

SOCIAL FUND: APPLICATIONS DUE TO INTIMIDATION

Introduction

1. The aim of this paper is to examine the current Social Fund provision for people forced to move home through intimidation and to consider whether there is a need for any change.

Background

2. Under the previous Supplementary Benefit scheme moving home because of "actual or reasonably apprehended intimidation" was specified as one of the circumstances in which a single payment might be made for furniture and bedding.
3. In view of this specific provision it was decided that help should also be made available from the Social Fund when it was introduced in 1988. Accordingly, a discrete section dealing with applications arising from intimidation was included in the CCG part of the first edition of the Social Fund Manual. (See Annex 1)
4. In hindsight the manual was not really making a positive provision since the paras had the status of guidance only and in order to be eligible for a CCG people being intimidated needed to come within the scope of Direction 4 eg risk of residential care or exceptional pressures on a family. This was recognised in the drafting of the second edition of the manual and the reference to intimidation was reduced to including it as a factor to be considered in deciding whether a person needed to move house. (See Annex 2)

Complaint from Belfast Law Centre

5. In his letter of 31 March 1992 (Annex 3) Les Allamby expresses the law centres concern about "the Social Fund's inability to adequately and swiftly assist those being re-housed following intimidation". He

suggests that applications due to intimidation should be accorded high priority to ensure that help is given from the Social Fund. He also acknowledges that the Social Fund may not be the most appropriate way of dealing with this issue and argues that consideration should be given to a scheme, extending beyond those on Income Support, which would ensure grant aid for people incurring expenses when forced to move because of intimidation.

The Survey

6. In an effort to gauge the extent of any problem with these cases it was decided to undertake a short survey. Over an 8 week period (5 May - 26 June 1992) SFOs in all offices were asked to provide information about applications made to the Fund as a result of intimidation. The outcome of the survey is summarised at Annex 4. Out of the 31 applications to the Fund 28 (90%) resulted in a payment being made (16 CCGs and 12 loans). Corporation Street did not receive notification of the survey and no stats are included for this office but it is felt that their absence has not distorted the outcome.

Conclusion

7. The high success rate (about 90%) of applications recorded in the survey demonstrates that intimidation cases fare exceptionally well in comparison with the overall position. It would not, therefore, be unreasonable to conclude that the current guidance in the SFG is quite adequate to enable SFOs to give proper consideration to applications from people forced to move home because of intimidation.
8. However the Department's commitment to helping people in these circumstances could be underlined by adding an additional category to the general list of priority groups for CCG's - people moving because of intimidation. This would sit quite easily in the extended list

which will be provided by Amdt 1 of the Social Fund Guide (See Annex 5).

9. This amendment to the guidance should go some way towards meeting BLC's complaint but it will not, of course, guarantee an award - such a situation is simply not achievable because of the nature of the Social Fund. For instance, in order to be considered for a CCG applicants must come within the scope of Direction 4 (Annex 6) and this may be difficult in some cases, in particular, where young able-bodied single adults are concerned. Admittedly, while it is clear that Dir 4(a)(iii) was intended to deal with exceptional pressures on families with children and normally to help the family stay together (SFG 5382 - see Annex 7) it is possible for a SFO to place a wider interpretation on the definition of family since there is no formal definition. However it is not considered appropriate that SF guidance should be expanded to describe other family groupings as this in itself could tend to restrict SFO's scope in this area.
10. Finally there is undoubtedly merit in Les Allamby's suggestion that expenses arising from intimidation would be best dealt with outside the Social Fund, perhaps by extending the Bryson House scheme for helping people to move to GB following intimidation. Such a move is of course for others to consider and Les Allamby has taken the matter up with CCRU and the Community Relations Council.

6421-6450

Community Care Grants

PEOPLE NEEDING TO MOVE HOME BECAUSE OF INTIMIDATION

- 6421 This section deals with people who have to move house because of intimidation. The SFO should, if possible, check with the Police, that the move to the new home is a result of intimidation.

Circumstances in which a CCG may be awarded

- 6422 A CCG may be awarded if the move to the new home is due to actual or reasonably apprehended intimidation by someone other than a person who normally resided in the previous home of the applicant, a close relative or former partner.

