

19-21 Broad Street | St Helier
Jersey | JE2 4WE

8th August 2023

Sent by e-mail

Dear Deputy Ward

Re: Health and Social Security Panel – Review of Income Support Overpayments Follow-Up Questions

Thank you for your letter dated 27th July 2023. Please find below responses to each question in turn.

1. In April 2023, in response to a WQ you advised that a total of 2,850 households were repaying overpayments. Are you able to provide an up-to-date figure?

Income Support claims are paid per household and therefore the information requested is supplied by household as follows:

1 - The number of households in receipt of income support payments in Jersey: 5170

2 - The number of households who are on plans to repay income support overpayments: 1196

The median overpayment amount so far this year is £206.

3 - There are also approximately 1600 claims which have previously closed, and which are repaying overpaid benefits by instalment

a) What were the reasons for overpayments (provide percentages with breakdowns)?

There are various factors which can cause overpayments of Income Support. The main cause is the department not being notified in advance of a change to the income (mostly earnings) of a household. It is not possible to provide percentages of the different reasons why an overpayment may arise – this information is held on individual claimant records and cannot be analysed without collating information manually from individual records.

It is important to recognise that Income Support payments are made in advance rather than in arrears, to provide prompt financial support to a household at the time of need. A system designed to make payments in advance will always have a delay in catching up with situations where a household's income has increased. This is the cause of many small overpayments of Income Support and represents a trade-off that is viewed positively by most customers. Benefits that pay in arrears are often criticised for being slower to recognise decreases in income.

All changes relating to the members of the Income Support Household must be reported to the Department. These include, but are not restricted to:

1. A change in the income of anyone in the Income Support Household

2. Anyone in the Income Support Household starting or finishing work, including starting a new business. If any working adult is considering giving up their job, they should contact the Department before any commitment is made
3. The Income Support Household moving to new accommodation
4. The rent paid by the Income Support Household changing
5. Anyone moving into or out of the home, including lodgers and subtenants
6. The death of anyone in the Income Support Household
7. Any of the children leaving school, leaving home or going into care
8. The childcare provider changing
9. Anyone in the Income Support Household becoming a student, becoming a jobseeker, going on a training scheme, going into hospital, nursing home, prison or youth custody. If either the claimant or their partner is considering returning to full-time education, they must contact the Department before any commitment is made
10. The Income Support Household becoming a host family for language students or having students staying with it
11. Anyone in the Income Support Household going to be away from home for more than 4 weeks (including time spent in hospital)
12. A change in the health/medical condition and/or need for care of anyone in the Income Support Household
13. Any changes to benefits & pensions received (excluding those paid by the Jersey Social Security Department)
14. Any changes to trust or maintenance payments received, maintenance payments paid out, trust income or charitable income
15. Anyone in the Income Support Household receiving an inheritance
16. Anyone in the Income Support Household selling, purchasing or inheriting property in Jersey or worldwide.

2. What is the biggest demographic/age group that incur debt due to overpayments of income support?

Household Change of Circumstances, which generally create overpayments, are most common for working age households.

3. How many unannounced visits have been undertaken in the last five years to people's homes when carrying out an investigation regarding changes of circumstances/fraud?

We do not hold data on the specific number of unannounced visits that have taken place over the last 5 years, as all visits are recorded/documented within the individual investigation file. However, we estimate that on average 3 visits are conducted each week as part of an investigation, some are pre-arranged with the claimant, and some are unannounced.

4. Are the persons involved (claimants) contacted at all, prior to the home visit, to advise them that they are under investigation and to ask them whether their circumstances have changed?

In the majority of investigations, the first step would be to send a letter from one of the Enforcement Investigating Officers asking the claimant if there are any changes of circumstance that they have not yet told the department.

5. Where in policy/guidelines does it state that officers from Customer and Local Services might visit a person's residence without notice when undertaking an investigation?

There isn't anything that specifically mentions that visits might take place. However, acting on behalf of the Minister, Investigating Officers gather information to ensure a claim is calculated correctly.

6. What fact-checking process happens with an anonymous fraud tip?

As explained during the Public Hearing, we use the UK National Intelligence Model to evaluate an allegation prior to opening an investigation.

7. What safeguarding processes are put in place before officers are sent to someone's home address?

All staff conducting home visits have completed:

- Safeguarding training
- Equality, Diversity and Inclusion training
- Dignity and respect training
- Children's rights awareness training
- A thorough review of the claim and associated comments held on the system is completed prior to undertaking any visit
- Training on the "Visiting Officers Code of Conduct"

8. When Legislation/Policies are amended/updated, what effort is made to inform claimants, already in receipt of benefits, of these changes?

Where a change impacts on the entitlement of a claimant, we will write to them to tell them of the change. For example, when the Health Access Scheme was introduced, every eligible household was sent a letter explaining the new scheme.

