

4.6 Deputy G.P. Southern of the Minister for Social Security regarding training for Back to Work officers:

What measures are in place to ensure that Back to Work officers have had sufficient training in dealing with those with disability and illness to assess fitness for work and does the Minister consider that the use of sanctions to persuade those on long-term incapacity allowance of 35 per cent, or those with an impairment score of less than 24 points, to return to work, is entirely appropriate?

Deputy S.J. Pinel (The Minister for Social Security):

Back to Work employment advisers are trained to support people by preparing them for suitable employment including addressing any specific barriers that a jobseeker may have. In many cases a person's long-term health may constitute a specific barrier and our advisers have accumulated considerable knowledge in helping customers overcome health issues to find suitable work. Where long-term illness or disability represents a more significant barrier to employment we have dedicated specialists inside the Work Right team who have consistent experience in helping these people with greater challenges prepare for employment. This includes working closely with colleagues in the health services to determine the best approach for the individual customer. At all stages our advisers will consider whether or not a person is realistically capable of the job-seeking activities set out for them and to have the discretion to reduce or change work and training requirements so that they are appropriate to the individual circumstances. Long-term incapacity allowance itself is not a measure of someone's capability to work. The number of L.T.I.A. (Long Term Incapacity Allowance) claimants who are already working supports this assertion. We do offer a full range of support to this group of jobseekers and appreciate that for many it will be a longer journey into work. The vast majority of people take advantage of the support on offer. If however they refuse to engage with us then, yes, as with all other income support claimants, we would issue a written warning that could eventually lead to a financial sanction. We have always said that a life on benefits should not be a lifestyle choice and if someone is capable of work it is appropriate that they are subject to the same rules as any other working age person on income support. We will always offer tailored and specialist support that acknowledges a person's specific barriers to employment. But people who repeatedly choose not to take up the support will eventually see cuts to the amount of benefit they receive.

4.6.1 Deputy G.P. Southern:

From the answers supplied in the written question also submitted today it appears that there are 2 measures now in operation under which applicants will be persuaded, cajoled into work. One is they have a long-term incapacity allowance of 35 per cent or less and the other is an impairment score of less than 24 points. Could the Minister explain to Members what the difference between these 2 measures is and why it is not a single measure?

Deputy S.J. Pinel:

These are 2 very different assessments and 2 different laws. As I have said previously, long-term incapacity does not assess a person's capability to work however the income support impairment assessment does. So people who have conditions that completely limit their ability to work will fall under that category. My plan is to observe the success of this scheme and the general principle is that anybody who is able to work should do so as part of the conditions of income support, and so I am not prepared to rule anything out at this stage.

4.6.2 Deputy G.P. Southern:

The Minister is talking about a 24-point score on impairment as being fit for work. Does she recognise that someone who cannot sit without severe discomfort for more than an hour, cannot stand for more than 30 minutes without support, cannot rise without holding on to something, and

cannot walk more than 200 metres on level ground without having to stop or feel severe discomfort scores 21 points on the impairment scale and would be encouraged to seek work? Is that the case?

Deputy S.J. Pinel:

A third of people with a long-term incapacity allowance claim of 35 per cent to 50 per cent have a job. But these people are not on income support. Less than one in 10 people with an L.T.I.A. claim of 35 to 50 per cent have a job on income support.

4.6.3 Deputy G.P. Southern:

The question was about impairment not income support. This is one of the things that is wrong. You have got 2 standards there and you are actually talking about a different one in answer to my question on impairment.

The Bailiff:

Through the Chair, Deputy.

Deputy G.P. Southern:

Sorry, Sir. The Minister is talking about one and not the other, which is the direction of my question. Does she recognise that someone scoring 21 points under those circumstances should not be subject to sanctions to make them return to work if they feel that they are not capable of it?

Deputy S.J. Pinel:

I apologise to the Deputy, I did answer the wrong question. The income support is the format that has the impairment and L.T.I.A. is a different assessment. The 2 are not compatible. With an impairment in ... there are 3 levels - personal care levels 1, 2 and 3 - and on personal care levels 2 and 3 it is very rare that the claimant is asked to return to work and even some exceptions on personal care level 1.

4.6.4 Deputy M. Tadier:

Could the Minister reiterate how many individuals are likely to be caught in this change in policy roughly?

Deputy S.J. Pinel:

It is about 100, but 30 were already volunteering with the scheme before we announced the change and 64 people received letters asking them to come into work ... or to look for jobs.

4.6.5 Deputy M. Tadier:

If we say there are 64 individuals who might now have to go from not working because they were considered exempt to working, what safeguards are there in place legally to make sure that employers do not discriminate against these individuals on disability grounds, given that there is no legislation in fact? Does the Minister see that as an issue?

Deputy S.J. Pinel:

No, I do not. What we are trying to encourage - and I know where the Deputy is coming from - is the disparity as he sees it, between introducing a slight increase of 5 per cent in this L.T.I.A. situation and the latter introduction of Discrimination Law, which will not be until the end of 2017. It is a most incredibly difficult law to bring in, or the regulations under the Discrimination Law, so, no, I do not see there will be any irregularity and each Back to Work or Actively Seeking Work and claiming L.T.I.A. will have a personal adviser that will help them and there would be no situations where somebody will put in a job that they could not do.

4.6.6 Deputy M. Tadier:

What incentive is there for employers who may have to make changes to their office layout to accommodate disabled individuals when they could simply take on able-bodied individuals who are also on the waiting list? Is there any incentive that the department is offering to make sure that employers give preferential employment to disabled individuals, particularly under this new provision?

Deputy S.J. Pinel:

We are not asking employers to give preferential treatment. We just ask employers to offer somebody training or placements in Back to Work. The level of incapacity that we are talking about at 30 per cent would not require any changes to office accommodation.

4.6.7 Deputy G.P. Southern:

However in the matter of the level of incapacity, which 24 points refers to, it might well. Would the Minister admit that what she is doing is trying to run before she can walk? In the logical world she would be operating not only on the applicants for work but also the employers. Is it not appropriate, much more sensible and sustainable to wait or accelerate the move to Anti-Discrimination Law so that she has got something to work on with both employers and employees in this particular issue and she might succeed in getting substantial numbers in employment rather than now.

Deputy S.J. Pinel:

The Back to Work team and Actively Seek Work have done a huge amount of work with employers. We have had an employment grant which gives the employer £7,200 equivalent to take on somebody for 6 weeks' training, which often results in the person staying on. Now, these systems are just the same for the Back to Work team, whether they are on long-term incapacity or income support or both. The other one we do is a Community Jobs Fund which gets people back to work in a community scenario and pays the minimum wage for them for 6 months. There are jobs fests, there are very many initiatives, hospitality initiatives that we have with employers. So much work has been done in that area.