

### **3.10 Deputy M. Tadier of the Minister for Social Security regarding a review of the policy whereby individuals who were hospitalised for more than 28 days lost their entitlement to certain Income Support components:**

If it is any consolation, it follows on; it is a practical example of what we have been talking about. Will the Minister advise whether he is prepared to undertake a review of the policy, which means that individuals who are hospitalised for more than 28 days lose their entitlement to certain income support components, including the rent component?

#### **Senator F. du H. Le Gresley (The Minister for Social Security):**

In October last year, Members approved the revised Income Support Regulations, an element of which had the effect of stopping payment of the accommodation component of income support in situations where all members of a household were either absent from the Island, in custody or provided with board and lodging at public expense for longer than 28 days. This was a sensible change that prevented the income support benefit being used to pay for accommodation for people in prison or during long-term hospital stays. As both of these types of facility are already funded by the taxpayer, it was important to incorporate the principle that the taxpayer should not be asked to pay for 2 sets of accommodation for the same individual. At the end of the 28-day period, claims are reviewed before stopping the accommodation component, however, the great majority of hospital stays are for periods of less than 28 days. There will be no financial impact to the patient as income support will continue to be paid. In unusual circumstances, I will exercise my right under the Income Support Law to make an exceptional payment to cover the cost of accommodation beyond the 28 days. An example of where this has been used is to support parents accompanying a child for hospital treatment in England. I am confident that the provision of exceptional payments provides for any circumstances affecting people required to be in hospital for long periods and so I am not prepared to undertake a review of the Regulations which were only approved by Members in October last year.

#### **3.10.1 Deputy M. Tadier:**

I do not have the transcript of that debate, but I would hope that, as is often the case with these hefty pieces of legislation, Members would have got up to their feet and said: "Be very careful." I will give an example here of a gentleman who has been standing on his own 2 feet, he has never got in arrears with his States housing payments, always been up-to-date, and because he had an acute mental health issue for an extended period and was hospitalised for up to 3 months, came out, what did he face? He faced an arrears bill which almost put him back in hospital because he was so affected by the stress. The question for the Minister is: why should we be afflicting the most vulnerable in our society? Those who do have to stay in hospital for more than 28 days still have to pay rent and if they are paying rent to the social housing, to the other Minister, how on earth are they expected to find that component, especially if they live on their own, when the adult component and the accommodation component and household components have all been stopped? What kind of system is that for the most vulnerable in our society?

#### **Senator F. du H. Le Gresley:**

The Deputy is well aware that, as soon as he alerted me to this case, I took immediate action and a backdated payment has been made. The exact details of that case would not be appropriate for me to discuss in the Assembly. The Deputy asked originally about that he did not have the transcript of when we debated those regulations. I fortunately do have the transcript and Deputy Tadier was one of those who did vote against Article 4 of those Regulations, along with 4 other Members. The issue of hardship was discussed, it was raised

by Deputy Southern, and I stressed that: “The Minister retains the right to make payments in exceptional circumstances” and that is exactly what I am doing. There are cases that have come to my attention historically where somebody has not lived in their property for up to 6 months, because they have been hospitalised or they have left the Island, and clearly that is not the correct use of taxpayers’ money. This provides a stop gap where we can look at the circumstances. It is unfortunate the case that Deputy Tadier brought to me was, to a certain extent, overlooked and staff are now being more cautious when it comes to the review after 4 weeks.

**3.10.2 Deputy G.P. Southern:**

On how many occasions have these sorts of circumstances been reported to the Minister where it involves imprisonment for greater than 28 days or hospitalisation for greater than 28 days? On how many of those reports has he exercised discretion and on how many has he refused discretion and stopped the rental component and the other components as well?

**Senator F. du H. Le Gresley:**

Since the Regulations came into force, which was 15th October, 2 cases have been brought to my attention and both were approved for exceptional payments. None were refused.

**The Deputy Bailiff:**

A final supplementary?

[11:30]

**3.10.3 Deputy M. Tadier:**

The reason I raise this, and I appreciate the Minister’s discretion has been used in this case, but I also appreciate it is a double-edged sword because his own staff officers have told me privately that they do not like the fact that States Members have to get involved for exceptional circumstances where sometimes it is the policy which needs to be reviewed. So it seems like we cannot always win. It seems to me also that anybody who is hospitalised for more than 28 days will automatically be an exceptional case because it is exceptional in Jersey to be hospitalised for 28 days. If you rely on income support to pay your rent, there is no other way for you to pay your rent. Does the Minister really think that discretionary contact in all of those cases with the, perhaps, inefficiency... in this case it was a staff member who then contacted me and I had to contact the Minister via his staff, it all took a very long time. In the meantime, this individual with acute mental health problems was suffering. Could we not simplify the system and amend the policy so that in all cases of hospitalisation of over 28 days the norm is that the payments are made, perhaps with caveats from the department that the case can still be looked into?

**Senator F. du H. Le Gresley:**

Perhaps officers have told Deputy Tadier that they are not happy with the policy, but the policy was brought to my attention by the officers, who had been to see income support as being a policy that needed to be reviewed. I brought that policy to the Assembly and 45 Members voted in favour. We have only just approved the policy so it would be most unlikely that it would be my intent to change the policy. I use discretion, and in the case that Deputy Tadier brought to me, I would dispute that there was any delay. I acted immediately he contacted me and the money was paid very promptly.

**Deputy M. Tadier:**

Can I clarify: the delay was not on the Minister's part. It was probably more so on my part and the person who contacted me; all of these delays do become incremental and that is the point I am making.

**The Deputy Bailiff:**

Thank you. We come to question 12 which Deputy Baudains will ask the Minister for Social Security.