

**WRITTEN QUESTION TO THE MINISTER FOR SOCIAL SECURITY
BY DEPUTY G.P. SOUTHERN OF ST. HELIER
ANSWER TO BE TABLED ON TUESDAY 24th SEPTEMBER 2013**

Question

Will the Minister state how many second determinations over decisions on Income Support (IS) have been requested on an annual basis since 2008 and state how many times these decisions have been changed?

What is the average time it takes to process a second determination?

Will he indicate how many IS decisions have been subject to appeal annually since 2008 along with the proportion of decisions which were successfully appealed and the time taken to arrange tribunal hearings?

How many individuals on IS in this period have been found not to be actively seeking work and had their benefit reduced or stopped and in the light of his proposals to extend sanctions for IS recipients to those deemed to have left work "without good reason" does he consider that these figures reflect an efficient and effective appeals system in which recipients of IS can place their trust?

Will he inform members on what grounds the Tribunal can uphold an appeal and state where and how these grounds are published, so that benefit recipients can fully understand what they need to establish to prove their appeal?

Answer

Any adult included in an Income Support claim has the right to request a second determination (i.e. a review or reconsideration) of any decision made under the Income Support Law that affects their household. This request will be dealt with by a different officer who will fully review the original decision. If the claimant still disagrees with the decision of the second officer, they have the right to appeal to an independent tribunal, either the Income Support Medical Appeal Tribunal which deals with appeals against impairment component decisions or the Social Security Tribunal which deals with all other appeals. There is no cost to the claimant in appealing a decision and they do not need to take legal advice. However, before this formal process starts the first officer will often contact the customer to explain the decision in more detail and give them the opportunity to present any additional relevant information. Many cases are resolved in this manner with the minimum of delay and administration costs.

There are currently 6,767 active Income Support claims covering 12,126 people. The Income Support team currently deal with an average of 39 new claims a week and 250 changes to existing claims. It is estimated that 1.5% of decisions are challenged by claimants leading to an informal or formal review.

The Department aims to complete each review within 21 days. In some cases this may take longer and the most common cause of a delay to a reconsideration is to give the customer the opportunity to obtain more information to support their claim.

This table indicates the number of tribunal hearings in respect of Income Support appeals:

Year	No of hearings	Departmental decision upheld	Departmental decision overturned
2008	2	1	1
2009	6	4	2
2010	6	6	0
2011	3	3	0
2012	10	10	0
2013 (to date)	1	1	0

As the appeals process is completely independent of the Department, my officers are not responsible for arranging the tribunal hearings. This is undertaken by the Judicial Greffe, who will always seek to arrange a time and venue that meets the need of the appellant.

The grounds on which the Tribunals operate are set out in the Income Support (General Provisions) (Jersey) Order 2008, covering the Income Support Medical Appeals Tribunal; and the Social Security (Determination of Claims and Questions) (Jersey) Order 1974 with regards to the Social Security Tribunal. All decisions made under the Income Support Law are set out in writing and include an explanation of the claimant's reconsideration and appeal rights. The Department also publishes this information on its website and in more detail in a booklet entitled 'If You Think Our Decision Is Wrong'. This booklet is issued to the customer as part of all formal reconsiderations.

There are at present 1,316 individuals receiving Income Support who are required to be actively seeking work. In the last 12 months, an average of 29 individuals per month have been identified as not actively seeking work and have received a financial sanction. It is estimated that 1.5% of these decisions are challenged by claimants leading to an informal or formal review. None of these decisions have been subsequently appealed against.

I consider that the process of internal review and external independent appeal set out in the Income Support law does provide an efficient and effective appeal system and the very low level of reviews and external appeals confirms that Income Support decision-making is robust and trustworthy.