

Review of Income Support Benefit Overpayments

Health and Social Security Panel

9th October 2023

S.R.1/2023



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1 Chair's Forward



I am pleased to present this report of the outcomes of our first review from the panel in its current form. All findings and recommendations are derived from the evidence gathered during the review.

The number of findings and recommendations in this report reflect the quantity of work undertaken and the range of evidence received. I would like to thank all members of the public, organisations, the Minister for Social Security, and the Department for the time they gave to provide information.

I would like to give particular thanks to members of the public who gave evidence of often a very personal and difficult nature to the panel. Their input was invaluable in producing this report.

There are several issues around the creation of, and impact from overpayments of income support. The extent of impact of this on people's lives and health cannot be underestimated. In particular, the expression of thoughts around ending lives due to the stress created is a sobering area of concern for the panel. As is the negative impact on Children.

The large number of households repaying overpayments reflects systemic issues around the processes used. As does the lack of recorded data on the true extent of the problem within Customer and Local Services.

The urgent need for updated I.T (Information Technology). systems are clear, but so are the long timespans for any implementation of such systems. Therefore, action is needed now to pre-empt any changes to improve this area. Particularly in the areas of clarity and accessibility of information communicated to those needing to claim Income Support. And in the speed of turnaround of identified changes to circumstances.

I hope that all findings and recommendations are seen as constructive comments on how to improve a system that so many rely upon for support. I recognise the challenges faced by Customer and Local Services staff but also the very real difficulties people experience when faced with often very significant repayments.

Finally, I would like to thank the panel officers for their work and dedication. Without this we would not have a review and this final report. Your work is appreciated.

A handwritten signature in black ink, appearing to read 'Rob Ward', written in a cursive style.

Deputy Rob Ward
Chair, Health and Social Security Scrutiny Panel

2 Executive Summary

The Panel agreed to undertake a review of overpayments of Income Support following concerns from members of the public regarding the impact of, and the processes involved in, repaying debt to Customer and Local Services. The topic is highly personal and emotive making it challenging to collect evidence. However, in spite of this we heard from a significant number of individuals and organisations/charities which has signified the importance of undertaking this work. Whilst the Panel could not address every point raised in the submissions, we endeavoured to highlight key themes of concerns from the evidence received. The main themes we identified were:

- The significant financial and wellbeing impact,
- Shortcomings in policies and processes and inconsistency in their application,
- Concerns with Customer and Local Services' communication.

Context

The Panel found that, out of the 5,197 households that are currently in receipt of Income Support, 1,196 are repaying overpayments (approximately 1 in 5 of people receiving Income Support). In addition, 1,600 households whose Income Support claims have now closed are repaying overpayments. The two most cited reasons for the overpayment of benefits are errors made by Customer and Local Services (CLS) and the failure or delay of claimants disclosing change of circumstances. The Panel acknowledges that small overpayments are inevitable due to the nature of Income Support benefits being paid in advance. However, in instances where an overpayment has occurred at the fault of the Department, no acknowledgment of this mistake nor apology is issued by Customer and Local Services. We would recommend that all overpayments that have been caused as a result of departmental errors are acknowledged and apologised for. We further recommend that overpayments, which result from errors made by the Department, are not recovered.

Significant Financial and Emotional Impact

Many claimants repaying an overpayment of Income Support are put into significant financial hardship, and as a consequence, some individuals are in rental arrears, choosing between eating and buying medications, or accessing food banks. A number of local charities are supporting individuals dealing with an overpayment in various ways, including emotionally, administratively and financially. This impact has been so severe in some cases that individuals have considered or attempted to take their own lives.

The Panel is not satisfied that conversations at the point of notification of an overpayment are taking place, therefore making it very difficult for claimants to raise concerns about their wellbeing. The Minister for Social Security and Income Support Officers must ensure that the wellbeing of claimants is considered during the repayment plan process. In addition, no consideration is given to the wellbeing impact of the overpayments process on children. In order to minimise the impact on children, we recommend that the Minister reviews the overpayments processes to ensure that the wellbeing of children is considered at every stage.

Shortcomings in Processes and Policies

The Panel found that individuals are not always invited to discuss a repayment plan and, if they are given the opportunity to discuss their financial struggles and vulnerability following the identification of an overpayment, their concerns are not always listened to or acted upon. We therefore recommend that the Minister undertakes a review of the current guidelines that are used to determine a repayment amount and amend where necessary to ensure that repayment plans are not causing financial hardship and leaving individuals or families financially vulnerable.

The Panel found that, in some cases, “Change in circumstances” forms are taking a significant time to be processed by Customer and Local Services. Any change in rate is implemented at the same time the change is assessed and is backdated to the date of change. So, the longer it takes to process a claim the greater the overpayment amount. We recommend that any overpayments accrued after the date in which changes of circumstances are submitted are not recovered by Customer and Local Services. We found that the Department’s current IT system does not enable Officers to record the time taken to process each individual change of circumstance nor does it allow for the causes of extended processing times to be documented. The Minister should ensure that the new IT system for Customer and Local Services enables the capturing of both to allow for an analysis to be undertaken, changes to be made where necessary and resources to be directed appropriately.

The Panel found that the rules and guidance in respect of interdependent relationships are being applied inconsistently by Customer and Local Services Officers. We recommend that the Minister reviews Determining Officers’ application of internal guidance regarding interdependent relationships and ensures that both the Law and the guidance are applied consistently. The Minister must also implement an oversight process in the determination of interdependent relationships, which would require two Determining Officers to agree on the existence of an interdependent relationship, independently of one another based on the evidence gathered.

In regard to the appeal process for overpayments of Income Support we found that there can be a high emotional cost associated with appealing a decision, which is not always

acknowledged by Customer and Local Services, and that the process is not accessible for many vulnerable people in our society. We recommend that the Minister undertakes an urgent review of the appeals process, which should include meaningful engagement with marginalised and vulnerable groups, to ensure it is accessible to everyone.

