

3.14 Deputy M. Tadier of the Minister for Social Security regarding the average time taken for redeterminations and appeals against decisions made by the Department:

Will the Minister advise Members of the average time taken for redeterminations and appeals against decisions made by the department to be completed, and will she state what is considered to be a reasonable timeframe for redeterminations and appeals to be addressed?

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

Most areas of benefit legislation include a 2-stage review process. The claimants can request a review known as a redetermination normally up to 21 days after receiving the department's decision. In many cases, a simple phone conversation will resolve the issue and no further action is needed. In other cases, a different officer will examine the original decision and make a written decision which is sent to the claimant. If the claimant remains dissatisfied, they can ask for the decision to be referred to an independent tribunal. They have 14 days to make this request. The department processes tens of thousands of claims a year but only a tiny fraction need resolution at this level. For example, in 2015 the department received just 40 formal appeals. The time that is taken to process redeterminations and appeals varies significantly, depending on the complexity involved in revisiting the decision. For example, job-seeking sanctions are undertaken within a very short timescale. The claimant has 7 days rather than 21 to request a review and the first-stage review is normally completed by the department in less than 5 working days. At the other end of the scale, some complex medical reviews can take several months to complete, as the claimant is given the opportunity to submit expert evidence at each stage of the process once the original request for review has been lodged. Thank you.

3.14.1 Deputy M. Tadier:

The Minister will be aware, as I am, of a 63 year-old man who I believe was incorrectly sanctioned from his job. His family are now facing financial hardship in very real terms. His redetermination request was submitted on 6th July and it is already over 2-and-a-half months now. This couple in fact are still waiting for that redetermination to take place and that is before we even get into an appeal. Does the Minister think this is acceptable, is this happening a lot in her department, and is there perhaps a lot of pressure when it comes to the variety of redeterminations and appeals that are taking place in her department?

Deputy S.J. Pinel:

As the Deputy would expect, I cannot possibly give a comment on an individual case, and it is very difficult to answer his question without doing that, so I have given an overall description of the various ways of determining cases and, in the extreme, then a tribunal. Giving up work, the principle is absolutely correct that an individual should not leave a paid job in favour of claiming benefits, I think everybody would agree, and the incidence of this case I cannot discuss any further.

3.14.2 Deputy G.P. Southern:

The Minister said that appeals or second determinations on sanctions issues take a relatively short time, will she produce for Members an average of how long a redetermination and a tribunal appeal takes for this particular type of sanction?

Deputy S.J. Pinel:

I think I have already mentioned it is 21 working days for appeals to the Social Security Tribunal and Income Support Medical Appeal Tribunal and 28 working days for appeals to the Social Security Medical Appeal Tribunal. The process of appealing to an external tribunal is managed by the Judicial Greffe and is independent of the department.

3.14.3 Deputy G.P. Southern:

Does the Minister have the figures which indicate how long it takes for the department to take a second view or a tribunal on an issue of sanctions? Does she have those figures? If not, will she liaise with the Judicial Greffe and acquire them and distribute them to Members?

Deputy S.J. Pinel:

There is no average time taken to see tribunals or, for that matter, a redetermination. As I said in my opening remarks, if it is a medical situation the evidence has to be produced by the claimants and the medical practitioner which is obviously a lot more time-consuming than any other way of producing evidence. There is no average timeframe which the Deputy is asking for.

3.14.4 Deputy M. Tadier:

We have a strange system with sanctions in particular where you are presumed guilty until you can prove that you are innocent and in that time it may take a very long time with you having been financially penalised, losing your benefit, if you can finally prove your innocence, if you like. Does the Minister agree that the principle of “justice delayed is justice denied” is salient in this case? Will she undertake, both in this case if there is something going wrong and more generally, to make sure that redeterminations and appeals are done as quickly and as smoothly as possible so that all involved can have a fair and reasonable outcome?

Deputy S.J. Pinel:

Of course and the case to which the Deputy refers is being dealt with by the department as we speak. There is no reason why the department would delay in any way to get something realised or redetermined or to the satisfaction, if possible, to the claimant. If the advice that we give is disputed and then the claimant can come through with evidence to support the case, then we would remove the problem of his claim.