

2.2 Deputy J.A. Martin of St. Helier of the Minister for Social Security regarding the Ministers' Guide to Income Support circulated to members on 25th September 2007:

Given that the section 12.2 of the Minister's Guide to Income Support, circulated to Members on 25th September 2007, offers direct payments for G.P.s' (General Practitioners') costs and social housing rentals and states that the claimants can choose direct payments, would the Minister explain why the voluntary nature of this offer has been changed in letters sent to claimants on 6th November to: "We will have the power to provide direct payment to the Housing Department"?

Senator P.F. Routier (The Minister for Social Security):

The guide to income support quoted by the Deputy is clearly marked a draft document. It was issued to provide Members with a general overview of the income support system. The revised draft is due to be issued before Christmas. During the Scrutiny process, Deputy Martin's sub-panel raised concerns regarding direct payments and as a result of their comments, detailed legal advice was obtained on this issue. I can assure Members that the wording of the letter quoted by the Deputy fulfils the requirements of the law.

2.2.1 Deputy J.A. Martin:

In the same bundle of letters there is a form of rental payments for housing and it goes back to: "Because you are currently paying a reduced rental to housing, it is suggested your income support benefit is used to pay your rental." It is a totally mixed message. Is the Minister saying they do have the power, which is not our understanding of the legal? It should be each case -- obviously, Sir, if there are some difficulties, pay the rent direct, but the claimant should be offered the choice.

Senator P.F. Routier:

The law is written so that the determining officer has the final decision. If someone is not happy with that decision they have the ability to appeal to the independent tribunal. I have to say that I am a little concerned about this line of questioning because even in the last week or so we have sent out 2,000 letters to people and we have only had 2 requests for people to pay their rent themselves. Everybody else seems to be entirely satisfied with the approach we are taking.

2.2.2 Deputy G.P. Southern of St. Helier:

Will the Minister release to Members the guidelines that are issued and are in place for determining the officers when making this decision? Will he guarantee to this House that in providing these guidelines he is not unfairly fettering the discriminatory powers of the determining officer?

Senator P.F. Routier:

I am not sure that Members want the 900 pages of guidelines that are required that the determining officers work to. I am certainly happy to provide it to the Scrutiny Panel for information. With regard to fettering the mechanism for the determining officers, in fact, we are advised that if we were to go any further than what the line the Deputy is suggesting that we would be fettering the determining officers. What we are doing is enabling -- the law requires the determining officer to have the final say. As I said previously, that decision can be appealed against via a tribunal.

2.2.3 Deputy G.P. Southern:

I thank him for his offer to reveal the 900 pages to the Scrutiny Panel. Can I ask him when? Furthermore, is the Minister aware that under the Income Support Law, income support is regarded as single unified payment no matter how the components are made up and that to divert a fraction of that single unified payment, which is the right of the recipient to receive, in diverting some of that otherwise, that constitutes -- has he sought legal advice whether that in itself is illegal?

Senator P.F. Routier:

I can assure the Deputy that the mechanism we have in place with regard to paying third parties is within the law and we have obviously taken advice on that matter. I do not think I can add anything more to that.

2.2.4 Deputy J.A. Martin:

Is it not a fact that it is again discretionary -- it is picking out tenants from the Housing Department? Is it not a fact through you, Sir, that it has already been agreed between the 2 departments, so it is much simpler to pay the rents direct from Social Security to Housing by BACS payment weekly? This is the understanding of Housing. Third parties, again, to G.P.'s, but not third-party rents to private landlords. People on private rents are being given their rent to pass on to their landlord. This is not offered. This is discretionary against States' tenants.

Senator P.F. Routier:

The arrangements we have with regard to paying third parties have to be workable. The mechanism that, I have to say, has been welcomed by most people who are on income support, that they -- in fact, I have had people contact me to say that they are pleased they can still have their rent paid directly by the Social Security Department, which is counter to what the Deputy is implying. With regard to there being a different mechanism for private landlords, unfortunately, because of the desperate nature of all the private landlords, we are unable to set up BACS payments directly at this present time. Certainly, if a tenant was wanting that, we could certainly look at that.

2.2.5 Deputy G.P. Southern:

The Minister still has not told me when I am going to receive the 900 pages or we are going to receive the 900 pages. Could he further say what he expects as the results of his guidelines to the determining officers will be that the overall percentage of payments direct to the housing authorities?

Senator P.F. Routier:

With regard to access to the 900 pages, when they are completed we will obviously get them to the Deputy. He does not seem satisfied with that; I cannot do it any sooner. The second part of the question, I am sorry I -- because of the Deputy's shrugging of shoulders and faces, I lost track of the question. [Laughter]

Deputy G.P. Southern:

What a sensitive soul the Minister is. The question was what percentage overall of payments does he expect to be made direct to the housing authorities?

Senator P.F. Routier:

As I said in the answer to the previous question, of the 2,000 letters we sent out last week, 2 have requested not to have their rents paid directly. I am sure the Deputy is a better mathematician than I am; he can work out what that percentage is.

2.2.6 Deputy G.P. Southern:

With something like 100 per cent payment direct to the housing authority, is that not de facto a limitation of the determining officers' discriminatory powers? An unfair fettering of his discrimination?

Senator P.F. Routier:

No.

2.2.7 Deputy J.A. Martin:

I think the Minister has totally misunderstood. I am talking about choice and it depends on which letter the claimant has read to suggest why they have not chosen to not pay their rent direct. Does

this not take a responsibility out of people's hands and go directly against the new social strategy for Jersey and income support where the Minister wants people to work, stand on their own 2 feet and manage their money? This is directly taking responsibility for their rent out of their hands and only because it suits the 2 Ministers concerned, not the clients involved, Sir.

Senator P.F. Routier:

The whole purpose of enabling people to have their rent paid directly to their landlord is to help the landlord. **[Laughter]** Sorry, I do apologise. To help both. I mean, there is no getting away from that. It helps both the tenants and the landlord. Certainly, what the determining officer, the way he makes the decision, it is in the best interest of the claimant. That is if it is felt in the best interest of the claimant, that is how he makes his decision.