

**WRITTEN QUESTION TO THE MINISTER FOR SOCIAL SECURITY
BY DEPUTY G.P. SOUTHERN OF ST. HELIER
ANSWER TO BE TABLED ON TUESDAY 25th MAY 2010**

Question

“Will the Minister inform members how many families were in receipt of transition protection for Family Allowance when Income Support was introduced on 28th January 2008?

How many of these households have been reviewed since and how many have lost their protection because they are above the income levels set by the old Family Allowance Law?

Does the Minister consider it is appropriate in conducting such reviews of those on Income Support and receiving Transition Protection to use income levels which were last up-rated in 2001, when average earnings have risen by 49% over this period?

Can the Minister state whether the previous calculation disregarded Long Term Invalidity Allowance (LTIA) awards as income and whether in review today LTIA is now regarded? Will he explain what effect, if any, this has on households affected?”

Answer

The exact breakdown of historical transitional protection is only available on a case-by-case basis. I can confirm that there are currently 89 families receiving transitional protection that includes an element in respect of Family Allowance.

Claims are reviewed on a regular basis and there are many reasons why transitional protection is no longer required. In respect of families previously claiming Family Allowance, the Income Support system provides additional support over a range of incomes and many Family Allowance claimants now qualify for Income Support at a higher level than the previous benefit so transition protection is not required. In other cases transitional protection is removed when a child reaches the age of eighteen, goes into care or leaves full time education. Under the previous system when these changes occurred Family Allowance ended in respect of that child. In the same way transitional protection is withdrawn in these circumstances. The other main reason for ending transitional protection is an increase in household income. To identify the specific reason for each change in transitional protection, the history of each individual case would need to be examined.

Transitional protection is applied correctly to all IS claims in accordance with the IS (Transitional Provisions) (Jersey) Order 2008. The rates and income levels used are those that were in force in January 2008.

I can confirm that Long Term Incapacity Allowance (LTIA) was excluded as income for Family Allowance calculation purposes. Assessments of Family Allowance transitional protected payments are made in the same way and LTIA income continues to be disregarded when reviewing the ongoing entitlement to transitional payments based on Family Allowance legacy.

Under the previous system there were many different rules for assessing income and different benefits were regarded, partially disregarded or wholly disregarded in the calculation of other benefits. This created a confusing system which has now been replaced by the consistent approach of Income Support.