Communication Concerns

Whilst we did receive encouraging feedback about communication with Income Support Officers, particularly regarding the support provided to vulnerable people via charities (during and post pandemic) we also received concerning feedback. Occasionally claimants are confronted by Income Support Officers who hold attitudes that 'blame' them for their individual situations and, as a result, are left feeling disempowered, belittled, or simply not listened to. We also found that in some cases differential treatment is given to claimants who attend meetings at Customer and Local Services alone as opposed to when accompanied by a charity representative/support worker. The Panel recommends that the Minister facilitates open and honest conversations with charities and organisations, who support individuals with overpayments, to understand and address any concerns regarding a lack of empathy among Income Support staff. We also recommend that the Minister introduces mandatory training on learning difficulties and trauma informed practice for all staff who are directly involved in Income Support processes. The Minister should also ensure that unconscious bias training is delivered to all customer facing staff within Customer and Local Services.

Individuals often speak to multiple Officers about their overpayment issues, having to repeat their stories time and time again, which can be challenging for those who find their circumstances difficult to discuss. Having a dedicated Officer, or small group of Officers, assigned to each claim case would reduce the degree of repetition for individuals and improve communication in general. Therefore, the Minister must ensure that this kind of client relationship model is implemented at the earliest possible opportunity.

The Panel found that the complexity of the Income Support system, its rules and policies and the ways that these are being communicated to members of the public are exacerbating the prevalence of overpayments. We also found that individuals would be empowered to engage more with their benefit claims and would have greater chance of identifying an overpayment if the entire system was made more approachable and easier to understand. The Minister must ensure that her current review of communication includes consideration of different modes of communication about overpayments and Income Support matters in general.

3 Key Findings and Recommendations

Key Findings

KEY FINDING 1: Approximately 1 in 5 households currently in receipt of Income Support and 1,600 households, whose claims have now closed, are repaying overpayments.

KEY FINDING 2: The two most cited reasons for the overpayment of benefits are errors made by Customer and Local Services and the failure of claimants to disclose changes of circumstances.

KEY FINDING 3: The loss of documentation relating to changes of circumstances by Customer and Local Services has been identified as a cause of overpayments. A significant proportion of change of circumstance submissions are received in paper form but there are currently no processes in place that provide claimants with proof of receipt or assurance that their documents have been received by the Department.

KEY FINDING 4: The Panel appreciates that some overpayments are inevitable due to the nature of Income Support benefits being paid in advance. However, there are times when Customer and Local Services has made a calculation or administrative error that results in a claimant accruing an overpayment. In instances where an overpayment has occurred at the fault of CLS, no acknowledgment of this mistake nor an apology is issued by the Department.

KEY FINDING 5: Our evidence shows that some overpayments have occurred due to a lack of understanding of the instances that qualify as a change of circumstances and that require Customer and Local Services to be notified.

KEY FINDING 6: Data evidencing why overpayments occur is not held centrally and, as a result, cannot be analysed without collating information manually from individual records.

KEY FINDING 7: Overpayments of Income Support benefits have a significant financial impact on those required to repay them. The review has found that many claimants repaying an overpayment of Income Support benefits are facing significant financial hardship, and as a consequence some individuals are in rental arrears, choosing between eating and buying medication, or accessing food banks.

KEY FINDING 8: The Panel is aware of a number of local charities that are supporting individuals dealing with an overpayment in various ways, such as, but not limited to

emotionally, administratively, and financially. Charities are incurring a financial cost in their support of individuals as a direct result of Income Support benefit overpayments.

KEY FINDING 9: The signposting of claimants to charities for financial assistance by Income Support officers suggests that the Department is aware that individuals are suffering significant financial hardship and are not considering this appropriately during the determination process of a person's repayment plan.

KEY FINDING 10: The overpayment of Income Support benefits has a very significant impact on the mental health and wellbeing of individuals. This impact is so severe in some cases that individuals have considered or attempted to take their own lives.

KEY FINDING 11: Neither the Minister nor Officers confirmed that enquiries are made into the wellbeing of claimants facing an overpayment. The Panel is not satisfied that conversations at the point of notification of an overpayment are taking place, therefore making it very difficult for claimants to raise concerns about their wellbeing due to the impact of an overpayment.

KEY FINDING 12: Income Support overpayments have been identified as negatively impacting claimants and those closest to them. Our evidence has specifically highlighted that children are significantly impacted by overpayments.

KEY FINDING 13: Children are not considered within the processes related to Income Support benefit overpayments other than as a financial component within the determination of a repayment plan. No consideration is given to the wellbeing impact of the overpayments process on children.

KEY FINDING 14: The structure of Income Support claims being assessed by a household places full liability for an overpayment within the household on the claimant. In abusive or coercive relationships this liability can become exploited and can contribute to financial coercion.

KEY FINDING 15: The practice of discussing repayment plans with individuals to ensure they can afford them is not written in policy but rather is included in Customer and Local Services' internal guidelines which form part of Income Support training for staff.

KEY FINDING 16: When individuals try to discuss their financial struggles and vulnerability with Customer and Local Services following an overpayment notification their concerns are not always listened to or acted upon.

KEY FINDING 17: Despite the Minister for Social Security stating that repayment plans are discussed on a case-by-case basis, taking the household's circumstances into account, we found that this is not always happening in practice.

KEY FINDING 18: The Panel's evidence suggests that individuals are not always contacted before receiving a letter when their debt is greater than £500 and, if individuals are contacted, open discussions regarding how much they can afford are not always happening.

KEY FINDING 19: Customer and Local Services' IT system does not enable Officers to record the time taken to process each individual change of circumstance.

KEY FINDING 20: Customer and Local Services' current IT system does not allow Officers to record the reasons for extended processing times of changes of circumstances.

KEY FINDING 21: Overpayments can be accrued further by the processing time it takes the Department to effect a change in circumstances. Although the Panel notes that the new IT system will aim to improve and quicken these internal processes, a number of local charities have highlighted the need for quicker processing times in the interim before the IT system is rolled out.

