

5. Questions to Ministers Without Notice - The Minister for Social Security

5.1 Deputy G.P. Southern:

Is the Minister content that the application of the now defunct old Family Allowance Law to income support claimants in considering their continuing protection from transition protection is appropriate given that it has not been revised for the past 3 years?

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

Yes, I am content.

5.1.1 Deputy G.P. Southern:

Is the Minister equally aware that assessments made nowadays include Long Term Incapacity Allowance (L.T.I.A.) as regarded income whereas previously under family allowance such payments were not regarded - in fact were disregarded - and this leads to numbers of people having their income and benefit reduced unnecessarily?

Deputy I.J. Gorst:

There is a small disregard for L.T.I.A. and that is currently at 5 per cent. It is a difficult area. It is my understanding that when the transitional Order or Regulations were approved there was no intention at that point to up-rate the previous old laws that people would be entitled to benefit under and therefore I have not up-rated them, and income support, as it stands, was approved by this Assembly and the transition Regulations were approved by this Assembly.

5.2 Deputy J.A. Hilton of St. Helier:

Is the Minister aware of any financial difficulties currently being experienced by retired women who have previously opted-out of the social security system which I understand a lot were encouraged to do in previous decades, thereby prejudicing their entitlement to a full pension provision in the event their marriage subsequently breaks down?

Deputy I.J. Gorst:

I did have a very brief conversation with the Deputy some days ago on this particular subject. An individual who was on her husband's card, as it was then considered the married women's election, would be entitled to two-thirds of the pension. That changes if that relationship breaks down and they become divorced. I would say that the information that I have received is one whereby that individual is not prejudiced but benefits; I would not want to go into detail now until I have full research and facts and I have been able to consider a way forward, because I would not want to encourage people down a line of behaviour which might not be beneficial to them, purely because of a financial gain.

5.2.1 Deputy J.A. Hilton:

If I could just request that the Minister consults with his department to see if there is any evidence of hardship being experienced.

Deputy I.J. Gorst:

I am more than willing to do that. I have already set in train that piece of work arising out of my conversation with the Deputy and it will, I believe, require changes to the law in due course.

5.3 Senator S.C. Ferguson:

Would the Minister like to bring the House up to date on the progress with regard to identifying and preventing benefit fraud?

Deputy I.J. Gorst:

We have drafted a new fraud strategy. As I have said in the past, the creation of the income support system itself was the or is the greatest tool to preventing fraud because all benefits are

distributed from a one-stop shop and documentation is required to prove the claim in advance. If we look at other jurisdictions we do see that they appear to have problems with benefit fraud. We are aware of that. We have drafted a new strategy in the light of experience elsewhere. We will be employing more staff through the course of this year and we hope to see savings obviously this year, but throughout next year as well. I suppose that is the effect.

5.3.1 Senator S.C. Ferguson:

Will, as part of this strategy, the Minister be communicating far more with the Connétables who are very much more aware of circumstances out in the Parishes which may not have been revealed to his department?

Deputy I.J. Gorst:

Our door is always open to the Parishes to come to us if they are aware of individuals that they feel may be in receipt of benefit inappropriately, as we are from any member of the public, and we do from time to time receive correspondence from individuals making comments about other individual's benefit level, and we investigate where it is appropriate.

5.4 Deputy S. Pitman:

The Minister will know that currently for a few months now the department have been reviewing recipients of income support. Would he not agree that it is not satisfactory that if there is a cut in somebody's income support, i.e. that it was a welfare legacy and it has been removed, that they are only given a 2 week or one week or even just a few days' notice? I have 2 constituents who have suffered this. One has had £100 cut off and was given a week's notice and the other one, £60 a week.

Deputy I.J. Gorst:

I am afraid if entitlement to their benefit is no longer in place, entitlement to benefit is no longer place. As with any benefit, if one is no longer entitled one is no longer entitled from the point that one is no longer entitled. It is not appropriate to continue entitlement for an extended period if the entitlement ceases. The department does review cases and is reviewing cases and some transition cases which we have reviewed those individuals and families we have found to be no longer entitled and therefore the benefit is reduced as is appropriate under the laws which determine the entitlement benefit.

[12:00]

5.4.1 Deputy S. Pitman:

The Minister has not answered the question. I asked if it was appropriate that these people who are living on benefits and pensions are only given 2 weeks, one week or just a few days that ... the lady who I refer to was one of my constituents who was cut by £100 a week was given only a few days' notice and both of these constituents I refer to are in serious rent arrears because of such notice and because they cannot cope. Now what is his department doing to help these people, and can he answer the first question of whether or not the time is enough given to these people?