Gov.je is regularly updated with all legislation/policy updates and press releases and social media posts are used to inform the public of changes.

9. How often does the progressing of a change of circumstances take over 9 days?

We aim to process all change of circumstances within 5 working days. We process changes in the order they are received, although simple changes are processed more quickly (e.g. increases to income).

Our systems do not enable us to record the time taken to process each individual change of circumstance. Instead we use a simple method of measuring the oldest outstanding. This doesn't mean that on a day where the oldest change of circumstances is say 7 days, that all

changes of circumstance processed that day were all outstanding 7 days, many will have been within the 5 days.

We can manually provide that so far in 2023, the oldest change of circumstance outstanding was at 9 days or more in 39 out of 144 days. On these days – many changes of circumstance would have been processed within the 5 days (e.g. increases in income).

a) Do you record the reasons as to why it has taken over 9 days to process changes? (If so, please can you provide that information)

Our system do not enable us to record this information. However the main reasons would be the department not having all of the information needed to process the change_(generally, because the individual has not provided all the relevant information and we have had to ask them to do so); higher volumes of change of circumstances due to seasonal fluctuations or resources during busy periods.

b) How long it takes to process a change when you receive all of the information you require, correctly?

We aim to process change of circumstances within 5 working days. However, advisors may not be aware of whether they have the necessary information to make the change until such time as they begin processing the change. For example, if a customer submits a change of circumstance, and an advisor attempts to process this within the 5-day SLA, it may not be until then that they know whether they have all the information required to process the change.

The new change of circumstance online form states what information is required to process the change; using this form should make the overall process faster. Our new system will also make a significant improvement once it is implemented.

10. Can you direct the Panel to the policy that states that discussions should take place with individuals, whose overpayments exceed £500, to determine how much they can reasonably afford to repay each month.

This is not a policy but is part of our internal guidelines which form part of the Income Support training for staff.

a) How many claimants are currently paying an overpayment larger than £500?

738 households.

11. You advised us that a repayment rate of £3 a day has been set out in guidelines since the Law came into force in 2008. Do you think that this figure is still appropriate given that the cost of living has substantially increased since that time?

Maintaining the guideline repayment rate at £3 a day over a long period where income support benefit rates have increased significantly means that claimants are proportionally paying less of their weekly benefit in repayments than they were in the past.

12. How is the United Nations Convention on the Rights of the Child (UNRC) considered when determining the repayment schedule?

The Income Support legislation is compliant with all human rights and other relevant legislation, including conventions to which Jersey is a signatory. In general, international legislation and conventions do not override the right of governments to set rules for access to tax-funded services or benefits, providing these rules are fair and not discriminatory.

All legislation going forward will be subject to a Children’s Rights Impact Assessment. I do not believe that this will conflict with the common-sense requirement to recover benefit money that households have received in excess of their entitlement.

13. How many times in the last 5 years has delegated Ministerial Discretion been used by Officers to write off overpayments?

	2023 YTD		2022		2021		2020		2019
	70		55		56		93		36

14. What are the main aims and objectives of the new IT System? (What are you hoping it will improve?)

The new IT system will be designed to minimise the amount of time that CLS staff spend on simple and/or repetitive administrative tasks, whilst maintaining a fair and appropriate degree of human oversight to ensure the decisions affecting benefits are made correctly. This will free up time for staff to concentrate on supporting customers who need help.

At a high level, the programme will aim to deliver the following outcomes:

- Improved customer experience from ‘digital first’ services, so Islanders can interact with Government 365, 24/7, from anywhere.
- Reduce average lead time to process benefits and services.
- Staff time efficiency savings, through reduced staff time spent on manual administration, allowing staff additional time to support customers.
- Improved agility to implement changes to services.
- Improved accessibility.
- Avoid risks by using more supported and secure technologies.

15. What does the customer service training include that relates to accessibility, mental health awareness, vulnerability etc?

The Customer Service Skills learning outcomes are:

- *Understand the importance of having a customer mindset and providing good customer service (including understanding the difference between customer service and customer experience)*
- *Understand the importance and benefits of having excellent customer service skills and how it is everyone’s responsibility*
- *How to put yourself in the customer’s shoes*
- *Understand how questioning and listening play an essential role in understanding what customers need and want and in providing a good customer experience*
- *Explain the importance of good communication and be able to understand how to adapt communication styles to the customer and their needs*

- *Understand how body language, alongside verbal and vocal communication, impacts customer experiences and how to use them to build rapport (including recognising the effect attitude has on the behaviour of others – attitude is everything)*
- *Understand how to deliver unwelcome messages in a positive way*
- *Know how to remain professional when providing customer service both in-person and over the phone*
- *How to end challenging or conflict conversations in an assertive yet positive way*

In the past some staff have undertaken SPELL 1 and 2 which was delivered by Jersey Adult Autism Services (JAAS).