KEY FINDING 22: The Panel agrees with Customer and Local Services' acknowledgement that communication with claimants on zero-hour contracts is key to avoiding frequent overpayments. However, the Panel is not satisfied that conversations to understand claimants zero-hour work patterns are being held regularly.

KEY FINDING 23: Whilst Customer and Local Services Officers consider the composition of the household and try to accommodate the best they can to ensure no one is made to feel uncomfortable during a home visit, this is not always achieved.

KEY FINDING 24: Whilst Customer and Local Services Officers strive to invite individuals into the Department for a meeting prior or following a home visit, we found that this is not always offered.

KEY FINDING 25: Notifications of overpayments are currently only sent out via post and any delay in the claimant receiving this letter could impact the length of time they have to appeal the decision.

KEY FINDING 26: There can be a high emotional cost associated with appealing an overpayment decision, which is not always acknowledged by Customer and Local Services.

KEY FINDING 27: Only two Officers currently who directly deal with Income Support processes have completed trauma informed practice training. However, we were encouraged to learn that all remaining staff will receive this training during the remainder of 2023.

KEY FINDING 28: The current appeals process is not accessible for many vulnerable people in our society.

KEY FINDING 29: The existence of an interdependent relationship, as a component of an Income Support entitlement, is decided by Determining Officers. Officers use the [Income Support \(General Provisions\) \(Jersey\) Order 2008](#) and internal policy guidance in their determination process. The criteria for interdependent relationships, as set out in these documents, are not prescriptive and require officers to interpret the level of interdependency present in a relationship on the balance of probability. This means that the determination process can be open to subjectivity and inconsistent application across the Department.

KEY FINDING 30: The determination of interdependent relationships is at the full discretion of Determining Officers and so careful consideration should be afforded to the determination process. Allowing for a second decision to be made on an interdependent relationship prior to the appeals process would be beneficial to both the claimant and the Department.

KEY FINDING 31: During and post pandemic a team of senior Social Security advisors were made available to various charities as a direct link to discuss and secure support and advice for particularly vulnerable people experiencing issues with Social Security. This has been a positive step and, for some, has reduced the negative impact on individuals arising from Social Security issues, including overpayments on Income Support. This support should continue for the foreseeable future.

KEY FINDING 32: Occasionally claimants are confronted by Income Support Officers who hold an attitude that 'blames' them for their individual situations and are left feeling disempowered, belittled, or simply not listened to.

KEY FINDING 33: More than one local charity spoke of the differential treatment given to claimants who attend meetings at Customer and Local Services alone as opposed to being accompanied by a charity/support worker.

KEY FINDING 34: Advice given by Income Support staff can vary from advisor to advisor for the same specific situation. Incorrect information by advisers can lead to increases in overpayment amounts and place an individual in a more vulnerable position.

KEY FINDING 35: Some individuals dealing with an overpayment issue will speak to multiple Officers at Customer and Local Services about their overpayment. Not only can this exacerbate the issue of inconsistent advice, but it can also be very challenging for those who find their circumstances difficult to discuss.

KEY FINDING 36: Having a dedicated Income Support Officer, or small group of Officers, assigned to each Income Support case would reduce the degree of repetition for individuals, improve communication and provide claimants with greater comfort that they are receiving correct information.

KEY FINDING 37: One of the points most frequently made throughout the Panel's evidence has been the importance of face-to-face meetings. Whether this is for the negotiation of repayment plans, enquiries into wellbeing, explanation of the appeals process or the communication of a policy change, face-to-face meetings are pivotal in claimant's understanding of overpayments and related processes and ensuring that they feel recognised, seen and heard by the Department.

KEY FINDING 38: There appears to be a lack of communication between Andium Homes and Income Support which can exacerbate the impact of overpayments on individuals.

KEY FINDING 39: It is imperative that all staff directly involved in Income Support processes are provided with sufficient training in order to communicate with a wide array of individuals effectively and appropriately.

KEY FINDING 40: According to Jersey Mencap, all staff should be provided with disability training, and especially learning disability, as this is so often misunderstood. It is unclear from the evidence the Panel received whether staff who deal with Income Support are offered any training on learning disabilities.

KEY FINDING 41: The Panel was disappointed to discover that no specific training has been delivered on unconscious bias and that only 24 members of staff in the entire Department had attended gender and sexuality in the workplace training. Furthermore, it was unclear from the response whether any staff members who deal with Income Support had received this training.

KEY FINDING 42: The language used in written communications from Customer and Local Services is complex and hard to decipher and disproportionately impacts the most vulnerable people in our society.

KEY FINDING 43: Individuals would be empowered to engage more with their benefit claims and would have a greater chance of identifying an overpayment if the entire system was made

more approachable and simpler to understand. Furthermore, a better understanding and a more transparent system could potentially reduce the likelihood of overpayments occurring.

KEY FINDING 44: Methods of communication used by Customer and Local Services in respect of overpayments lack inclusivity and diversity. It should not be assumed that everyone is able to read/write/communicate in the way the system requires.

KEY FINDING 45: In January 2023 the Minister for Social Security launched a prioritised programme of work to improve communications with customers, which is due to be completed in December this year. The work aims to improve standard letters and guidance to make them easy to understand and to ensure digital, phone and face-to-face communications regarding Social Security contributions and benefit systems are easily accessible and are operated efficiently.

Recommendations

RECOMMENDATION 1: The Minister for Social Security should ensure that customers are provided with a copy of any documentation handed in to Customer and Local Services, which has been stamped with the date of receipt. This will provide both the claimants and Department with a greater understanding of the situation and minimise the risk of a dispute.

RECOMMENDATION 2: The Minister for Social Security should ensure that the communication that notifies a claimant about an overpayment, which has occurred as a result of departmental errors, includes an acknowledgement of error and apology. This should be considered during the Minister's wider review of Customer and Local Services communications.

RECOMMENDATION 3: The Minister for Social Security must ensure that Customer and Local Services does not recover overpayments that result from errors made by the Department.

