(5) review may be appropriate are highlighted in the Social Fund Commissioner's Advice to Inspectors on that subject. This can be found in the IRS Publications section of the IRS website at www.irs-review.org.uk

Direction 4 and community care grants: is it enough just to satisfy one part of the Direction?

Yes. For anyone to qualify for a community care grant, they must qualify by meeting at least one part of Direction 4. It is sufficient to meet only one part of Direction 4.

However, where more than one of the branches of Direction 4 is met, it is important that decision makers identify these. This is because once an applicant has qualified for a grant through Direction 4 the impact of an award in terms of meeting the aims of Direction 4 has to be considered at the priority stage. An item could have a greater or lesser impact on different branches of Direction.

Summary of the Social Fund Commissioner's Annual Report

2002/2003

During 2002/2003:

Work Activity

- Inspectors delivered 23,233 decisions; and
- they changed 62% of community care grant decisions, 38% of crisis loan decisions and 9% of budgeting loan decisions.

The Standard of Social Fund Inspectors' Decisions

- Case readers examined 1,544 cases (6.6% of total workload);
- I issued advice to Inspectors on a range of topics including approach to budgets, amounts to award, section 38(5) reviews and evidence;
- we have examined in detail the impacts of the Human Rights Act 1998 and I have issued advice to Inspectors;
- we have made further improvements in the way Inspectors deliver their reviews; and
- we received 1,802 complaints about decisions, of which 298 were upheld (just over 1% of our total workload).

The Standard of Administration

- Inspectors completed 98.1% of their reviews where no enquiries or straightforward enquiries were needed within 12 days;
- we have introduced further measures to improve the accessibility of our service, including installing a text-phone for customers with impaired hearing, providing, where needed, large print, audiotape and written translations of our documents into Braille and 12 languages, and a telephone interpreting service;
- we received 108 complaints about our service, of which we upheld 72 (0.3% of our total workload); and
- I appointed a panel of independent experienced people to examine the fairness, impartiality, openness and responsiveness of our complaints service.

Important Issues Arising

Our casework and contact with applicants and adviser organisations have highlighted the following important issues:

- access to the Social Fund, including access by pensioners;
- awareness of the IRS review;
- community care grant budget and priorities; and
- a continuing need for research into the effectiveness of the Social Fund in the context of Government's overall strategy to reduce poverty and social exclusion.

Sharing Information and Expertise

- We delivered 439 workshops to almost 3,700 people;
- we published three issues of the Journal and Digest of Decisions and distributed around 5,300 copies of each issue;
- we provided reports to Jobcentre Plus regions about the findings from the cases they sent to the IRS; and
- we met people from a range of organisations with an interest in the Social Fund.

Resources

- we spent £3.13 million, giving a cost per decision of £135.

irs publications

The Journal

issued three times a year, free of charge, to help advisors and Social Fund practitioners assist their customers and improve awareness of the right to an independent review [www](#)

IRS 1

a leaflet which provides information on how to apply for an independent review. Includes an application form to apply for an independent review. Issued with all Reviewing Officer's decisions [www](#)

IRS 3

a leaflet which provides information on the action to take if dissatisfied with our decision. Issued with all Inspectors' decisions [www](#)

IRS 4

a leaflet which provides information on the purpose of community care grants and the Inspector's review [www](#)

Basic Guide to the Social Fund

a booklet which provides basic information about the Social Fund

Social Fund - A basic overview

Self Instruction Package with self assessment questions and case studies [www](#)

Workshop information

a leaflet which provides information on the different types of free workshops available. Includes a booking form for completion [www](#)

Factsheet

Two factsheets are available, one provides detailed information about the IRS and the review process, the other provides basic information about the Social Fund

IRS poster

a poster, issued free of charge, to improve awareness of the right to an independent review [www](#)

All publications are posted free of charge. If you require copies of the above forms or would like further information please contact Avril Wharton:

Phone 0121 606 2191 or **eMail: aaw@irs-review.org.uk**

Alternatively the items above which are marked www can be obtained from our website. They are available to download at www.irs-review.org.uk in the Information Centre section.

If you would like to contact us:

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