

21.03.02

12 Deputy R.J. Ward of the Minister for Social Security regarding the discretion exercised in cases where an adult claimant of Income Support left work without good cause and their household included children (OQ.60/2021):

The U.N.C.R.C. Committee requires the Government of Jersey to ensure that support provided by way of benefits is adequate. However, when an adult claimant leaves work without good cause regulations provide for a sanction period of 91 days, during which income support will be paid at a reduced rate. This applies equally where the claimant is a member of a household which includes a child. Does the Minister exercise discretion when the household includes children?

Deputy J.A. Martin (The Minister for Social Security):

The income support scheme expects working-age adults to take up and remain in work to support themselves and their families as far as possible. Income disregards provide for incentives for claimants to maximise their wages. Financial sanctions are applied if a working-age adult gives up employment without the appropriate reasons. The sanction removes the adult component from the claim but does not affect the components to support rental or household components or any child components on that claim. As Minister, I have discretionary powers under the Income Support Law to make payments in exceptional cases. I exercise this power carefully and each case is considered on its own merits. The giving up work without good cause sanction on an adult in the income support claim would not normally constitute exceptional circumstances. Articles 26 and 7 of the United Nations Convention on the Rights of the Child relate to the financial support for families.

3.12.1 Deputy R.J. Ward:

Having the question repeated back to me did not really help. Does the Minister not understand that if sanctions are applied to an adult in a family with children, they are equally being applied to a child? We have made a commitment to the U.N.C.R.C. and to putting children first, so can I ask the Minister again: does the Minister exercise discretion when the household includes children or does she just stick to the rule regardless?

Deputy J.A. Martin:

I thought I did answer that. I said in exceptional circumstances I can use discretion. I do not normally use discretion on the giving up work sanction. To put this in context, we had 183 giving up work sanctions issued in 2020 out of 637 claims. There are different circumstances. Always speak to the person down at Back to Work and explain why you feel you cannot carry on in your job. There are exceptions as well that you can leave work, but income support is there to support people and it is an in-work benefit.

3.12.2 Deputy G.P. Southern:

The Minister talked about a certain number of cases of giving up work without due cause.

[11:30]

In how many of those cases was there any children involved in the family grouping?

Deputy J.A. Martin:

Yes, I was reading that and at the same time thinking the same question. I will have to get back to the Deputy and find that one out. I do not know if that is differentiated. That is the total for 2020,

but I will check how many of those families had children. I am sorry about that. I should have asked for that information prior.

3.12.3 Deputy G.P. Southern:

In how many cases involving children or not did the Minister use discretion to relieve some of the sanction over the 90 days?

Deputy J.A. Martin:

Again, I would have to check that because there are different sanctions of giving up work and not looking for work. As I say, I do have discretion to make payments. I do not have that number off the top of my head, but it would not be many.

3.12.4 Deputy R.J. Ward:

Forgive me, I just wanted clarity to the answer previously. The Minister had this question in advance and so had the opportunity to find out the answer. I took from your answer that you do not exercise discretion in these cases because you do not exercise discretion in terms of the sanction for those who leave work, regardless of whether there are children there. Can you confirm with a yes or no whether that is the case, i.e. you do not exercise discretion? Thank you. It is just for clarity.

The Bailiff:

If I could just remind you, Deputy, and indeed others to address through the Chair. One does not address the Minister ...

Deputy R.J. Ward:

Sorry, Sir.

The Bailiff:

It is all right, it is just a gentle reminder.

Deputy R.J. Ward:

It was very difficult to word that question, but anyway, carry on.

Deputy J.A. Martin:

I said it would not normally constitute exceptional circumstances, so no, I would not exercise discretion in that case.