RECOMMENDATION 4: The Minister for Social Security must ensure that data relating to the reasons why overpayments occur is held on a central database to allow this information to be analysed and for targeted changes/improvements to processes to be implemented, where necessary.

RECOMMENDATION 5: The Minister for Social Security must acknowledge the detrimental impact that an overpayment of Income Support benefit can have on an individual's mental health and wellbeing.

RECOMMENDATION 6: The Minister for Social Security should ensure that either claimants are appropriately signposted to support services when they are notified of an overpayment, or Income Support Officers ensure the wellbeing of the claimant is considered during the repayment plan process. The Minister should give particular consideration to the impact of overpayments on vulnerable individuals.

RECOMMENDATION 7: In order to the minimise the impact of overpayments on children, the Minister for Social Security should review the overpayment processes to ensure that the wellbeing of children is considered at every stage.

RECOMMENDATION 8: The Minister for Social Security must undertake a review of the current guidelines that are used to determine a repayment amount and amend where necessary to ensure that repayments of overpayments of the Income Support benefit are not causing financial hardship and leaving individuals or families financially vulnerable.

RECOMMENDATION 9: The Minister for Social Security must ensure that every individual, whose repayment amount is £500 or greater, is contacted by Customer and Local Services and invited to a face-to-face meeting, where possible, to discuss a repayment plan that considers the household's whole financial background to ensure that it is affordable and does not leave an individual or family facing financial hardship.

RECOMMENDATION 10: The Minister for Social Security should ensure that any overpayments accrued after the date in which changes circumstances are submitted are not recovered.

RECOMMENDATION 11: The Minister for Social Security must ensure that the new IT system for Customer and Local Services enables the capturing of processing times for each change of circumstance and the reasons for extended processing times. This will allow for analysis to be undertaken, changes to be made where necessary and resources to be directed appropriately.

RECOMMENDATION 12: The Minister for Social Security must ensure that a female Officer from Customer and Local Services is always present when a home visit takes place at an address occupied by a single woman.

RECOMMENDATION 13: The Minister for Social Security must ensure that following an unannounced home visit, individuals are invited into the Department to discuss their claim, to protect any children that may have been present at the home address and to allow the individual to invite a family member, representative from a charity, or support worker to attend the meeting to provide support.

RECOMMENDATION 14: In advance of the new IT system being in place, the Minister for Social Security should ensure that letters advising individuals of an overpayment and the option of an appeal are also sent via email to those who have access to an email account.

RECOMMENDATION 15: The Minister for Social Security must ensure that trauma informed practice training becomes mandatory for all new employees who are directly involved in Income Support processes and that the training is undertaken at the earliest possible opportunity following appointment.

RECOMMENDATION 16: The Minister for Social Security should undertake an urgent review, including meaningful engagement with marginalised and vulnerable groups, to ensure that the appeals process is accessible to everyone.

RECOMMENDATION 17: The Minister for Social Security must ensure that every letter informing a claimant of an overpayment includes clear, easily accessible information regarding the appeals process.

RECOMMENDATION 18: The Minister for Social Security should review Determining Officers' application of internal guidance regarding interdependent relationships and ensure that both the Law and guidance are applied consistently.

RECOMMENDATION 19: The Minister for Social Security should implement an oversight process in the determination of interdependent relationships, which would require two Determining Officers to agree on the existence of an interdependent relationship, independently of one another based on the evidence gathered.

RECOMMENDATION 20: The Minister for Social Security should undertake open conversations with charities and organisations who support individuals with overpayments to understand and help address any concerns regarding a lack of empathy among Income Support staff.

RECOMMENDATION 21: The Minister for Social Security must ensure that a client relationship model, where each Income Support caseload has a dedicated Income Support Officer or small group of Officers, is implemented at the earliest possible opportunity.

RECOMMENDATION 22: The Minister for Social Security must look to introducing mandatory training on leaning difficulties for all staff who are directly involved in Income Support processes.

RECOMMENDATION 23: The Minister for Social Security should ensure that unconscious bias training is introduced and delivered to all customer facing staff within Customer and Local Services.

RECOMMENDATION 24: The Minister for Social Security must ensure that the current review of communications includes consideration of different methods of communication about overpayments and Income Support in general.

RECOMMENDATION 25: The Minister for Social Security must ensure that due attention is given to introducing the use of Easy-Read documents within Customer and Local Services to help benefit those with disabilities or those whose first language is not English.

RECOMMENDATION 26: The Minister for Social Security should engage with local disability charities whilst undertaking the communications project to ensure that any new or improved communication methods are inclusive, accessible, and easier to understand, and that adequate consideration has been given to the most vulnerable in our community.

4 Introduction

Background and Context

Purpose of Income Support

Income Support is a Government funded income-related benefit for Jersey residents that provides financial support. During the Public Hearing with the Minister for Social Security and accompanying Officers, the Panel sought to understand the main objective of Income Support. The Associate Policy Director advised the Panel that Income support is “*supposed to...give people enough money to provide a basic standard of living and, as the Minister says, it tops up people who have pension income, who have employment income, [and] it acknowledges the extra costs associated with disability, caring, childcare.*”¹

An assessment of entitlement for Income Support is based upon households rather than individuals. This means that a claimant’s entitlement will depend not only on their economic circumstances but the circumstances of the household in which they live.

The Salvation Army stated that:

“*Income support is described by the Government of Jersey on its website as being “a financial safety net for those in need.” It is intended to provide a wide variety of households with the finances for a reasonable standard of living, whilst also being “designed to encourage people to become self-sufficient as far as possible.” The obvious inference from this is that the income support benefit will provide enough for the needs of a household for as long as it is required, with the expectation that the household will seek to become independent when possible and practicable to do so.*”²

What are overpayments?

