

STATES OF JERSEY



DRAFT INCOME SUPPORT (SPECIAL PAYMENTS) (JERSEY) REGULATIONS 200

Lodged au Greffe on 12th July 2007
by the Minister for Social Security

STATES GREFFE



Jersey

DRAFT INCOME SUPPORT (SPECIAL PAYMENTS) (JERSEY) REGULATIONS 200

REPORT

Income Support (Special Payments) (Jersey) Regulations 200-

The components described in the Income Support (Jersey) Regulations form the basis of regular payments to reasonably settled households which satisfy the work, income and residency criteria. In any income support system there is also a need to provide “one-off” payments to cover extraordinary expenses that might make the financial position of low income households worse or indeed push some households into poverty. The U.K. uses a system of crisis loans, community grants and emergency payments through the Social Fund and the existing Parish Welfare system operates a similar emergency payment system. Article 8 of the principal Law allows the States to make Regulations to provide for the Minister to make special payments to defray expenses to eligible households or people ordinarily resident in Jersey in exceptional circumstances. The Law also allows the Minister to provide assistance up to a specified limit to those temporarily in Jersey but not ordinarily resident (for example “the shipwrecked mariner”).

These powers are wide and discretionary. However, through the Regulations, and the published guidelines to be approved by the Minister, it should be reasonably clear to whom and for what purpose special payments can be claimed and paid.

Regulation 2 essentially defines that special payments are to defray expenses and then defines the households that may benefit from a special payment. These households are those that are already in receipt of income support, those households who satisfy all other criteria (remunerative work and income) and who do not meet the 5 year residence condition but will do so in 6 months’ time, and those households who meet the remunerative work and residence criteria and fail the income criteria but are within 10% of the sum of the components to which they would have been entitled. In summary the households covered are those on income support, those nearly qualified by residence and those who are just over the income assessment for income support.

Regulation 3: whilst this Regulation defines the expenses that can be met by special payments, it is qualified in terms of there being an “urgent need for the goods or services” and that there is “no other reasonable means of meeting the cost”. The list of goods and services is fairly self-explanatory: furniture and household equipment; deposits and removal costs (but only where the dwelling is appropriate to the needs of the household); maintenance of the dwelling in terms of being weathertight and securing against intruders; the essential costs in securing remunerative work and the exceptional costs of medical items and services. A special payment can also be made to protect a household from a serious risk to the health and safety of that household.

There are unfortunate occasions when the costs of funerals in Jersey cannot be met by the household, or indeed a body has to be moved into or out of Jersey and again the cost cannot be met. A special payment can be made in these circumstances and it can also be paid to repatriate a person from Jersey.

Regulation 4: the amount of the special payment is specified as the lower of the full cost or a reasonable price for the goods and services provided. In administrative terms, the Department will hold a list of preferred suppliers, as the Parishes do now, but will always allow the claimant to be self-sufficient provided the cost is not excessive. Certain items will have to be supplied new, particularly electrical goods, but with good quality second-hand purchases available in Jersey these may be supplied rather than new.

Regulation 5: this Regulation serves a specific purpose in the circumstances where an adult member of the household refuses to actively seek remunerative work. The Income Support (Jersey) Regulations 200- require that an adult member of a household must work if at all possible and must demonstrate that he has been actively

seeking work in the past 28 days if he is not working. In cases where the person does not attempt to seek work the individual will be advised that the regular income support claim will be disallowed unless they demonstrate that they are actively seeking work. Disqualification of the regular claim could lead to greater hardship for other members of the household, so the regular Income Support payment is replaced by a special payment where the basic component of the adult member refusing to work is withdrawn at a rate of 25% a week over 4 weeks (the 28 day period). The rest of the components and thereby the support to the rest of the household remains intact.

Regulation 6: again this Regulation serves a specific purpose where an individual in a household has a chronic condition but prefers not to disclose this through the normal claim process. This regulation allows the individual to make a claim in their own name without reference to others members of the household.

Regulation 7: this limits the amount that can be paid to a person temporarily resident but not ordinarily resident in Jersey to £500.

