

CHILDREN AND THE SOCIAL SECURITY SYSTEM.

(last updated on 30th January 2008)

A PRACTICAL OVERVIEW

THE U.K SOCIAL SECURITY SYSTEM

The United Kingdom Social Security System is notoriously complicated, for every rule there are numerous exceptions. Governments are constantly tampering with the legislation adding new pieces all the time. In lots of areas the terms used are not defined and are open to interpretation. One Social Security Office might well interpret a Regulation one way and another office might interpret it differently. The Social Security System has traditionally made it difficult for 16 and 17 year olds to become entitled to benefits. In some offices the notion exists that 16 and 17 year olds are not entitled to benefits and it can be difficult even to get a claim off the ground.

The Northern Ireland Social Security System although it has it's own particular legislative basis, is for all practical purposes exactly the same as the system which operates throughout the rest of the U.K.

A lot of the Social Security system has now been broken up with some elements of it administered by the Social Security Agency and other aspects now administered by the Inland Revenue as part of the Tax Credit system. This information will only look at those benefits that remain within the remit of the Social Security Agency.

We can break the Social Security benefit system into two distinct types of benefits, Contributory Benefits and Non-Contributory Benefits.

Contributory Benefits.

These benefits are paid out of the National Insurance fund and in order to access these types of benefits the claimant, or in some cases the claimant's spouse, must have paid National Insurance Contributions. It is very unlikely that 16 and 17 year-olds would have paid enough National Insurance Contributions to access any of the benefits within this category. It is useful however to be aware of the types of benefits which fall within this category.

The following are Contributory Benefits;

Contribution-based Jobseekers Allowance
Maternity Allowance
Bereavement Benefits
Retirement Benefits

Unless the claimant, or the claimant's spouse, have paid National Insurance Contributions they cannot access these benefits.

Non-Contributory Benefits.

The most important category of benefits and the category, which will concern us most are the Non-Contributory Benefits.

In order to access these benefits the claimant does not have to have paid National Insurance. It is enough that the claimant is resident in Northern Ireland and they satisfy the conditions of entitlement for the individual benefit.

The following are examples of Non-Contributory Benefits;

Income based Jobseekers Allowance
Income Support
Child Benefit
Disability Living Allowance
Attendance Allowance
Carers Allowance

Incapacity Benefit is unique, it is a Contributory Benefit aimed at workers, who have paid sufficient National Insurance contributions, but are unable to work due to some incapacity. However from April 2001 Incapacity Benefit is available to certain young people even though they may have paid no National Insurance contributions at all. We will look at this benefit later.

Non- Contributory Benefits can be further divided into two distinct types of benefits, means tested benefits and non-means tested benefits.

For means tested benefits the amount of benefit, if any, that the claimant receives will be determined by looking at any income or capital they already have, examples of these types of benefits are Income Support and Housing Benefit. Non-means benefits reflect the State's responsibility to support people because of particular circumstances regardless of their income. For example the State has a duty to support people with a disability and Disability Living Allowance reflects this, it is a benefit paid to disabled people to help them cope with the extra costs associated with their disability, regardless of their income or capital, other examples would be Child Benefit or Attendance Allowance.

NON-MEANS TESTED BENEFITS.

When considering the conditions of entitlement, to the various benefits we will look at today, the residence conditions have not been looked at. If a potential claimant is subject to immigration control is exercising EU rights or has some other question mark over their residency please consult the CPAG Welfare Benefits Handbook or contact a Citizen's Advice Bureau/ Independent Advice Centre or the Children's Law Centre.

1. CHILD BENEFIT.

In order to qualify for Child Benefit you must be responsible for a child who lives with you. There are no age restrictions on when you can claim so a 14 year-old mother or a 15 year-old mother could claim child benefit for her child even though someone may be claiming Child Benefit for her. This may be important in maximising the income for some families because the rate of Child Benefit for a first child is higher than the rate for subsequent children.

Example: Jane is a lone parent, she works and takes home £150 per week and gets £18.10 child benefit for her 15 year old daughter Jenny. Jenny has just had a baby; if her mother claims Child Benefit for the baby she will get £12.10 extra child benefit per week, whereas if Jenny claims herself for the baby she will get £18.10 per week. This will mean an extra £6.00per week coming into the home.

A claim for Child Benefit is made on a Child Benefit claim form and should be made promptly because the rules on backdating of benefits are very stringent.