An overpayment of Income Support benefits occurs as a result of a claimant being paid more money than they are entitled to according to the [Income Support \(General Provisions\) \(Jersey\) Order 2008](#). Due to Income Support benefits in Jersey being paid in advance (as opposed to in arrears) it is inevitable that small overpayments will be made where there have been changes in circumstances that affect a claimant's entitlement. However, our review has identified that larger overpayments can occur as a result of;

- A change in circumstances and a failure or delay in notifying the Social Security Department of this, or

¹ [Public Hearing](#), Minister for Social Security, 25th July 2023

² Written Submission, [The Salvation Army](#), 5th July 2023

- Administration errors.

Overpayments can then be further accrued by long processing times or the mishandling of documents by the Customer and Local Services Department.

Reasons for conducting a review

The Panel agreed to launch a review into the overpayment of Income Support benefits due to members of the public raising this topic as a particular concern for Islanders. Our intention in conducting this review was to uncover the prevalence and causes of overpayments, to understand the effect of overpayments on claimants of benefits, to identify how the Customer and Local Services Department addresses issues regarding overpayments and to review the current policy and guidance on overpayments and their repayment.

Methodology

We put out a call for evidence to the general public through a number of media channels, including social media posts, printed posters, and via the States Assembly website. We also identified and wrote to a number of key stakeholders that work with low-income persons and families who are most likely to access Income Support services. The Parishes were also contacted to ascertain whether they were aware of any parishioners dealing with an overpayment.

Twenty-eight key stakeholders were contacted, and fifteen responses were submitted, two of which were not published at the request of the submitter.

15
submissions were received
from organisations &
charities

We also received sixteen submissions from members of the public and organisations/charities through our call for evidence, some of which were anonymised and/or redacted, and three of which were not published at the request of the submitter.

16
submissions were received
from the public call for
evidence

We also held Private Hearings with two charities and six members of the public, who had provided submissions, in order to gather further information about their experiences with Income Support benefit overpayments. These meetings were transcribed and extracts from the Hearings have been used throughout this report, with consent from the attendees, to form part of our evidence.

Finally, we held a Public Hearing with the Minister for Social Security to question her on the evidence we had received to date. All of this information was collected, analysed and informs this Report.

5 Extent and Causes of Overpayments

Prevalence

One of the Panel's Terms of Reference, and therefore an aim of this review, was to assess the extent to which Income Support Benefit overpayments occur. From the submissions the Panel received, both those that have been made publicly available and those received confidentially, it became evident that this was happening quite regularly and impacting a significant number of individuals who were receiving Income Support benefits. For instance, when asked how often key stakeholders were contacted about the issue of overpayments, some of the responses we received included:

“ On a daily basis. Sometimes by several islanders.³

“ The topic of overpayments would be discussed on a weekly basis with at least one family.⁴

“ Staff report that they frequently (almost daily) speak to clients about Income Support and other forms of benefit, including overpayments.⁵

The Panel queried with the Minister how many households were currently repaying Income Support overpayments. We were told that out of the 5,170 households that were currently in receipt of the benefit, 1,196 were on plans to repay overpayments. That roughly equates to approximately 1 in 5 households that are receiving Income Support. It was also advised, however, that an additional estimated 1,600 households, whose claims had closed, are also repaying overpaid benefits by instalments.⁶

In terms of the biggest demographic that incur debt due to overpayments of Income Support we were told that, household change of circumstances, which generally create overpayments, are most common for working age households.

KEY FINDING 1: Approximately 1 in 5 households currently in receipt of Income Support and 1,600 households, whose claims have now closed, are repaying overpayments.

³ Written Submission, [Citizens Advice Bureau](#), 16th June 2023

⁴ Written Submission, Private, 4th July 2023

⁵ Written Submission, Private, 17th July 2023

⁶ [Letter](#), Minister for Social Security, 8th August 2023

Reasons for Overpayments

The two most cited reasons for the overpayment of benefits, that the Panel has been made aware of, are errors made by CLS and the failure of claimants to disclose change of circumstances. We will consider both of these in turn.

KEY FINDING 2: The two most cited reasons for the overpayment of benefits are errors made by Customer and Local Services and the failure of claimants to disclose changes of circumstances.

Errors Made by the Department

Errors made by CLS were referred to in submissions to the Panel from both stakeholders and members of the public. These ‘errors’ were often discussed under three main categories; loss of documentation, incorrect information provided to claimants by Income Support Officers (which led to a member of the public unwittingly receiving an overpayment), and processing times for change of circumstances. With regard to lost documents, some examples of the evidence we received are as follows:

“ *I have VERY long documented evidence of numerous failings by social security resulting in me having to pay back over 12,000 pounds to both Andium homes and income support due to errors on their behalf. These include, but are not limited to, lost documents despite having receipts as evidence of delivery.*⁷

“ *The woman did give in the change of circumstances. I think she gave them in herself, hand in hand. I think the document was then lost. This then caused an overpayment, because her circumstances had not been changed. It then caused her rental arrears as well... Yes, she is now in a whole load of debt, due to a piece of paper being lost.*⁸

In the Public Hearing with the Minister for Social Security we raised the issue of lost documentation. The Group Director told the Panel that the majority (two-thirds) of changes of circumstances are submitted online, and the rest is handed in in paper form to a customer representative at the Department. Once that information is received, it is passed straight across to the Income Support Officers who then scan the documents and attach them to claimants’ individual records. The Chief Officer assured the Panel that processes were in place to try to minimise the risk of any loss of information but acknowledged that it can happen and, when it does, Officers need to request the information again from the claimant.⁹

⁷ Written Submission, [Anonymous 3](#), 23rd June 2023

⁸ Private Hearing, Anonymous, 14th July 2023

⁹ [Public Hearing](#), Minister for Social Security, 25th July 2023

From the evidence we received, we are aware that it can be difficult for claimants to prove that documents were handed in to CLS, as the Department does not provide any acknowledgment, by way of a receipt, that the documents were received. When we asked whether consideration had been given to ways of evidencing the receipt of documentation (i.e., date stamping the document and providing a copy back to the claimant) we were told that the new IT system would allow claimants to see their own correspondence and data online which “*will give people the comfort to know that the information they have provided is there.*”¹⁰

KEY FINDING 3: The loss of documentation relating to changes of circumstances by Customer and Local Services has been identified as a cause of overpayments. A significant proportion of change of circumstance submissions are received in paper form but there are currently no processes in place that provide claimants with proof of receipt or assurance that their documents have been received by the Department.