Deputy I.J. Gorst:

I think I did answer the question, with respect. If entitlement is no longer in place then the department obviously ceases to pay the benefit which would be appropriate. We must remember that income support looks at the household income as well as the benefit entitlement, therefore just because an entitlement benefit may no longer be in place it does not mean to say that there is no income coming into that household, therefore looking at the amount of benefit which is being reduced is not looking at the full picture of the income that that household has to live on in the future.

Deputy S. Pitman:

The Minister has not answered the question.

The Bailiff:

You have asked 2 and there are other Members who wish to ask.

Deputy S. Pitman:

He has not answered the question of the time given to these people on income support. Is it appropriate?

The Bailiff:

Sorry, Deputy, we are going to move on. Deputy Tadier, please. We cannot keep going on.

5.5 Deputy M. Tadier:

I was updating my blog last night and I accidentally put questions without answers rather than questions without notice. Anyway, would the Minister explain why it is that certain people who cannot afford to pay their rent are happily given a rent element but are told they are not entitled help with the deposit, which is arguably more of a problem for lower earners?

Deputy I.J. Gorst:

I am not aware of the individual case, but individuals who might struggle to pay the deposit can under circumstances receive a loan via the department to pay for that deposit.

5.5.1 Deputy M. Tadier:

I will inform, maybe. I can only speak from personal experience but in this case it is quite clearly somebody who could not afford their rent but they also had debts from college. They were 30 years old, they had not had time to save. They were told because she had been living at home for X amount of time she should have been able to save up a deposit but they did not have one and it was completely inappropriate. Is the Minister saying that there is ... that person was given wrong advice or is there a lack of flexibility which is perhaps the underlying problem in the system?

Deputy I.J. Gorst:

No, I am not saying that that individual was given wrong advice. It is very difficult for me to comment on an individual's circumstances because it unfortunately is never quite as straightforward as we might like to consider it to be. We know that under-25s are not entitled to a rental component, however there is some discretion in allowing that. In this particular individual's case there I cannot comment on it because I do not have the full details.

5.6 Senator J.L. Perchard:

Is the Minister satisfied that his department is doing enough to support and encourage those who are in receipt of long term benefits back to work and will he consider introducing a punitive system of benefits that penalise those who when offered employment choose not to accept?

Deputy I.J. Gorst:

We must be careful to ensure that we are talking about different categories of benefits. An individual who is receiving income support who is able to work is required to actively seek work. If they do not fulfil those actively seeking work criteria then their benefit can be reduced. Those individuals perhaps who are on long term incapacity allowance, and have not been in work for a long time, the previous Minister did instruct an independent expert, Professor Stafford, to look at that. That piece of work has not been driven forward as quickly as I might have liked but it does need to drive forward. This does also tie-in with perhaps how we are going to try and find some of our savings in the comprehensive spending review going forward

and encouraging people to go back to work, investing in help so that those who are long term unemployed can get over the hurdles and the barriers that they have been encountering to get to work because we all know the longer that one is out of work the more difficult it is to find work and we are trying to encourage people back into work.

5.6.1 Senator J.L. Perchard:

I know this is a sensitive subject, and the Minister says we must be careful in defining the form of benefit, but if a person who is in receipt of any form of benefit is offered gainful and useful employment and refuses to accept it, would the Minister consider some sort of punitive structure?

Deputy I.J. Gorst:

The reason I said we had to be careful about the type of benefit that an individual is receiving... because there are different laws which govern benefit application and the law which governs long term incapacity and sick pay does not allow for that. That is an old law, it goes back to 1964, so the element of entitlement to long term incapacity is governed by that law, there is not the flexibility to take that benefit away if a person does not seek work perhaps for the other percentage that they have not been granted long term incapacity. However, if they have a top-up under income support because we do not consider their household income is adequate then, yes, there would be the requirement for them to actively seek work.

5.7 The Deputy of St. Martin:

It is a follow up really from the question I asked the Minister for Health and Social Services: will the Minister inform Members of the progress of the department's investigations into the death of a patient at the hospital in December 2008 and say whether his department has interviewed the doctor concerned and how much longer will the investigation take given that it began well over 12 months ago?

Deputy I.J. Gorst:

I must be careful in answering this question; I am stepping into an area which I do not normally deal with. I can confirm that the Health and Safety Inspectorate which falls under my department is providing a report into this particular case. I can update Members and say that, as I understand it, report is now finalised and will be provided to the commissioning officers, as I understand it, later this week. As one would expect, the main characters or individuals around the situation, as I understand it, have been interviewed by the Inspectorate.

The Bailiff:

That brings questions to the Minister for Social Security to an end.