

Persons in Institutions

Under article 8 of the S.W.A. Regulations 1977 persons in institutions were precluded from receiving S.W.A.

8. (1) Subject to the provisions of sub-article (2) of this article, an allowance shall not be paid to or in respect of a person who is maintained in an institution.

(2) Where a person in receipt of an allowance, or in respect of whom an allowance is payable, is admitted to and maintained in an institution, the health board may make out of the allowance all or part of such of the following payments as the health board thinks proper in the circumstances to make and which fall to be made by the person, that is to say -

- (a) rent within the means of sub-article (4) of article 6 of these Regulations:
- (b) instalments under hire purchase or credit sale agreements:
- (c) reasonable personal expenses.

The 1995 regulations have replaced the 1977 regulations entirely. However, there is no similar exclusion of Persons in Institutions from eligibility for S.W.A. under the 1995 regulations.

Therefore, some confusion has arisen regarding this issue. Clarification on this issue from the Department of Social, Community and Family Affairs has been sought but to date has not been received.

Currently the general policy of the Community Welfare Department of the Eastern Health Board has been to pay £15 'Comforts Money' to those persons who were previously in receipt of Supplementary Welfare Allowance and who go into short term institutional care.

An institution is defined in the 1997 regulations as:
 "a hospital, convalescent home or home for persons suffering from physical or mental disability or accommodation ancillary thereto and any other establishment providing residence, maintenance or care for the persons therein."

The definition under the 1995 regulations is the same except for the addition of the word "similar" between other and establishment.

This change is significant as it may lead to some subjective assessment as to whether a particular establishment is like another.

At this stage it is important to acknowledge that the E.H.B. is not alone in having difficulties with this particular issue but rather it is a national issue requiring urgent clarification.

However, although the numbers currently in payment are small and any change in policy must examine the knock on effects on expenditure and other services.

In discussions on this issue we were conscious of two recent decisions made by the Appeals Officer.

1. Mr. Joseph Pintos – Appeal number 30978 - Date 13th May 1998

Man hospitalised after accident- living with parents at the time of the accident. Therefore, on the basis that there was no personal financial liability towards the upkeep of property, rent or bills etc. the Appeals Officer made a judgement to award this person £15 Supplementary Welfare Allowance to meet his needs while in hospital.

2. Andrew Hamilton – Appeal number 29231-Date:8th July 1997

Man in receipt of basic S.W.A. in advance of his admission to St. Vincent's Hospital, Fairview as an in-patient. He received £15 comforts money weekly while an in-patient. The Appeals Officer decided in this case that Mr. Hamilton "should receive a residual income of £25 per week as you have been provided with Board and Lodging"*

Having considered these and other issues it was agreed that:

The Local Community Welfare Officer should continue to pay 'comforts money' to Persons in Institutions. This would avoid CWOs in an area with a relevant institution becoming overburdened with such cases.

As it is of vital importance that all persons are in receipt of some income to enable them to meet their needs it was decided that the Eastern Health Board through the mechanism of the Supplementary Welfare Allowance Scheme should provide comforts money of £15 per week to all persons who have insufficient means to meet their needs and who have no other monies currently in payment to them.

As persons currently in Psychiatric Institutions and Long-term geriatric care are already in receipt of some monies from the relevant authorities they should be excluded from this payment.

Similarly this income, if supplied to persons in a private nursing home, should not be reckonable as additional income but rather is money to provide particular comforts directly for the patient.

In line with Board policy it is important that the public are made aware of the change in policy in relation to this matter.

Jennifer Flood
Senior Executive Officer