What to award

- 6423 CCGs should normally be confined to the following:

- (1) connection charges - see para 6344;
- (2) essential items of furniture, furnishings and household equipment if existing items have been destroyed or badly damaged or cannot be recovered from the former house.

- 6424 A CCG should not be awarded for removal expenses as HSSBs operate a special scheme to assist people moving through intimidation.

- 6425 If the applicant is claiming compensation for criminal damage, Criminal Damage Branch, Northern Ireland Office, Royston House, Upper Queen Street, Belfast BT1 6FX should be notified in writing of the details of the CCG. Repayment is not, of course, required but the NIO will wish to take account of the CCG in awarding any compensation.

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Families needing to move house

- 5424 A CCG may be awarded to help someone to move to a new home, eg the applicant's home is particularly overcrowded. There may also be occasions when someone has to move because of intimidation; if possible, check with the police. The family should, as a result of its individual circumstances, be under exceptional pressure, see Direction 4(a)(iii).
- 5425 If the applicant or a member of the family will be caring for someone coming out of institutional or residential care or someone who wishes to stay in the community, apply the guidance on Direction 4(a)(i) and (ii).
- 5426 Consider if another authority, such as the HSSB, may help a family with a disabled child.

What to award

- 5427 Awards may include one or more of the following:
- removal expenses, except where the NIHE has a duty to rehouse the applicant, see Direction 12(g)
 - essential items of furniture
 - fares to take up the tenancy of the new home

If a family is moving to Great Britain because of intimidation, be aware that Bryson House administers a scheme to provide removal expenses.

Essential items of furniture, household equipment and connection charges

- 5428 People moving home will normally already have most of the furniture they need. Consider awarding a CCG if, eg the move is from furnished to unfurnished accommodation or items from the old home are not suitable.
- 5429 If the move involves moving or installing domestic appliances, the cost of disconnection and connection may be met.

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Charlie Davie
Assistant Secretary
Department of Health & Social Services
Castle Buildings
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ANNEX 4
ANNEX 3

Our Ref: LA/AC
Your Ref:
Date: 31 March 1992

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Dear Charlie,

Charlie 214

RE: INTIMIDATION AND GRANT-AID ASSISTANCE THROUGH SOCIAL FUND

Following our recent telephone conversation, I enclose a set of papers of a Social Fund applicant, Tanya Walsh.

Tanya Walsh is a 20 year old single woman who was living with her sister on the Old Warren Estate in Lisburn. In September 1991, she received a letter threatening her if she did not leave the area. As a result, she was advised by the RUC to leave Lisburn and was given temporary then permanent accommodation by the Northern Ireland Housing Executive. She claimed a Community Care Grant from her local Social Security Office, but was turned down on the grounds that her application did not have sufficient priority and that none of the conditions of Direction 4 were satisfied. She was awarded a loan of £157, sufficient in the Social Fund Officer's view to purchase essential second-hand items needed for the accommodation. As a result of her circumstances, she returned to the area she had been intimidated from in order to get family support and hot meals. A review was sought of the original Social Fund Officer's decision and the original decision was upheld. Following a second request for review to a Social Fund Inspector, the original decision was overturned and a Community Care Grant of £400 awarded. The payment was finally made almost four months after the original date of claim.

This particular case highlights a growing concern the Law Centre has at the Social Fund's inability to adequately and swiftly assist those being re-housed following intimidation. In this case, there was no dispute that intimidation had taken place. This is not the first case that has come to the Law Centre's attention in recent months, though we have not had as direct an involvement as in this particular instance.

The 1986 Order, Directions and guidance issued by the Department make almost no reference to the issue of additional expense arising from intimidation. Similarly, guidance issued by District Managers also makes no specific reference to intimidation. In fact, circumstances not referred to within guidance are often automatically placed in a low priority category.

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With Directions 40 and 42 setting out that budgets shall not be exceeded in any circumstances and that Social Fund Officers must ensure that high priority needs are met throughout the period of allocation, the treatment of Tanya Walsh in light of guidance issued by the area district is not altogether surprising.

