

## **2.5 Deputy G.P. Southern of the Minister for Social Security regarding the withholding of benefits via the powers granted under the Income Support (Jersey) Law 2007.**

Who knows, Sir? Miracles happen. Will the Minister inform Members whether his department has yet instigated action against any individuals in receipt of Income Support which involve the powers granted under the Income Support (Jersey) Law 2007 to withhold benefits?

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

Article 13(5) of the Income Support Law allows the department to recover over-payments of benefits. A benefit is not withdrawn but regular amounts can be deducted from future benefit payments to recoup any overpayments. These arrangements normally run for 3 to 12 months depending on the amount. The department does take this action if the claimant has provided incorrect information about their circumstances and this has led to an overpayment. The recovery of overpayments was undertaken regularly in several previous systems including family allowance, rent rebate and rent abatement, and also Parish welfare.

### **2.5.1 Deputy G.P. Southern:**

If I may, the question in fact does not refer to reclaiming overpayments; it was intended to refer to withholding of benefits from those not actively seeking work. I apologise if there was a lack of clarity in the question, but that is the intention. Does he have information which would enable him to answer that question now? Has he instigated proceedings on those recipients of Income Support who are deemed not to be actively seeking work?

### **Senator P.F. Routier:**

It appears that this is another of the questions from the Deputy which is misguided and not aimed at the right subject. I do not have the information that he requires and I have to say I am getting totally frustrated by questions which do not mean anything.

### **2.5.2 Deputy G.P. Southern:**

If I may come back with a supplementary on the answer that he did give about withholding benefits from an incorrectly assessed claim, is it not the case that where these circumstances occur, that Income Support is calculated at the level that the household needs in order to subsist and that any withdrawal of that benefit will damage the wellbeing of the household or family concerned, i.e. you are assessed at this level as that which you can exist on and yet we will claw back some of that so you will have to live on less? Does he not accept that that will harm some families?

### **Senator P.F. Routier:**

The only occasions when the claw back comes into play is if somebody has given us wrong information in the past, so it is not felt that it is appropriate to allow people to give wrong information to the department to get higher benefits. So I do not think we should ... I am sure the taxpayer would not be too amused if we did not have a tight and rigorous assessment of somebody's income, and I believe that to ensure that people do give us the correct information the method that we do have to ensure that people do get the correct level of support is an appropriate method.

### **2.5.3 Deputy G.P. Southern:**

If I may, one further. I accept and I thank the Minister for the answer that he has given. Can he assure the House that such a claw back is never pursued when the miscalculation on the benefit is the fault of the department in miscalculating or in delaying the assessment?

### **Senator P.F. Routier:**

I can, Sir.