CLS also have 14 staff trained in Mental Health First Aid, with more training for this available later in the year.

Mandatory CLS training also includes:

- Children's Rights Awareness
- Customer Excellence
- Customer Feedback
- Cyber Security
- Data Protection
- Dignity and Respect
- Diversity, Equity and Inclusion
- Safeguarding
- Acceptable Behaviour MAYBO –

Conflict Resolution training is also available for specific roles within CLS.

16. How many employees, who are currently employed in the Income Support team have completed specific training on the following:

Customer and Local Services will support all staff in benefiting from training appropriate to their job roles, and to support personal development. Staff turnover and the scheduled availability of training will mean that some staff will be awaiting the opportunity to undertake specialist training.

• **Trauma informed practice:**

In 2022, 26 members of CLS staff attended Trauma Informed Practice training, the majority of these were from the Back to Work and Critical Support teams, with only 2 attending from Income support. Both these teams were prioritised to attend this training due to their current roles and ongoing professional relationships with customers. More sessions are being planned for quarters 3 and 4 in 2023, where all remaining Income Support staff will attend.

• **Dementia:**

Dementia Jersey have delivered 3 sessions of dementia training for CLS so far this year which 33 colleagues from the Pensions & Care team have attended, as this is the team that deal with all income support claims for pensioners.

• **Unconscious bias:**

Whilst no specific training has been undertaken on unconscious bias, in 2022, 24 members of CLS staff attended Gender and Sexuality in the workplace training, which is a course delivered by Liberate.

Various training courses which have covered unconscious bias have been delivered over the years, but we are unable to provide data on numbers.

17. In the hearing you advised that you were undertaking work on improving communications across the department. Please can you provide details of this (including timelines for completion).

In January 2023 Customer and Local Services launched a prioritised programme of work to improve communications with customers which will be delivered throughout the year with a completion date of December 2023.

The aims of the project are as follows:

- Improvement of standard letters and guidance notes to make sure they are easy to understand and address customer needs.
- Improvement to the customer experience with digital, phone and face to face communications to ensure that Social Security contribution and benefit systems are easy to access for all customers on an ongoing basis, to include tactical changes to ensure digital, phone and face to face communications are operated efficiently.

This project is well underway, and the focus is on reviewing and improving high volume customer communications in the following areas:

- Contributions
- Income Support
- Pensions and old age benefits
- Health related benefits

The team are reviewing written communications (letters / emails), phone calls, and sections of the website relevant to the focus areas of the review.

Colleague training around effective communication has been a key part of the project with 100 CLS colleagues trained so far.

a) Who are you engaging with during this process?

The Disability and Inclusion Team have had input into the communications. Citizens Advice Jersey have also been involved.

18. Can you provide a copy of your internal guidelines in respect of interdependent relationships “that give much more detail for the officers to work out how to use those 7 principles” that were referred to during the hearing?

These internal guidelines are not publicly available. They will be sent to the Panel under separate confidential cover.

19. How do your processes in Income Support currently interact with other Social Security benefits such as LTIA and STIA (to help prevent overpayments occurring due to changes to another benefit).?

Income Support payments do interact with other Social Security payments - in particular contributory benefits. The IT system used by officers runs across all these benefits and procedures are in place for officers to identify where a claimant is receiving two benefits at the same time. The effectiveness of these procedures can be affected by any delays caused by the contributory benefit application and assessment process. For example, Short Term Incapacity Allowance (STIA) can be applied for up to six months after a person has been signed off sick, and Long-Term Incapacity Allowance will be backdated to the date a person applied for it. In both situations an overpayment of Income Support would be generated by the system.

However, in a situation in which a contributory benefit is being backdated and the claimant is also receiving Income Support, the relevant team will ensure that the claimant is advised of the situation. The claimant can choose to receive the backdated payment but in this case an Income Support overpayment is often generated. The claimant can also agree not to receive the backdated amount, in which case no overpayment is generated.

20. How many appeals have been made in the last 5 years?

How many of these have been successful? Including any breakdown of the outcome – overturned completely or amount reduced

There have been 28 appeals in the last 5 years from 2018 to present.

Breakdown of outcome

Premature appeals	Tribunal Decision for CLS	Tribunal Decision for appellant	Resolved before tribunal - no change in decision	Resolved before tribunal - decision changed for appellant
8	6	2	1	10

1- Tribunal hearing scheduled but not yet held yet

Minister for Social Security



I trust that the above responses are of use to the Panel as part of its review.

Yours sincerely

A handwritten signature in black ink, appearing to read "E. Millar".

Deputy Elaine Millar
Minister for Social Security