RECOMMENDATION 1: The Minister for Social Security should ensure that customers are provided with a copy of any documentation handed in to Customer and Local Services, which has been stamped with the date of receipt. This will provide both the claimants and Department with a greater understanding of the situation and minimise the risk of a dispute.

One member of the public spoke of circumstances where they were given incorrect information by an Officer within CLS which resulted in owing money to Income Support:

“ I called social to inquire before I worked, the gentleman told me I could work up to 8 hrs without it affecting my benefits. You think you can believe what you’re told, but oh no I was given the wrong information. So I worked 4 hrs every Friday and never went above 8 hours. Well they contacted me to ask about this little job I was doing, and then called in for a meeting, I was told “a lot of people think you can work on benefits”, which you can but never tell you they take 74% of what you earn. And it’s not a lot. I used to take £40.00 home so with 74% taken off I was barely taking anything home. So I now have to pay back all that money until 2024. And I was also told nobody would have told me what I was told, so I said your calling me a liar then, and they said no we are not, but you have a lot of money to pay us back.”¹¹

Other submissions referred to errors by CLS more generally:

“ The most common reason for overpayments is error made by Income Support, leaving parishioners feeling both frustrated and annoyed, and because of which those concerned suffer when payments are corrected.”¹²

¹⁰ [Public Hearing](#), Minister for Social Security, 25th July 2023, p26

¹¹ Private Hearing, Anonymous 4, 14th July 2023

¹² Written Submission, [St Helier](#), 28th June 2023

“ Another issue that comes up from time to time is that of overpayments caused by office error at CLS. In such situations the client is still required to repay the overpayment even though they have complied fully with the instructions of the department and acted honestly and with due diligence. The repayment of an overpayment can cause real hardship and it seems unfair to impose such hardship on a person through no fault of their own.¹³

In addition to the above, many others raised their concerns with the Panel regarding the seemingly unfair practice of compelling someone to repay an overpayment, which may have been accrued over a number of years unknowingly, due to an error made by CLS. The same concerns were also raised in respect of overpayments caused by processing times for change of circumstances.

Whilst it is acknowledged that very small overpayments are sometimes unavoidable due to the fact that Jersey pays Income Support weekly in advance, the time it takes for CLS to process information, once it has been received, has on occasions led to a greater overpayment for the claimant. We will discuss the matter of processing times further in Chapter 7 of this report.

In regard to both these scenarios the Panel asked the Minister for Social Security whether it was appropriate for people to have to repay overpayments that were no fault of their own. The Minister advised:

“ As a basic principle, that money comes from the taxpayer. As a basic principle, if somebody has received money to which they are not entitled, it is not unreasonable to recover that money.... It is recovered like any other overpayment when there is an error because, again, it is the taxpayer that suffers.

The Panel found that in the majority of cases where errors by the Department were cited as the cause of the overpayments, in both submissions and during the Private Hearings, it was advised that no apology was provided by the Department. One individual wrote:

“ I asked why a review of my income support had not happened in ten years? - which had allowed the ‘debt’ to reach £3,000 - and was told “We’ve been understaffed.” I replied, ‘What, for ten years!’ One of the worst things is that I have received no apology whatsoever. They cannot deny that shortcomings in the department have caused many people stress, yet they pointedly refuse to apologise.¹⁴

¹³ Written Submission, Private, 17th July 2023

¹⁴ Written Submission, [Anonymous 12](#), 20th July 2023

Another individual told us in a Private Hearing:

“ So she [a manager] said: “Well, you are flashing and you owe us £5,000.” I was just like ... I did not know what to say. I went back into Income Support. I spoke to them again...and the female manager came over and she said: “No, this is not right...Why have you been told you owe £5,000?” ...there had been no explanation, no apology, no letter. I had nothing.”¹⁵

Considering the significant impact overpayments can have on an individuals' wellbeing (which is discussed in detail in the next Chapter), the Panel was disappointed that these errors are not, at the very least, acknowledged and apologised for.

KEY FINDING 4: The Panel appreciates that some overpayments are inevitable due to the nature of Income Support benefits being paid in advance. However, there are times when Customer and Local Services has made a calculation or administrative error that results in a claimant accruing an overpayment. In instances where an overpayment has occurred at the fault of CLS, no acknowledgment of this mistake nor an apology is issued by the Department.

RECOMMENDATION 2: The Minister for Social Security should ensure that the communication that notifies a claimant about an overpayment, which has occurred as a result of departmental errors, includes an acknowledgement of error and apology. This should be considered during the Minister's wider review of Customer and Local Services communications.

RECOMMENDATION 3: The Minister for Social Security must ensure that Customer and Local Services does not recover overpayments that result from errors made by the Department.

Failure or delay in disclosing changes of circumstances

The other main reason cited for overpayments is claimants of Income Support failing to inform CLS when there has been a change to their circumstances. Article 16 of the [Income Support \(Jersey\) Law 2007](#) (ISJL) stipulates that it is an offence to fail to notify a change of circumstances which effects the level of payment to which the household is entitled or their entitlement to Income Support altogether. Chapter 10 of the current “[Income Support Policy Guidelines](#)”, which can be found on Gov.je provides a list of 16 changes (but not exhaustive) that must be reported to CLS. These include a change of income, moving to new

¹⁵ Private Hearing, Anonymous 2, 14th July 2023

accommodation, anyone moving in or out of the house, and any change to maintenance payments.