2. DISABILITY LIVING ALLOWANCE.

Disability Living Allowance was introduced in 1992 and is a very important benefit, not only does it provide extra help related to the person's disability but it also increases the amount of Income Support the disabled person may be entitled to as we will see later and it is ignored as income when assessing how much means tested benefit a person may be entitled to.

The benefit is made up of two different components a Care component and a Mobility component. Disability Living Allowance can be claimed by anyone from 3 months old to 65 years old. Claims for children under the age of 16 are made by a parent or someone with parental responsibility on their behalf, those aged 16 or over claim for themselves.

CARE COMPONENT.

The Care Component of Disability Living Allowance is paid at three different rates, the rate a person will receive will depend on the nature of a person's disability and the level of help they need because of their disability.

Lower Rate Care Component.

In order to qualify for the lower rate of the care component the claimant must be either;

- (1) Aged 16 or over and so severely disabled physically or mentally that he/she cannot prepare a cooked main meal for himself/herself even if they have all the ingredients, 'the cooking test' or
- (2) He/she is so severely disabled physically or mentally that they require, in connection with their bodily functions, attention from another person for a significant portion of the day, either in one period or a number of periods. A significant portion of the day is around an hour.

Middle Rate Care Component.

In order to qualify for the middle rate of the care component the claimant must be so severely disabled physically or mentally that he/she requires;

- (1) Frequent attention from another person throughout the day in connection with their bodily functions; or
- (2) Continual supervision throughout the day in order to avoid substantial danger to themselves or others; or
- (3) Prolonged or repeated attention at night in connection with their bodily functions; or
- (4) They require another person to be awake at night for a prolonged period or at frequent intervals for the purpose of watching over them in order to avoid substantial danger to themselves or others.

Higher Rate Care Component.

In order to qualify for the higher rate of the care component the claimant must be so severely disabled physically or mentally that they require;

Frequent attention throughout the day, in connection with their bodily functions, or continual supervision throughout the day in order to avoid substantial danger and prolonged or repeated attention at night in connection with their bodily functions or someone to be awake for a prolonged period or at frequent intervals to watch over them and so avoid substantial danger.

For claimant's aged under-16 there is an additional test, the attention or supervision requirements must be substantially in excess of the normal requirements of a child of the same age in good health or the child requires substantial supervision or attention, which a younger child in good health may require but a child of the same age, in good health, would not require.

THE MOBILITY COMPONENT.

The Mobility Component of Disability Living Allowance is paid at two different rates which equate to different types of difficulty with getting around, the mobility component is only available to claimants over the age of three for the high rate and five for the low rate.

High Rate Mobility Component.

In order to qualify for the high rate of the mobility component the claimant must be:

- (i) suffering from a physical disability such that they are unable or virtually unable to walk; or
- (ii) both deaf and blind; or
- (iii) born without feet or had both feet amputated; or
- (iv) severely mentally impaired, and have severe behavioural problems and qualify for the highest rate of the care component.

Low Rate Mobility Component.

In order to qualify for the low rate the claimant must be:

So severely disabled, physically or mentally, that ignoring any familiar routes, they are unable to take advantage of the faculty of walking outdoors without guidance or supervision from another person most of the time. For someone under 16 there is an additional test, the guidance or supervision they require must be substantially in excess of that required by a child of the same age in normal physical and mental health or a child of the same age in normal physical and mental health would not require such guidance or supervision.

3. CARER'S ALLOWANCE. (Formerly Invalid Care Allowance)

Carers Allowance is a benefit paid to carers who are not in full-time education, nor working full-time (although a client can work part-time and earn up to £87.00 per week) and who spend at least 35 hours per week caring for a disabled person. The disabled person must be receiving either the middle rate or the higher rate of the care component of Disability Living Allowance or Attendance Allowance. A claimant must be at least 16 years of age and there are additions, which can be paid for dependant children.

Entitlement to Carer's Allowance means that the claimant will fit into one of the groups of people who can claim Income Support and who do not have to be available for and actively seeking work. As we will see later those who claim Income Support are entitled to an extra allowance for being carers. On a cautionary note advisers should be aware of the relationship between Carer's Allowance and the disabled persons Income Support. A CLAIM FOR CARER'S ALLOWANCE MAY MEAN THE DISABLED PERSON LOSES THEIR SEVERE DISABILITY PREMIUM.