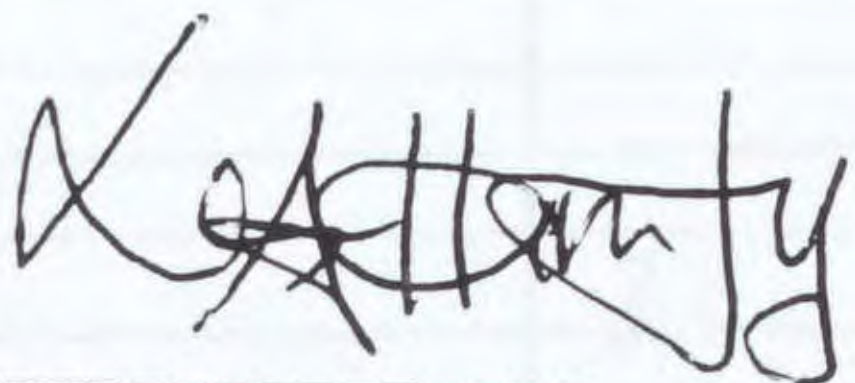
I do not believe that the Social Fund is the most appropriate way of dealing with this issue and that the Department should explore other ways of meeting need where a person or family has to leave accommodation due to intimidation. Provision is already made outside of the Social Fund to deal with removal expenses following intimidation. Consideration should be given to examining ways of extending provision to cover other expenses by way of grant-aid. It is arguable that such a scheme should extend beyond those on Income Support and may not solely be the responsibility of the Department. In the absence of developing such a scheme, consideration should be given to ring fencing money to provide mandatory grants in circumstances where expenses arise due to intimidation. In the interim, however, we would suggest that guidance be issued to all Social Security Agency offices to ensure that setting up home following intimidation should be given high priority within local office guidance in order to ensure that the Social Fund can provide necessary assistance in such cases. I have taken up this matter with Alex Wylie at the Social Security Agency.

I have written to the Community Relations Council and the CCRU at Stormont to raise the matter of providing assistance outside of the Social Fund for those faced with additional costs as a result of being intimidated.

I have also written to the Social Security Advisory Committee suggesting that, in any discussions with Ministers about their own Social Fund proposals, they consider extending their list of mandatory grants in Northern Ireland to cover additional expenses arising out of intimidation.

If you require any further information or clarification, please do not hesitate to get in touch.

Yours sincerely,
for BELFAST LAW CENTRE



LES ALLAMBY

cc Alex Wylie
Tony McCusker, CCRU
Fergus Cumiskey, Community Relations Council
Len Smith, SSAC

SEXUAL FUND PAYMENTS DUE TO MINORITIES 5 MAY 92 - 26 JUNE 92

SOCIAL SECURITY OFFICES	NO. OF APPLICATIONS	GRANTS		LOANS	
		NO.	AMOUNT	NO.	AMOUNT
Andersonstown - 35-37 Slieveban Drive	NIL	NIL	NIL	NIL	NIL
Artrim - Castle Street	2	1	900.00	1	369.72
Ballymagh - Alexander Road	NIL	NIL	NIL	NIL	NIL
Ballymena - 59/71 Mount Street	NIL	NIL	NIL	NIL	NIL
Ballymoney - John Street	NIL	NIL	NIL	NIL	NIL
Barnbridge - Castlewellan Road	1	NIL	NIL	1	22.59
Bangor - Hamilton Road	2	NIL	NIL	NIL	NIL
Belfast (Corporation St)	DID NOT RECEIVE NOTIFICATION OF SURVEY				
Berrickfergus - Davis Street	2	2	286.00	1	60.00
Berraine - Artillery Road	NIL	NIL	NIL	NIL	NIL
Bokstown - Fair Hill	NIL	NIL	NIL	NIL	NIL
Bownpatrick - Mount Crescent	NIL	NIL	NIL	NIL	NIL
Bungannon - Thomas Street	1	1	100.00	NIL	NIL
Bunskillen - Queen Elizabeth Road	NIL	NIL	NIL	NIL	NIL
Bulls Road - 19 Falls Road	NIL	NIL	NIL	NIL	NIL
Bollywood Road - 106/108 Hollywood Rd	4	2	1790.00	2	450.00
Knockbreda - Upper Knockbreda Road	NIL	NIL	NIL	NIL	NIL
Ormeau - Pound Street	1	NIL	NIL	1	20.00
Oranmore - 9 Connell Street	NIL	NIL	NIL	NIL	NIL
Ormeau - 69 Bow Street	4	2	2300.00	1	80.36
Ormeau (Asylum Road)	1	1	120.00	NIL	NIL
Ormeau - Alexandra Crescent	2	NIL	NIL	1	184.73
Ormeau - 31 Station Road	1	1	85.00	NIL	NIL
Ormeau - 31 Valentia Place	1	1	125.00	NIL	NIL
Ormeau - Bridge Street	2	1	310.00	1	235.00
Ormeau - 39 Church Road	NIL	NIL	NIL	NIL	NIL
Ormeau - East Street	2	2	1170.00	NIL	NIL
Ormeau - Mountjoy Road	NIL	NIL	NIL	NIL	NIL
Ormeau - Jervis Street	NIL	NIL	NIL	NIL	NIL
Ormeau - 1 Shaftesbury Sq	2	1	195.00	1	496.86
Ormeau - 15-29 Snugville Street	3	1	210.00	2	275.00
Ormeau - Urney Road	NIL	NIL	NIL	NIL	NIL
TOTALS	31	16	7591.00	12	2294.26