A number of submissions that the Panel received highlighted this as a reason for overpayments of Income Support. For example, we were advised:

“ *The most common reason our clients have overpayments are either interdependent relationships which they haven’t made known to social or not updating their circumstances every time they change.*¹⁶

“ *The main cause of overpayments in respect of Care Leavers would be when there is a Change of Circumstance, i.e., loss/change of employment or a period of absence in employment due to sickness, which is not reported by the young adult as soon as it occurs and therefore, can incur overpayments.*¹⁷

“ *Due to the complicated process, several claimants simply failed to disclose information changes.*¹⁸

It became evident to the Panel, however, that often failure to disclose a change of circumstances was not done knowingly or maliciously. In some instances, individuals faced substantial debt due to simply not understanding the rules and policies concerning Income Support, and specifically, which types of change of circumstance require notification to CLS. We learnt that this misunderstanding could occur for several different reasons, those being: lack of clear guidance and information from CLS, complicated processes and a lack of diversity in communication techniques.

One of our stakeholders told us that *“sometimes clients do not know to inform [us] or IS [Income Support], and overpayments can occur. This may be for many reasons, including confusion for a client regarding the processes, which may also link to clients who do not have English as their first language.*¹⁹

We also heard from an individual who had been contacted by CLS and told that they owed £3,000 due to not informing the Department of annual cost of living increases to their small UK pension. They advised us that they *“had not considered these very small increases to constitute an increase in income, merely keeping the status quo.”*²⁰. The issue of communication is considered in greater detail in Chapter 8.

¹⁶ Written Submission, [Citizens Advice Bureau](#), 16th June 2023

¹⁷ Written Submission, [Leaving Care Team](#), 5th July 2023

¹⁸ Written Submission, [St Helier](#), 28th June 2023

¹⁹ Written Submission, Private, 4th July 2023

²⁰ Written Submission, [Anonymous 12](#), 20th August 2023

KEY FINDING 5: Our evidence shows that some overpayments have occurred due to a lack of understanding of the instances that qualify as a change of circumstances and that require Customer and Local Services to be notified.

The Panel wished to understand the extent to which overpayments are caused by both CLS errors and delay of the notification of change of circumstances. However, we were disappointed to learn that the Minister for Social Security was unable to provide a breakdown of why overpayments occur. Whilst we were advised that *“the main cause is the department not being notified in advance of change to the income (mostly earnings) of a household”*, we were also told that:

“ *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.*²¹

In the Panel’s view, in order for the Department to make continued improvements to processes relating to overpayments and the Income Support system as a whole, it is imperative that CLS understands why overpayments are occurring in order to target changes accordingly.

KEY FINDING 6: Data evidencing why overpayments occur is not held centrally and, as a result, cannot be analysed without collating information manually from individual records.

RECOMMENDATION 4: The Minister for Social Security must ensure that data relating to the reasons why overpayments occur is held on a central database to allow this information to be analysed and for targeted changes/improvements to processes to be implemented, where necessary.

²¹ [Letter](#), Minister for Social Security, 8th August 2023

6 The Impact of Overpayments

When gathering evidence in respect of the impact of overpayments, the Panel was shocked and saddened by some of the responses it received both within submissions and in Private Hearings. Evidence suggests that being in debt to CLS due to overpayments of Income Support not only causes significant financial concerns but also impacts the wellbeing of individuals and their families. We therefore wish to consider these separately, although at the same time acknowledging that one is likely the consequence of the other.

Financial Impact

According to The Salvation Army, *“the repaying of debts from overpayment of income support benefit is a significant cause of financial hardship amongst Jersey residents. Repaying these debts is one of the most common causes of people needing to access foodbanks.”* The Charity continued:

“ Any deduction from the income support benefit will leave a household short of what it requires to function to a reasonable standard of living, and therefore in financial hardship and potentially in poverty. This is the outcome we see regularly among those we support. Deductions from income support benefit to repay overpayments leaves individuals and families unable to cope financially.²²

The Panel received many more testimonies which supported The Salvation Army’s findings. Some examples are provided:

“ I am both struggling to make ends meet with both paying rent and providing for myself as a health care assistant working 0 hours contract, Living pay check to pay check.²³

“ In one instance we supported a single mother who was repaying an IS [Income Support] overpayment who regularly needed to use the Food Bank to survive.²⁴

“ The requirement to repay overpaid benefits can place genuine financial hardship on an individual and their household....What I have seen with that is when people have an overpayment, the weekly amount will come out of their Income Support money or their normal money which will take out of their rent money so then they end up going into rental arrears, because they are paying such a high weekly amount it takes out of the rental money... It’s a vicious cycle.²⁵

²² Written Submission, [The Salvation Army](#), 5th July 2023.

²³ Written Submission, [Anonymous 7](#), 14th June 2023

²⁴ Written Submission, [EYECAN](#), 14th July 2023

²⁵ Private Hearing, Anonymous, 14th July 2023

“ *The way income support is managed by the officers and enforcement team are quite barbaric I now often have to choose without borrowing money to go without my medication or eating, it is awful.*²⁶

“ *They have stopped my claim, so I am in rent arrears. I have no idea how I am going to survive paying rent, because I cannot pay rent.*²⁷

When we raised this with the Minister for Social Security and her Officers at a Public Hearing, there appeared to be a lack of understanding or acknowledgement that overpayments were placing some people in very financially vulnerable positions. The Minister responded by stating:

“ *I think repayments are scheduled so that they should not put people in hardship, because they will be structured at such a level.*

She continued:

“ *We would not be taking so much from someone who cannot afford to live. It is done on an individualised consultation.*²⁸

The Panel discusses repayment plans in the next Chapter, however, from the evidence we gathered it appears that what the Minister describes above does not always happen. If this was indeed true, we would not be receiving evidence from numerous sources that suggest overpayments are causing financial hardship and individuals are having to access foodbanks to survive.

KEY FINDING 7: Overpayments of Income Support benefits have a significant financial impact on those required to repay them. The review has found that many claimants repaying an overpayment of Income Support benefits are facing significant financial hardship, and as a consequence some individuals are in rental arrears, choosing between eating and buying medication, or accessing food banks.

