

# STATES OF JERSEY



Jersey

## **DRAFT SOCIAL SECURITY (AMENDMENT OF LAW – HOME CARER'S ALLOWANCE) (JERSEY) REGULATIONS 202-**

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**Lodged au Greffe on 24th September 2021  
by the Minister for Social Security  
Earliest date for debate: 23rd November 2021**

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**STATES GREFFE**



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## REPORT

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The Minister for Social Security is proposing a change to the [Social Security \(Jersey\) Law 1974](#).

### **Eligibility criteria for Home Carer's Allowance**

The Minister is proposing to make changes to the eligibility criteria for Home Carer's Allowance. It is necessary to make a small change to the Law to then make the required changes by Order.

The benefit currently has rules about the maximum amount that a carer can earn. Claimants can have earnings of no more than £169.61 per week. The earnings limit is designed to allow people to maintain contact with the world of work, and to take a break from caring.

Following requests from carers, the Minister wishes to replace this earnings limit with a maximum number of hours that can be worked in a week. A carer would be able to earn any hourly rate. This is intended to support those carers who are professionally qualified or may be capable of earning a higher hourly rate.

The Minister's intention is that Home Care's Allowance should allow for people to undertake a reasonable amount of part-time work and maintain the social and professional contact available from work. This should be true even for professionally-qualified people, some of whom would not be able to work a single shift without exceeding the current earnings limit.

The changes give the Minister greater flexibility to change the conditions of the benefit to better support carers. The Regulations achieve this by amending Article 18A (Home Carer's Allowance) of the Social Security (Jersey) Law 1974. They modify paragraph 2(c) to give the Minister the power to prescribe maximum working hours, in addition to the current power to prescribe maximum earnings.

Following approval of these Regulations, the Minister will then go onto make changes to the [Social Security \(Home Carer's Allowance\) \(Jersey\) Order 2012](#).

### **Financial and manpower implications**

The change to Home Carer's Allowance eligibility is expected to lead to a small number of additional claimants to this benefit, increasing the Social Security Fund's spend by up to £50,000 a year. There are no manpower implications.



## **EXPLANATORY NOTE**

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These Regulations, if passed, would amend Article 18A of the Social Security (Jersey) Law 1974, which makes provision about the circumstances in which a person is entitled to home carer's allowance.

*Regulation 1* substitutes paragraph (2)(c) of Article 18A. The current paragraph (2)(c) provides that there is no entitlement to home carer's allowance if a carer's income exceeds the amount prescribed by Order. The new paragraph (2)(c) provides that there is no entitlement to home carer's allowance if a carer either exceeds a number of working hours in a given period which may be prescribed, or if the carer's income exceeds an amount which may be prescribed. Paragraph (7)(b) is amended to give the Minister for Social Security the power to prescribe the number of working hours which may be disregarded under the new paragraph (2)(c).

*Regulation 2* makes provision for the citation of the Regulations and provides that the Regulations come into force 7 days after they are made.





Jersey

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*Made* [date to be inserted]  
*Coming into force* [date to be inserted]

**THE STATES** make these Regulations under Article 50 of the [Social Security \(Jersey\) Law 1974](#) –

### **1 Article 18A (home carer's allowance) of the [Social Security \(Jersey\) Law 1974](#) amended**

- (1) Article 18A of the [Social Security \(Jersey\) Law 1974](#) is amended as follows.
- (2) For paragraph (2)(c) there is substituted –
  - “(c) for any prescribed period –
    - (i) not undertake paid work in excess of a number of hours which may be prescribed, or
    - (ii) not have earnings that exceed such amount as may be prescribed.”.
- (3) In paragraph (7)(b) after “earnings” there is inserted “or working hours”.

### **2 Citation and commencement**

These Regulations may be cited as the Social Security (Amendment of Law – Home Carer's Allowance) (Jersey) Regulations 202- and come into force 7 days after they are made.