Priority groups

5050 Suggested priority groups are:

- elderly people, particularly those with restricted mobility or difficulty performing personal care tasks
- mentally handicapped people
- mentally ill people
- physically disabled people, including sensorily impaired people
- chronically sick people, particularly terminally ill people
- people who have misused alcohol or drugs
- ex-offenders requiring resettlement, particularly those in the above groups but also young people unable to live with their parents
- people without a settled way of life undergoing resettlement, other than those in the categories above
- people moving because of intimidation
- families under stress
- young people leaving ^{HSSB} care
- young people unable to live with their parents:
 - due to moral or physical danger
 - because relationships with their parents have irrevocably broken down
 - because the parental accommodation is insufficient
 - because they have no parents or are unavoidably separated from them
- children or young people under 19 returning to their families after a period, usually of four months or more, in care or a special residential school who will be treated as a dependant of the applicant

Community Care Grants - Direction 4

The Department directs that

4. Subject to directions 25 and 26, a social fund payment may be awarded to promote community care -
 - (a) by assisting an applicant with expenses, including expenses of travel within the United Kingdom, (except those excluded by these directions) where such assistance will -
 - (i) help that person, or a member of his family, to re-establish himself in the community following a stay in institutional or residential care; or
 - (ii) help that person, or a member of his family, to remain in the community rather than enter institutional or residential care; or
 - (iii) ease exceptional pressures on that person and his family; or
 - (iv) allow the applicant or his partner to care for a prisoner or young offender on home leave; or
 - (b) by assisting an applicant or a member of his family with expenses of travel within the United Kingdom in order to -
 - (i) visit someone who is ill; or
 - (ii) attend a relative's funeral; or
 - (iii) ease a domestic crisis; or
 - (iv) visit a child who is with the other parent pending a court decision; or
 - (v) move to suitable accommodation.

Families under stress

General

- 5380 All families, especially those on low income, face stress at various times, so that in itself is not a reason to award a CCG. They may be awarded to ease exceptional pressures on a family, eg the beginning or continuing existence of persistent disability or chronic sickness.
- 5381 It is important to recognise that a CCG may be appropriate where there are circumstances which put a family under greater stress than might normally be associated with low income or being a lone parent.
- 5382 'Family' in this section should generally be taken to mean couples with children or lone parents with children. An award of a CCG should normally be to help members of a family to stay together. However, special considerations apply to cases of the breakdown and reconciliation of relationships.
- 5383 When dealing with families under stress:
- close links with the SSD are very important
 - you need to know how the HSSB carries out its responsibility under Section 164 of The Children and Young Persons (Northern Ireland) Act 1968
- 5384 The financial contribution of HSSBs varies considerably. Unless there is local agreement on the type of circumstances in which the HSSB provides help, do not expect families under stress who apply for CCGs to look to the HSSB in the first instance.
- 5385 District liaison links with HSSBs will provide information on how your local HSSBs operate.
- 5386 Be aware of the Family Fund when dealing with applications from families with a severely disabled child. The Family Fund:
- is a Government fund independently administered by the Joseph Rowntree Memorial Trust
 - provides help for families with the care of a severely handicapped child