The Social Fund: Law and Practice

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Abstract
This edition provides a detailed and authoritative account of the Social Fund, sometimes described as the ‘safety net’ of the social security system and sometimes criticised as a ‘lottery’. The book is divided into a narrative section consisting of eight Chapters and a reference section containing six Appendices. The narrative section has been substantially re-structured since the last edition and contains entirely new Chapters on Community Care Grants, Crisis Loans, Budgeting Loans and Social Fund Reviews. It also contains an introductory Chapter setting out the background and history of the ‘discretionary’ Social Fund, a Chapter on Judicial Review & Human Rights and a newly written Chapter that reviews and evaluates the Research and Reform initiatives that have taken place over the life of the Social Fund. Finally, there is a Chapter that deals with the ‘regulated’ Social Fund – Maternity, Funeral and Heating Expenses. The reference section provides the complete text of the relevant primary legislation, statutory instruments and the Secretary of State’s social fund ‘directions’ that form the legal structure of the discretionary and regulated social fund schemes. It also sets out detailed and comprehensive annotations to all the legislative materials including appropriate cross referencing. It offers a complete synopsis of the 29 judicial review challenges to the Social Fund. It contains four key Social Fund Commissioner’s advice notes along with a complete list of the existing 42 notes available in full text from the Independent Review Service’s website. It includes an anonymised sample of an ‘Area Decision Maker’s Guidance’ document and the latest Instrument of Nomination and Authorisation. There is also a flowchart setting out the various social fund review processes and the final Appendix sets out the unique ‘order of consideration’, involving six tiers of decision-making underlying the legal structure of the discretionary Social Fund. This book has established itself since its first appearance in 1996 as the key reference work on the Social Fund for welfare rights advisers, decision makers and reviewing officers in the Department for Work and Pensions and Social Fund Inspectors at the Independent Review Service. In addition to its obvious practical utility it is also of more general interest to academic and research communities. The Social Fund is now 21-years old and provides an intriguing example of social policy making in the UK, while the review processes, forged in the controversies of the mid 1980s, have taken on a new life as exemplars of how administrative justice could be developed in the future. General Editor: Trevor Buck is Professor of Socio-Legal Studies at Leicester De Montfort Law School, De Montfort University and a former Legal Adviser to the Social Fund Commissioner and Inspectors. His specialist research interests include social welfare law, administrative justice and international child law. Contributors: Other contributors to this edition are: Helen Carr (University of Kent), Pamela Fitzpatrick (Child Poverty Action Group), Dr Gary Jones (University of Winchester), Dr Phil Larkin (Queen’s University Belfast), Richard Poynter (Deputy Upper Tribunal Judge) and Professor Bruce Stafford (University of Nottingham). The details of authorship are set out in the Preface.


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Your in-depth exploration of the ways in which the law affects programs, practice, and administration begins with the material in this chapter. We shall start with a definition of the law and then review six topics. The first three will address constitutional law, covering (1) federal and state constitutional law; (2) the U.S. Constitution and states’ rights; and (3) constitutional law and the provision of social welfare. Next, our attention will turn to...