4. INCAPACITY BENEFIT.

Incapacity Benefit is a Contributory Benefit, which is paid to claimants who are incapable of work. However in April 2001 the Government introduced new rules, which make it possible for those aged 16 and 17 to claim Incapacity Benefit even though they may never have worked or paid National Insurance contributions. In order to qualify for Incapacity Benefit a 16 or 17 year-old claimant must have been incapable of work for 196 consecutive days (28 consecutive weeks). This period of 196 consecutive days may begin before the claimants sixteenth birthday, so in theory a claimant could claim on their sixteenth birthday if they had been incapable of work for 196 days prior to that day.

If the claimant is in full-time education (more than 21 hours per week) they will not qualify for Incapacity Benefit, however any time spent receiving instruction or tuition, which would not be suitable for someone of the same age and sex but without a physical or mental disability is ignored when calculating the 21 hours. This means that pupils in special schools over the age of sixteen should qualify for Incapacity Benefit while still at school.

If a 16 or 17 year-old has not been incapable of work for the required number of days it may still be important that they make a claim for Incapacity Benefit in order to be able to claim Income Support as a person who is incapable of work.(We will consider this later).

A claim for Incapacity Benefit is made on an Incapacity claim form and must be accompanied by medical evidence from the claimant's G.P. confirming the nature of the incapacity. Incapacity Benefits Branch also have mechanisms to test the incapacity of claimants, claimants are asked to complete a questionnaire and

points are awarded depending on the answers given, if it is felt that a claimant may be capable of work they may be referred to the Medical Service for assessment.

MEANS TESTED BENEFITS.

1. INCOME BASED JOBSEEKERS ALLOWANCE.

Most 16 and 17 year olds who have left school, are required to sign up for a government training scheme, unless they are working. They will receive an allowance for attending the training. It can therefore be very difficult for this group to access JobSeekers Allowance. This benefit is paid to those who are available for and actively seeking work. The claimant must show the Social Security Agency that they are taking reasonable steps to find work. They must enter into a jobseekers agreement and there are harsh sanctions for claimants who break an agreement. This benefit is very complicated and it is hoped that in the future a session will be available which will look at Jobseekers Allowance as part of an overall theme of young people in training and in employment, concentrating on training and benefits for those who are able and available for work.

2. INCOME SUPPORT.

Income Support is by far the most important benefit we will cover today. It is a benefit, which is very important for growing numbers of 16 and 17 year olds. It is also the situation that a lot of frontline staff in Social Security Offices are unclear about the entitlements of this group of claimants and many staff labour under the mistaken belief that 16 and 17 year olds are not entitled to Income Support. This can make it extremely difficult even to make a claim and this group of claimants will often require a great deal of assistance with making and succeeding with a claim. There is no reason why a 16 year old or a 17 year old should have any difficulty with a claim, they are as entitled as any other individual to make a claim and provided they satisfy the conditions of entitlement they should receive benefit.

THE CONDITIONS OF ENTITLEMENT.

In order to claim Income Support the claimant must be aged 16 or over, be habitually resident in the United Kingdom, not be working more 15 hours per week and have capital of less than £8000.00. Income Support is targeted at those with little or no income who do not have to be available for work. Those aged 16 and 17, who have left school and have no illness or disability or any responsibilities such as caring or parenting, must register for training with the Training and Employment Agency. The following is not an exhaustive list of those who can claim Income Support and is focused on 16 and 17 year olds.

Income Support may be claimed by:

- A person who is temporarily looking after a member of his/her family who is temporarily ill.
- A Carer, who receives Invalid Care Allowance or who cares for someone in receipt of Attendance Allowance or the Higher or Middle Rate of the Care Component of Disability Living Allowance.
- A person who is incapable of work because of illness or disability.
- A person who is registered blind
- Someone who is pregnant and is within the period of eleven weeks before the expected birth up to seven weeks after the baby is born.

In all the above cases the claimant must not be in full-time education, therefore a pupil who is pregnant will not be entitled to claim Income Support. The following people will be entitled to Income Support while still in still at school.

- A Lone Parent.
- A person who is severely mentally or physically disabled.
- A person who has no parent or anyone acting in the place of his/her parents.

