

3.2 Deputy S. Pitman of the Minister for Social Security regarding back-payments from Social Security for claimants of Long Term Invalidity Allowance, Short term Invalidity Allowance or Invalidation Allowance:

Would the Minister inform Members whether claimants of long-term invalidity allowance, short-term invalidity allowance or invalidity allowance received back-payments from Social Security once they were in receipt of their benefits for the period when a claim should have been made?

Deputy I.J. Gorst (The Minister for Social Security):

If a claimant makes a claim for a contributory benefit late then the Social Security (Jersey) Law sets out how these claims should be dealt with. The rules are contained within the Social Security Claims and Payments Order. There are specific rules for each benefit. Long-term incapacity claims can be backdated for up to 3 months, short-term incapacity claims can be backdated up to 30 days and invalidity benefit is an old benefit that is only paid to claimants who had a valid claim before October 2004. There is also a general rule that states if there is a good reason for the delay it is possible to backdate a claim for up to 6 months.

3.2.1 Deputy G.P. Southern:

Is it not the case that recipients of income support, if they do not apply within a fortnight, are debarred from claiming from the original date of income support application?

Deputy I.J. Gorst:

I am not sure what question the Deputy is asking. Debarred from what date from what?

Deputy G.P. Southern:

Can I clarify? It was a bit of a clumsy question. I am obviously out of practice. My understanding is that when an applicant for income support makes an application and the application form is sent, it is sent out with a date on it and if the form is not returned, complete and accurate in all details within a fortnight, that the claim date then moves on a fortnight. Is that not the case?

Deputy I.J. Gorst:

I am not aware that that is the case. The application form and officers try to make sure that information requested with a form is correct. Officers are and cannot be responsible for the length of time that it might take for an individual to return the form to the department so it is difficult for me to give an accurate answer because each case might, in fact, be different.

3.2.2 Deputy G.P. Southern:

A supplementary, if I may? Is it not the case that that is the practice and that that, therefore, removes any form of backdating?

Deputy I.J. Gorst:

Sorry, I did not catch that supplementary.

Deputy G.P. Southern:

Is it not the case that that is the mechanism used and, if so, does that not remove any form of backdating, even a fortnight?

Deputy I.J. Gorst:

I am not certain whether the Deputy has got a specific case in mind. I am not able to say exactly in answer to his question because it is slightly confusing. As I say, each case might be slightly different and that, I believe, is how the department deal with it.

3.2.3 Deputy S. Pitman:

The Minister talked of claimants having backdates of up to 6 months if their circumstances were exceptional. Can he inform the House whether or not this is a Ministerial discretionary decision and if he has made any such decisions?

Deputy I.J. Gorst:

I am not sure now whether the Deputy's initial question was in regard to contributory benefits. The second Deputy's question was in regard to income support. It is important that we do not confuse them because the contributory benefits are prescribed in law and that is the Social Security Law and those backdating abilities, as I understand it, are in law as I outlined in my initial answer. However, as the Deputy is aware, with income support, which is not the contributory benefit, there is the possibility of Ministerial discretion.

Deputy S. Pitman:

I was referring to L.T.I.A (long-term invalidity allowance), short-term invalidity allowance and the invalidity allowance. Has he made any discretionary decisions on exceptional circumstances whereby a person has been given 6 months' back-pay?

Deputy I.J. Gorst:

Maybe it is just me that is getting confused by the movement between the benefits but, as I just answered, the contributory benefits are prescribed and the backdating elements are prescribed by the Social Security Law.

3.2.4 Deputy G.P. Southern:

The Minister may not know that we have on record officers of his department stating clearly that when an application form is requested it goes out with a date stamp and if not returned in a fortnight's time, a new form is sent out and re-stamped with a fortnight further on, effectively removing all form of backdating from payments for income support. Will he seek advice from his officers that that is in fact the case of what happens?

Deputy I.J. Gorst:

Of course, I am always prepared to seek advice from my officers and I am prepared to do it in this case for the satisfaction of the Deputy.

LUNCHEON ADJOURNMENT PROPOSED

The adjournment is proposed. If Members agree we will adjourn until 2.15 p.m.

LUNCHEON ADJOURNMENT

The Deputy Bailiff:

Before we return to question time I can inform Members that Projet 63, Code of Conduct for elected Members of the States - review, has been lodged by the Deputy of St. John. I understand that replaces a previous one.

Deputy P.V.F. Le Claire:

I would like to inform Members that I would like to withdraw my proposition for splitting the Minister for Planning and Environment. Having spoken with him ... **[Laughter]** I knew what I meant. I mean what I meant. Having spoken with the Minister for Planning and Environment this afternoon at lunch, he has assured me a new system is being put into place to address some of the concerns that I have expressed and I feel that, rather than going ahead into a second debate at this stage when Members would like to continue with present arrangements having taken a sounding, it would be better for business and better for the Assembly if I withdraw this at this time to allow these measures to take place and to monitor the outcomes. So I would respectfully request to withdraw that.

The Deputy Bailiff:

Very well. Thank you very much, Deputy. That proposition is withdrawn.

Senator F.E. Cohen:

May I make a comment? I would like to thank the Deputy for his considered approach to this matter. He has raised this on a number of occasions and has been instrumental in my changing the way the political responsibility is held within the Planning and Environment Department. I do propose to make one additional change and that is that the appointment of the next Assistant Minister. The next Assistant Minister will not necessarily chair the Planning Applications Panel, which will ensure a further separation of the roles and further ensure that the Environment Department has its own independent champion. Thank you.

Senator A. Breckon:

Sir, if I may, if we are talking about public business, there was another matter that was tabled for today which was P.41 in reference to electricity tariffs and, under that, I was asking the Minister for Economic Affairs to address some of the issues. He is having to take some professional advice and needs some time to do that. I have been in discussion with him and copied Members in regarding the terms of reference. So I would ask the leave of the House for that not to be debated today and to be deferred for the time being.

The Deputy Bailiff:

Very well, that will be deferred. So we return to question time where I am advised that some 17 minutes of the allocated time have been counted towards that.