

**WRITTEN QUESTION TO THE PRESIDENT OF THE
EMPLOYMENT AND SOCIAL SECURITY COMMITTEE
BY DEPUTY G.P. SOUTHERN OF ST. HELIER**

ANSWER TO BE TABLED ON TUESDAY 15th MARCH 2005

Question

The President has stated that the reason for the application of an incapacity percentage rule to all long term incapacity allowance (LTIA) recipients is to encourage a return to work. Would the President inform members –

- (a) how many any of the 125 LTIA recipients in the last quarter of 2004 have managed to return to work?
- (b) whether any recipients of LTIA have been refused Health Insurance Exception benefit (HIE), despite meeting the income criteria, on the grounds that they are less than 100% incapacitated, and, if so, would he confirm whether this is the Committee's policy?
- (c) whether any difficulties exist concerning the ability of the medical board to fairly assign a degree of incapacity to applicants for LTIA showing a wide range of illnesses, and, if so, has this lead to an increase in the rate of appeals made? and,
- (d) whether the Committee will review the appeals procedure by which a period of two years applies to failed appeals, given the possibility that an applicant's condition may change during this time?

Answer

- (a) It is impossible to answer this question in the time available as it would divert a disproportionate amount of resource for a manual search and survey. This is because contribution returns for the first quarter of 2005 have not been submitted by employers yet and are not due for processing until April 2005. When contribution returns are completely processed it will be possible to see if claimants on LTIA are working and paying contributions through a computer search. I can say that several claimants are being helped by the Department's Workwise Team. As Deputy Southern is aware from an answer to a previous question, the Committee will undertake a full review at the end of the first year when a clearer pattern may have emerged.
- (b) There are several non-financial criteria for the award of HIE which can include the circumstances of other members of the household. There is no criterion that states that a person must be 100% incapacitated. However, there is a criterion that a person of working age who is not working can qualify if it is likely that he or she would be unlikely ever to work again due to incapacity. In the past this was authenticated by a letter from the claimant's general practitioner. The new incapacity pension is based on the same criteria and can be used as a passport to HIE if other criteria are met including the income test. The Committee is also considering if such an automatic provision could be extended to claimants with high rates of LTIA without breaching the cash limit set by the States as the HIE scheme is partially funded from general revenues.
- (c) The Committee is not aware of difficulties in assessment once all the relevant information on the claimant is made available. The medical board system works well, with decisions subject to appeal, but despite the volume of assessments very few actually go to appeal. A factor in this may be the constitution of the medical board which consists of two doctors rather than one. In general, the system is generally perceived to be fair and reasonable. However, members will know of particular cases where medical opinions differ and the Social Security Law was changed in 2001 to allow the use of external experts to determine any particular case should the need arise. I should also mention that every assessment by the board is preceded by the Department writing to the relevant general practitioner for information.

- (d) If a claimant's condition deteriorates substantially a review of the decision can be made and similarly if the Department believes a person's condition has improved a referral for review can also be made. The two year period has been used to stop persistent frivolous appeals.