- A person who has to live away from his/her parents or anyone acting in the place of his/her parents because of estrangement or because he/she is in moral or physical danger or there is a serious risk to his/her physical or mental health.
- A person who has left care and cannot live at home.
- A person who has to live apart from his/her parents or anyone acting in the place of his/her parents and that person is unable to support her/him financially and is chronically sick or mentally or physically disabled or detained in custody or prohibited from entering or re-entering Northern Ireland.
- A person who is a refugee and has started a course of 15 hours or more a week to learn English in order to obtain employment during his/her first year in Northern Ireland. (For this person entitlement will be for a maximum nine months)

A person claims Income Support for themselves and their partner if they have one. Children's Tax Credits now pay amounts for child dependants.

HOW MUCH WILL THE CLIENT RECEIVE?

There are three elements, which are taken into account when calculating entitlement to Income Support. One of the elements, housing costs, applies only to owner- occupiers with a mortgage and is unlikely ever to be relevant to 16 and 17 year-olds. We will therefore concern ourselves with the other two elements. These elements are: Personal Allowances, and Premiums. By adding together the relevant Personal Allowance and Premiums for an individual claimant we arrive at the Applicable Amount for that claimant.

Please refer to the Benefit Rates Sheet for the relevant rate for each personal/dependant's allowance and premium.

In most circumstances 16 and 17 year olds will only be eligible for a personal allowance for a single person. There are however a number of situations such as lone-parenthood or the presence of disability when the premiums will also come into play.

PERSONAL ALLOWANCES

There are two rates of personal allowance for 16 and 17 year olds whether single persons or lone-parents.

The higher rate is paid where the claimant qualifies for a disability premium, or is an orphan and has no-one acting as a parent, or is living apart from his/her parents or anyone acting as his/her parents for one of the reasons listed above.

There are a number of rates that will apply to couples aged under 18.

If both are under 18 and both are entitled to Income Support or one is responsible for a child, the highest rate.

If both are under 18 and only one would qualify for Income Support at the higher rate for a single person, the high rate.

If both are under 18 and only one would qualify for Income Support at the lower rate for a single person, the lower rate.

Allowances for dependant children are now paid through the Child Tax Credit System.

THE PREMIUMS.

Carer premium.

This is added where the claimant (or partner) is in receipt of Carer's Allowance for caring for a disabled person.

Disability premium.

This is added where the claimant has been incapable of work for 364 days and incapacity has been accepted by the Social Security Agency, or the claimant (or partner) is in receipt of Disability Living Allowance, or is registered blind.

Severe Disability premium.

This is added where the claimant is in receipt of the middle or higher rate of the care component of Disability Living Allowance and they have no non-dependants aged 18 or over living with them (any non-dependants who are also in receipt of the middle or higher rate of the care component or are registered blind are ignored) and no-one receives Invalid Care Allowance for looking after them.

EXAMPLE.

Joe is 17 and has suffered from cerebral palsy since birth, he has always been very independent and tries to do most things for himself, he has moved into a flat close to his parents house where he will live alone. He is in receipt of the middle rate of DLA care component and no-one claims Carer's Allowance for looking after him. If entitled, what premiums would Joe receive in Income Support.

As a seventeen year old living apart from his parents he would be entitled to the higher rate of the personal allowance, plus because he is in receipt of DLA he is entitled to a disability premium, plus because he is in receipt of the middle rate of the care component, lives alone and no-one receives Carer's Allowance for looking after him he is also entitled to a severe disability premium.

So Joe's Applicable Amount would be;

Personal Allowance + Disability Premium + Severe Disability Premium.

HOW WILL OTHER INCOME AFFECT THE AMOUNT OF INCOME SUPPORT?

Income Support is a safety net benefit and most other income is counted in full and subtracted from the Applicable Amount to give the actual Income Support payable. There are however a number of exceptions,

Disability Living Allowance payments are completely ignored.

The first £5.00 of any part-time earnings are ignored for a single person.

The first £10.00 of any part-time earnings are ignored for a couple.

The first £20.00 of any part-time earnings are ignored for lone-parents, for those who qualify for a disability premium, for those who qualify for the carer premium. The above disregards are only in relation to earnings from work. The first £10.00 of any Child Maintenance payments is ignored but other maintenance counts in full.

Most other types of income, including benefits such as child benefit and Carer's Allowance, count in full and are subtracted from the Applicable Amount to give the Income Support payable.

HOW WILL ANY CAPITAL OR SAVINGS AFFECT THE AMOUNT OF INCOME SUPPORT?