Special payments is an area that the Minister believes will need very careful monitoring and adjustment as experience is gained. There will be issues that arise that will cause the guidelines and the Regulations to be amended, recognising that there is a finite amount of money available. In many instances, whilst the need might be urgent it is not often immediate, and it is likely that cases will be referred to determining officers as a “case conference” to ensure that consistency of approach and equity is paramount.

Financial and manpower implications

Other than the transfer of budgets and manpower from other Departments identified in the States Business Plan, there are no financial or manpower implications for the States arising from the adoption of these Draft Regulations.

Explanatory Note

The main purpose of these Regulations is to set out the circumstances in which a special payment may be made under the Article 8(1) of the Income Support (Jersey) Law 2007 (“the Law”), the expenses that may be defrayed by special payments and the amount of such payments.

Regulation 1 contains the interpretation provisions.

Part 1 covers special payments for certain goods and services. *Regulation 2* covers eligibility for a special payment under *Regulation 3*. To be eligible a person has to be an adult and a member of a household that–

- (a) is in receipt of income support;
- (b) meets the work and income requirements for eligibility for income support and will meet the residency requirements within 26 weeks; or
- (c) meets the residency and work requirements for the scheme and whose income calculated for the purposes of income support exceeds the total of the rates for each component of income support to which the household is entitled by no more than 10%.

Regulation 3 lists the expenses that may be met by a special payment, a series of one-off capital payments such as for household equipment, removals, medical and funeral expenses. There has to be urgent need and no other reasonable means of the claimant meeting the expenses.

Regulation 4 specifies the amount of payment as being the full cost of defraying the expense concerned or the reasonable price, whichever is the lower. In some situations the claimant will be expected to purchase second hand goods.

Part 2 covers other types of more specific special payment.

Regulation 5 provides for a special payment where a household is no longer eligible for income support because an adult member of the household is not actively seeking work. The amount of the payment is the amount the household would have received by way of income support less a certain amount. In the first week this is 25% of the basic component payable in respect of the adult member who is not actively seeking work. If that person then resumes actively seeking work, the payment will remain at the same level. However, if he or she does not do so, a further 25% of the basic component will be lost for each week of failure to seek work, up to a maximum of the whole of the basic component.

Regulation 6 provides for a special payment to defray the cost of any medical services payable by a member of a household in receipt of income support where the household is entitled to, but has not claimed, a clinical cost element as part of the income support payment. The amount of the payment is equal to the additional amount (if any) of income support that the household would have received had a clinical cost element been claimed.

Part 3 contains miscellaneous provisions. Under *Regulation 7* the maximum amount of a special payment under Article 8(3) of the Law to a person temporarily in Jersey is £500. *Regulation 8* is the citation provision and provides for the Regulations to come into force on the same day as the Law.



Jersey

DRAFT INCOME SUPPORT (SPECIAL PAYMENTS) (JERSEY) REGULATIONS 200

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Jersey

DRAFT INCOME SUPPORT (SPECIAL PAYMENTS) (JERSEY) REGULATIONS 200-

Made

[date to be inserted]

Coming into force

[date to be inserted]

THE STATES, in pursuance of Articles 8 and 18 of the Income Support (Jersey) Law 2007^[1], have made the following Regulations –

1 Interpretation

In these Regulations –

“Income Support Regulations” means the Income Support (Jersey) Regulations 200-;

“Law” means the Income Support (Jersey) Law 2007^[2];

“medical services” includes dental, chiropody, and optical services.

PART 1

SPECIAL PAYMENTS FOR GOODS AND SERVICES

2 Circumstances in which a special payment may be made

A special payment may be made to defray the expenses described in Regulation 3 in the circumstances where the claimant is an adult whose household –

- (a) is in receipt of income support;
- (b) meets the conditions in Article 2(1)(c) and (d) of the Law and will meet the condition in Article 2(1)(b) of the Law within 26 weeks; or
- (c) meets the conditions in Article 2(1)(b) and (c) of the Law and has a calculated income that exceeds the total of the rates for each component of income support to which the household is entitled by no more than 10%.

