

2024.07.16

2.8 Deputy M.B. Andrews of St. Helier North of the Minister for Social Security regarding writing off the Social Security overpayments incurred due to administrative errors (OQ.134/2024)

Further to her response to Written Question 130/2024, will the Minister advise whether consideration is being given to writing off the social security overpayments incurred due to administrative errors within her department; and, if not, why not?

Deputy L.V. Feltham of St. Helier Central (The Minister for Social Security):

I can confirm that any overpayments incurred due to administrative errors by the department are already being written off.

2.8.1 Deputy M.B. Andrews:

Can the Minister for Social Security provide an explanation as to whether there was a confirmation that was in the public domain confirming that this was the case, because I have not come across it?

Deputy L.V. Feltham:

To my knowledge, there has not been a publication confirming that was the case specifically. However, I have written to the Scrutiny Panel to provide an update to them and will, of course, provide further updates to Scrutiny around the changes that I am making in relation to overpayments. When I asked the department around administrative errors specifically in relation to the previous Scrutiny Panel's review, the department did say that it was their common practice already to write off overpayments where there were indeed administrative errors. I reiterated when I became Minister that I do not think that somebody on income support who will inevitably be on a low income should have overdue payments because of an administrative error by the department. It, indeed, should be a right first-time approach being taken by the department in order to minimise such errors.

2.8.2 Deputy J. Renouf:

Can the Minister state how far back the overpayments repayments are going back? How far is she taking this backwards?

Deputy L.V. Feltham:

My understanding is that the department were already writing off overpayments where it was the department's fault. If anybody is aware of a situation where somebody has an overpayment that they are still paying and they believe that it was a departmental error, then I would encourage them to contact the department.

2.8.3 Deputy J. Renouf:

I am a little confused because I thought that the Minister had said she had given a new instruction, but what she seems to be saying is that it has always happened. I reiterate the question: how far back is she prepared to accept claims for administrative overpayment?

Deputy L.V. Feltham:

If any client of income support is paying back an overpayment that they consider is due to an administrative error then I would look at each one of those claims individually. It is my understanding that it was already practice so it should not be a case of how far back I am

prepared to go. It was common practice, I understand, previously and the department has assured me that they try to ensure that administrative errors are few and far between.

2.8.4 Connétable D.W. Mezbourian of St. Lawrence:

Will the Minister give a definition of administrative error, please?

Deputy L.V. Feltham:

An administrative error, or my definition of an administrative error, is when a person or an income support client has followed all of the steps that they were required to undertake and due to an error at the department level, an overpayment has been incurred.

2.8.5 The Connétable of St. Lawrence:

Will the Minister provide us with an indication of how much has been retained by clients due to administrative errors by Social Security officers this year?

Deputy L.V. Feltham:

I do not have that figure in front of me but I will refer back to the Constable in writing and include all Members on that answer.

2.8.6 Deputy L.M.C. Doublet:

Could the Minister confirm whether the onus is on the individuals to reach out to the department to inquire about any situations that might have resulted in them overpaying or whether her department are looking for incidences of this and contacting individuals themselves?

Deputy L.V. Feltham:

Where the department is aware of an administrative error then they of course will take the necessary steps. When I was reviewing the recommendations of the previous Scrutiny Panel, one of the things that I asked the officers to provide me was data and evidence about reasons for overpayments. I was quite surprised to find out that the department did not have that data available. The department, on my instruction, has undertaken some further work over previous months to look at the reasons why overpayments are being incurred and we are in an area of continuous improvement in relation to this, to ensure that we are absolutely minimising the number of overpayments that are being incurred.

2.8.7 Deputy L.M.C. Doublet:

Further to the Minister's response to a letter to my Scrutiny Panel, in which referred to some progress changes relating to the processing of overpayments, could she give some further detail on what this would look like for the people who are accessing the social security benefits?

Deputy L.V. Feltham:

I am looking to make some changes by September which will reduce the volume of overpayments by up to 50 per cent. That particular change will be around small overpayments that may well be incurred due to the timing of a change in circumstances being notified to the department.

2.8.8 Deputy A.F. Curtis of St. Clement:

Will the Minister clarify whether there is any test of reasonableness in writing off overpayments currently? So if an overpayment was greater by a magnitude, for example, where an operator had typed in an extra zero, would such a clear overpayment be still considered written off or expected to be noticed by the recipient?

Deputy L.V. Feltham:

I am aware of cases where recipients have done what they needed to do and have, in good faith, received an overpayment, and in good faith then spent that money without realising that they were not due it.

[11:00]

In those circumstances, I think we need to think about what the effect of recovering that overpayment would be on that person who has actually acted in good faith and did not realise that they were receiving an overpayment, because, as far as they were concerned, in the letters that they received from income support, they were receiving the correct amount of money. They had indeed given income support the right level of information and there was no reason that they would have known that an overpayment would have been incurred. In those cases I would be willing to write off that kind of payment.

2.8.9 Deputy A.F. Curtis:

Will the Minister, in clarifying these answers perhaps outside the Assembly for Members, also clarify if there will be a position taken at which point where a number is so obviously not something a recipient should be receiving - and one hears of stories of people receiving lottery-sum style winnings through administrative errors - that these will not be written off no matter what circumstances?

Deputy L.V. Feltham:

I am unaware of any income support client receiving a lottery-style winnings type of overpayment, but, yes, I will undertake to inform the Assembly how we would avoid that. Again, I will reiterate, it has to be our focus to get things right first time and absolutely minimise the number of overpayments that are being incurred.

2.8.10 Deputy M. Tadier:

Does the Minister acknowledge that there is a human cost as well as a potential financial cost and that errors which are not those of the client or the civilian also have a psychological and physical toll on the individual, so the best scenario is to avoid the errors in the first place?

Deputy L.V. Feltham:

Yes, I absolutely acknowledge that cost and I could not agree with the Deputy more. The best scenario is to avoid those situations in the first place.

2.8.11 Deputy M. Tadier:

Does the Minister agree that sometimes there is an unfortunate narrative where the individual who has made no error whatsoever, but it is an actual error by an officer or a worker in the Income Support Department, has to pick up the stress of it all? Will she outline what steps she is taking to make sure that there is, firstly, more accountability in the department but, secondly, to make sure that these errors do not occur in the first place?

Deputy L.V. Feltham:

I want to make it clear that officers within the department are working incredibly hard, very often under increased stress and pressure, on some quite emotional cases. I will do whatever I can to support officers to ensure that they are adequately resourced in order to process claims in the best possible manner. I believe that the officers are acting with the best of intent. I also think that there is increased pressure due to the numbers of changes in circumstances and the volume of work. There is more work that needs to be done in order to support officers and also we also have an ageing and outdated I.T. (information technology) system that needs to be

replaced. I am working on taking forward the programme to replace that outdated system to provide further support to those officers as well.

2.8.12 Deputy D.J. Warr:

What is the legal position with regard to those who have refunded the department due to an admin error? Are they now able to reclaim their payment?

Deputy L.V. Feltham:

I do not think as Minister I could give legal advice; I think that would be a question for the Attorney General and not myself.

The Deputy Bailiff:

Deputy Andrews, final supplementary?

Deputy M.B. Andrews:

No, thank you.