Anyone with more than £16000.00 in capital such as savings or shares is not entitled to Income Support. Capital of between £6000.00 and £15999.99 is treated as generating an income, for each £250.00 or part of

£250.00 between £6000.00 and £15999.99 the claimant is assumed to have an income of £1.00. Capital of less than £6000.00 is ignored.

For example a claimant with £6765.90 in the bank would be assumed to have a weekly income of £4.00.

EXAMPLE.

Let us return to Joe, he has a part-time job from which he earns £30.00 per week, he has no other income other than his DLA.

The amount of Income Support Joe would receive each week is,
 $£46.85 + £25.25 + £48.45 = £120.55$ minus £10.00 of his earnings = £106.75

CHALLENGING DECISIONS.

If an applicant is unhappy with any decision in relation to a claim they have the right to appeal to an Independent Appeals Tribunal. Whenever an appeal is made the Social Security Agency will automatically look at the decision again. For more information on challenging decisions see CPAG's Welfare Benefits Handbook.

HOUSING BENEFIT.

There are no age restrictions as to who can claim Housing Benefit. The Northern Ireland Housing Executive administers Housing Benefit. Housing Benefit is paid to people on low incomes to help with the cost of rent and rates and some service charges. In order to qualify for Housing Benefit the claimant must be liable to pay the rent on the property, which they normally occupy as their home. It is highly unlikely that anyone under the age of 16 would have a liability to pay rent. Most full-time students are excluded from Housing Benefit but those young people who qualify for Income Support while still at school would also qualify for Housing Benefit.

Housing Benefit is a means tested benefit and the amount of help a claimant receives will depend on the amount of income they have.

Those claimants who are in receipt of Income Support or Income based Jobseekers Allowance will be entitled to their maximum Housing Benefit which will usually be the amount of their rent and rates.

IMPORTANT: It is important to note that a client's maximum Housing Benefit may be less than their actual rent and rates. The maximum Housing Benefit that can be paid to single people under-25 years of age is restricted to the level of a single room rent, which is the average of the local rental for a room in shared accommodation. This restriction does not apply to claimants aged under-22 who were formerly in care, or claimants who are severely disabled or if the claimant has a non-dependant living with them. If you fall into one of these groups your maximum Housing Benefit could still be restricted to less than the rent payable. If the rent is adjudged to be too high, or the property too large (e.g. a single person residing in a two bedroom property) by the Valuation and Lands Agency, who carry out assessments for the Housing Executive, the amount of Housing Benefit will be restricted to the level of a local reference rent, which is the average local rent charged for the appropriate size of property and this will be the maximum Housing Benefit. This provision does not apply to Housing Executive or Housing Association properties.

Example.

Jack is 17 and has rented a one bedroom flat, Jack is in receipt of Income Support and his rent is £60.00 per week. The VLA have assessed the property and decided that the single room rent applies; the single room rent for the locality is £40.00 per week. Therefore the maximum amount of Housing Benefit that Jack can receive is £40.00 per week.

The Housing Executive has discretion to increase the amount of Housing Benefit payable where a restriction would cause exceptional hardship. Details of this can be obtained from the Housing Benefit section in the relevant Housing Executive.

WHAT IF THE CLIENT IS NOT ON INCOME SUPPORT OR JOBSEEKERS ALLOWANCE?

If the client is not in receipt of either Income Support or Jobseekers Allowance, but is perhaps working, the amount of Housing Benefit they will receive will depend on their income. If their income exceeds their applicable amount, they will be expected to make a contribution toward the rent. In working out a client's applicable amount the same allowances and premiums are used as for Income Support.

The applicable amount is then compared to the client's income; this will include the client's net earnings (minus any disregards), income from benefits (DLA is ignored) and any other income, although the first £15.00 of maintenance is ignored. NOTE. The client's earnings will attract a disregard depending on circumstances, for a single claimant the disregard is £5.00, for a couple the disregard is £10.00, if the disability or carer premium is included in the applicable amount the disregard is £20.00 and for lone-parents the disregard is £25.00.

If the income is less than the applicable amount the client will be entitled to their maximum Housing Benefit.

If the income is higher than the applicable amount then the maximum Housing Benefit is reduced as follows. The maximum Housing Benefit is reduced by 65% of the excess of income over the applicable amount (for the rates element of Housing Benefit the reduction is 20% of the excess).

EXAMPLE.

Joanne (17) is disabled and gets the low rate of the care component of DLA; she works and takes home £100 per week. She lives in a one bedroom flat where the rent is £30.00 per week of which £4.00 is rates and this is lower than the local reference rent.