3 Expenses that may be met by special payment

- (1) A special payment may be made to defray the following expenses payable by the claimant if the claimant or a member of the claimant’s household is in urgent need of the goods or services being provided –
 - (a) the cost of buying items of furniture and household equipment;
 - (b) the amount of a deposit required in order to secure a dwelling to be leased or licensed to the claimant’s household where there are circumstances that reasonably require the household to

remove and the dwelling to which the household is to remove is appropriate to the needs of the household;

- (c) the expenses of the removal of the claimant's household where there are circumstances that reasonably require the household to remove and the dwelling to which the household is to remove is appropriate to the needs of the household;
 - (d) expenses essential to the claimant or a member of the claimant's household taking up remunerative work;
 - (e) the cost of medical services and items supplied as a consequence of medical services.
- (2) A special payment may be made to defray the expenses payable by the claimant that are necessary to prevent a serious risk to the health, safety or welfare of the claimant or a member of the claimant's household.
 - (3) A special payment may be made to defray the expenses payable by the claimant –
 - (a) for the funeral in Jersey of a member of his or her household or any parent, child or sibling;
 - (b) to bring a body into or move a body out of Jersey.
 - (4) A special payment may be made to defray the expenses payable by the claimant to remove the claimant and any member of the claimant's household from Jersey.
 - (5) However, no expenses are payable under this Regulation unless the claimant has no other reasonable means of meeting the cost.
 - (6) In this Regulation a dwelling is appropriate to the needs of the household if it is no larger than is reasonably necessary for that household.

4 Amount of special payment

- (1) The amount of a special payment payable under Regulation 3 shall be the full cost of defraying the expense concerned or such amount as represents a reasonable price for the goods or services being provided, whichever is the lower.
- (2) However, in the case of a special payment to cover the cost of items of furniture and household equipment (other than mattresses, carpets and electrical items) that are available to purchase second hand, the special payment shall only cover the actual or a reasonable price for obtaining the items second hand, whichever is the lower.

PART 2

OTHER SPECIAL PAYMENTS

5 Special payments where a member of a household is not actively seeking work

- (1) A special payment may be made to defray any expenses of a household where the household is no longer eligible for income support only because an adult member of the household is not actively seeking work within the meaning of Article 5 of the Income Support Regulations.
- (2) The amount of a special payment under this Regulation is –
 - (a) for the first week in which a special payment is claimed, the amount of income support to which the household would be entitled were that adult member actively seeking work, less 25% of the rate of basic component payable under Article 5(2)(a) or (b) of the Law, as the case may be, that would have been payable in respect of that member;
 - (b) for each subsequent week in which a special payment is claimed –
 - (i) if that adult member has, during the past week, satisfied Regulation 5(a), (b) and (c) of the Income Support Regulations, the same amount as paid in respect of the previous

week, or

- (ii) if that adult member has not, during the past week, satisfied those provisions, the same amount as paid in respect of the previous week less a further 25% of the rate of basic component payable under Article 5(2)(a) or (b) of the Law, as the case may be, that would have been payable in respect of that member, up to a maximum deduction of the full rate of that basic component.

6 Special payments in respect of clinical costs

- (1) A special payment may be made to defray the cost of any medical services payable by a member of an eligible household that is entitled to, but has not claimed, a clinical cost element under paragraph 8 of Part 2B of Schedule 1 to the Income Support Regulations.
- (2) The amount of a special payment under this Regulation is the additional amount (if any) of income support that the household would have received had a clinical cost element been claimed.

PART 3

MISCELLANEOUS

7 Maximum limit of special payment to person temporarily in Jersey

The maximum amount of any special payment made under Article 8(3) of the Law is £500.

8 Citation and commencement

These Regulations may be cited as the Income Support (Special Payments) (Jersey) Regulations 200- and shall come into force on the same day that Article 8 of the Income Support (Jersey) Law 2007 comes into force.

[1]

L.9/2007

[2]

L.9/2007