Her maximum Housing Benefit is £26.00 for rent and £4.00 for rates.

Her applicable amount is: Personal Allowance- £46.85 Disability Premium- £25.25

Applicable amount = £72.10

Income is: Earnings- £100.00 (minus £20.00)

= £80.00

Other Income Nil.

Income = £80.00

Income minus applicable amount = £7.90

65% of Excess = £5.13

20% of Excess = £1.58

Housing Benefit payable For Rent = £26.00 minus £5.13

= £20.87

For Rates = £4.00 minus £1.58

= £2.42

So with earnings of £100.00 per week Joanne would have to pay £6.71 toward her rent and rates.

NOTE. If the claimant has another adult non-dependant living with them a deduction from Housing Benefit may be made to reflect their contribution toward the rent. This is called the non-dependant deduction. (See CPAG Welfare Benefits Handbook for further details)

THE SOCIAL FUND

(1) SURE START MATERNITY PAYMENTS.

This is payable to those claimants who are pregnant or have just given birth and are in receipt of a qualifying benefit. These benefits are Income Support, Income based Jobseekers Allowance, Working Families Tax Credit and Disabled Person's Tax Credit.

In order to claim the person must be in receipt of one of the above benefits, and be within the period of eleven weeks before giving birth until three months after the birth. They must not have more than £500 in capital and a health professional must certify that they have received health and welfare advice.

A claim is made on an SF100 claim form and the payment is £500.00 per child.

(2) BUDGETING LOANS.

A Budgeting loan is an interest free loan, repayable by direct deductions from benefits, paid to those in receipt of Income Support or Income based Jobseekers Allowance to help with intermittent expenses for which it is difficult to budget. A claimant must have been in receipt of the qualifying benefit for a period of at least 26 weeks. A loan can be awarded for the following items;

- Furniture and household equipment;
- Clothing and footwear;
- Rent in advance and/or removal expenses to secure fresh accommodation;
- Improvement, maintenance and security of the home;
- Travelling expenses;
- Expenses associated with seeking or re-entering work;
- Other debts for any of the above categories.

A loan must be for at least £100.00 and the maximum amount that anyone can owe the Social Fund is £1500.00. Any Capital over £1000.00 will affect the amount of loan a person can receive. The Social Fund Decision Maker must be satisfied that the applicant has the ability to repay the loan.

There is no longer any discretion in the award of Budgeting Loans. The amount an applicant will receive is determined by the size of the local budget, the applicant's weighting (determined by the length of time they have been in receipt of a qualifying benefit and the size of the family), and any existing budgeting loan debt.

Because budgeting loans are now awarded with reference to a set of factual criteria it is only worth challenging the decision if there has been some mistake such as to the length of time the person has been on Income Support or the number of dependants.

Budgeting loans are repaid by direct deductions from the applicants benefit. Where the applicant has no other financial commitments the rate of recovery is 15% of their applicable amount, if the applicant has other commitments such as fuel deductions or repayments to a catalogue company of less than £7.83 per week the rate of recovery is 10% of their applicable amount, if their commitments are more than £7.83 recovery is at 5% of the applicable amount.

All budgeting loans must be recovered within 78 weeks.

(3). CRISIS LOANS

Crisis loans are available to anyone over the age of 16; they are not restricted to Income Support or Income Based Jobseekers Allowance recipients. They are available to cover expenses in an emergency or arising from a disaster where such assistance is the only way of preventing serious risk to the health or safety of a person or a member of his/her family. The Decision Maker must be satisfied that the applicant has the ability to repay the loan and the maximum amount is £1500.00

Situations where a Crisis Loan could be paid would include; to cover living expenses, where the applicant has lost money, emergency travel expenses for example where a person is stranded away from home, rent in advance where the person is leaving care and a Community Care Grant is being awarded.

Crisis loans are often recovered at a rate of 25% of the applicant's applicable amount.

(4). COMMUNITY CARE GRANTS.

A Community Care Grant can be awarded to those in receipt of Income Support or Income Based Jobseekers Allowance or those who are less than six weeks away from discharge from residential accommodation and are likely to get Income Support or Income Based Jobseekers Allowance when discharged. Any Capital over £500.00 will affect the amount of grant an applicant will receive. The minimum award is £30.00 and there is no upper limit.

An application must not be for an excluded item (see appendix 2) and the applicant must satisfy Direction 4 of the Social Fund Directions.

Direction 4. States that Community Care Grants can only be awarded in the following circumstances.

- To help the applicant or a member of their family or other person for whom they or a member of their family will be providing care to establish themselves in the community following a stay in institutional or residential accommodation.

None of the terms are defined in the directions. Institutional or residential accommodation means accommodation where residents receive a significant and substantial amount of care, supervision or protection because they are unable to live independently in the community or might be a danger to others in the community. Examples would be Hospital, Juvenile Justice Centres, Foster Care, Residential Care or supported lodgings. The applicant should apply for all those items, which will help them to set up home in the community, for example household furniture, connection charges, clothing and footwear etc.

- To help the applicant or a member of their family, or other person for whom they or a member of their family are providing care, to remain in the community rather than enter institutional or residential accommodation.

The CCG does not have to be to prevent the applicant from going into institutional or residential care and the risk of going into such accommodation does not have to be immediate. The Decision Maker should consider whether a CCG for certain items might improve the applicant's independent life in the community and therefore lessen the risk of admission or delay admission.

- To help the applicant set up home in the community as part of a planned resettlement programme following a period when he/she has been without a settled way of life.

'Without a settled way of life', could be staying in hostels, temporary accommodation, sleeping rough, staying with friends. A statutory body or a voluntary organisation may run the 'planned resettlement programme'. Again the applicant should apply for all those items, which will allow them to set up home.

- To ease exceptional pressures impacting on the applicant and his/her family.

This provision is aimed at families and will therefore only apply to applicants who have a dependant or a partner. An argument could be made for an applicant who only has care of a child for part of a week. 'Exceptional pressures' implies pressures, which are greater than the normal range of pressures

experienced by most families. The Decision Maker should consider the cumulative effect of all the pressures impacting on the family. The presence of disability either mental or physical would be a strong indicator of exceptional pressure, being a young lone-parent should also indicate exceptional pressure.

- To help the applicant or his/her partner care for a prisoner or young offender on home leave.
- To assist the applicant with certain travel expenses, such as visit a close relative who is ill, attend a relative's funeral.

The Social Fund prioritizes applications and it is usually the case that Community Care Grants can only be awarded for high priority applications.

High priority would be given where the award will have a significant and substantial impact in resolving or improving the circumstances of the applicant, and be very important in fulfilling the aims of Direction 4.

Medium priority would be given if the award will have a substantial impact in resolving or improving the circumstances of the applicant but is less important in fulfilling the aims of Direction 4.

Low priority would be given if the need in question is indirectly linked to the circumstances of the applicant or will be of minor importance in fulfilling the aims of Direction 4.

It is up to the applicant or their adviser to make sure the application contains as much relevant information as possible and arguments as to why it is felt that they satisfy one or more of the conditions set out in Direction 4. If the applicant is disabled or has some medical condition, which has led to the need in question, it is always a good idea to provide medical evidence to back up an application.

If an application for a Community Care Grant is unsuccessful a request should be made for a review. A different Decision Maker will look at all the facts again and will invite the applicant in for an interview before making a new decision; this offers another chance for the applicant or the adviser to make representations as to why an award is warranted. If the application is still refused the applicant can request that all the papers be sent to the Social Fund Commissioner where an independent inspector will carry out a review. Social Fund Inspectors are usually more liberal in their interpretation of guidance and more open to exploring new ways for the Social Fund to help people.

BENEFIT RATES 2007-2008

INCOME SUPPORT.

PERSONAL ALLOWANCES

Single person aged under 18 Lower rate- £35.65 Higher rate- £46.85
Single person aged over 18 £46.85
Single person aged 25 or over £59.15

Lone parent aged under 18 Lower rate- £35.65
Lone parent aged over 18 Higher rate- £46.85

Couple aged under 18 Highest rate £70.70
Couple aged under 18 Higher rate £46.85
Couple aged under 18 Lower rate £35.65

Carer premium £27.15

Disability premium Single person £25.25
Disability premium Couple £36.00

Severe Disability premium £48.45

DISABILITY LIVING ALLOWANCE

CARE COMPONENT

High rate £64.50
Middle rate £43.15
Low rate £17.10

MOBILITY COMPONENT

Lower rate £17.10
Higher rate £45.00

CARERS ALLOWANCE

Standard rate £48.65

CHILD BENEFIT.

First child £18.10
Subsequent children £12.10