Reliance on Charities for Support

A number of our stakeholders spoke about a reliance on Jersey charities to support individuals who are having to repay overpayments. In this regard, The Salvation Army told the Panel:

²⁶ Written Submission, [Anonymous 1](#), 14th June 2023

²⁷ Private Hearing, Anonymous 6, 19th June 2023

²⁸ [Public Hearing](#), Minister for Social Security, 14th July 2023

“ *The significant number of people accessing food banks because of reduced income support benefits following overpayments places a financial burden on charities... Whilst charities like ours exist to support those in need, and would never turn some away without providing support, there is a financial cost to charities as a direct result of overpayments in Income Support benefit.*²⁹ ”

Similarly, the charity Brightly informed the Panel in their submission that they had made a direct financial contribution to an individual repaying an Income Support benefit overpayment. They told us:

“ *[She] felt trapped and unable to move forward with this ongoing debt hanging over her. We subsequently made a financial contribution which, along with her contribution, reduced the outstanding debt to a more manageable level, and we believe she was then able to cope with the repayments going forward.*³⁰ ”

We also received submissions from other local charities, namely, Citizens Advice Jersey³¹ and EYECAN³², which have supported numerous individuals with Income Support benefit overpayments, not only financially but emotionally, with administrative tasks and by attending meetings at CLS with claimants.

The Panel is also aware that staff at CLS are actively signposting claimants to charities to assist them financially when they are raising concerns about their financial position. The Panel has concerns about this practice, particularly in instances where charities are partially funded by the Government. This evidence also suggests that individuals are not being supported appropriately by CLS to establish a suitable repayment plan, and consequently, have to rely on charitable organisations for support.

KEY FINDING 8: The Panel is aware of a number of local charities that are supporting individuals dealing with an overpayment in various ways, such as, but not limited to emotionally, administratively, and financially. Charities are incurring a financial cost in their support of individuals as a direct result of Income Support benefit overpayments.

KEY FINDING 9: The signposting of claimants to charities for financial assistance by Income Support officers suggests that the Department is aware that individuals are suffering significant financial hardship and are not considering this appropriately during the determination process of a person's repayment plan.

²⁹ [The Salvation Army](#), Written Submission, 5th July 2023.

³⁰ [Brightly](#), Written Submission, 23rd June 2023

³¹ [Citizens Advice Jersey](#), Written Submission, 16th June 2023

³² [EYECAN](#), Written Submission, 14th July 2023.

Impact on Wellbeing

One of the most troubling findings for the Panel during the undertaking of this review was the extent to which overpayments had impacted some individual's wellbeing and mental health.

Such admissions were provided in written submissions but also during Private Hearings with members of the public and stakeholders. Words such as "anxiety", "distress", "sleepless nights", and "very low mood" were used to describe their emotional state. One also spoke about the impact of their wellbeing on their ability to look after their children, and a result had relied a lot on family members to provide this care. Out of the five Hearings we held with members of the public, three individuals told the Panel that they had either tried to commit suicide or had had suicidal thoughts due to the stress caused by being in debt to CLS.

Below are examples of some of the responses the Panel received which highlighted the impact of overpayments on individuals' wellbeing:

“

*I hit rock bottom again and just gave up and didn't leave my flat for months, as all my confidence had gone and my mental health deteriorated badly, but they don't care less.*³³

“

*In one case, an older person receiving a pension had even been forced to seek treatment from his GP because of the level of anxiety they were feeling as a result of being informed of the overpayments. They had been caused sleepless nights, and the lack of sleep coupled with their anxiety made existing medical conditions significantly worse. The way that information was given to them by letter, and then a lack of follow-up care had a hugely negative impact.*³⁴

“

*In the beginning I was very low. I almost did not really leave my house very much. I literally went to work and home. My boyfriend, bless him, he was so understanding, but I was just so moody all the time. I was constantly overthinking it and always thinking: "What can I do? What can I do..."*³⁵

“

During this time X's anxiety increased and she suffered sleepless nights. The IS [Income Support] overpayment, for which she was not responsible, was yet another thing she had to deal with in addition to increasing health problems and her existing debt. In consequence, X had to cut back on food shopping and rarely saw friends.

³³ Written Submission, [Anonymous 4](#), 26th June 2023

³⁴ Written Submission, [The Salvation Army](#), 5th July 2023.

³⁵ Private Hearing, [Anonymous 7](#), 14th July 2023

*Importantly, in respect to X's mental health, the overpayment also set back the time when her debt would be cleared.*³⁶

KEY FINDING 10: The overpayment of Income Support benefits has a very significant impact on the mental health and wellbeing of individuals. This impact is so severe in some cases that individuals have considered or attempted to take their own lives.

RECOMMENDATION 5: The Minister for Social Security must acknowledge the detrimental impact that an overpayment of Income Support benefit can have on an individual's mental health and wellbeing.

At a Public Hearing in July, the Panel asked the Minister for Social Security whether she was aware of the issue having this sort of impact on an individual's wellbeing. The Minister told us *"If people come to talk to us, we will talk with them about it. We do not know what their level of debt is, a lot of the debts are relatively small amounts"*.³⁷ She went on to explain the Department's endeavour to set repayments at a level people can afford.

We then pressed the Minister again as to whether she was aware of these experiences and how CLS would go about addressing them. The Group Director for CLS told the Panel that when an overpayment occurs the team speaks with the claimant. He also advised that *"officers are well-trained to meet with claimants who have got challenging situations and just engage with them on a one-to-one basis"* to fully understand what is going on and be accommodating to try to support best they can.³⁸

The extent to which conversations between CLS and the claimant take place when an overpayment has been identified is questionable. The Panel's evidence suggests that this is not always the case and often claimants only receive letters advising of overpayments and repayment amounts. In addition, the Panel acknowledges that it can be extremely hard for individuals to discuss their own mental health and, if conversations like this are not initiated, there is even less chance someone will voluntarily broach this matter with the Department.

KEY FINDING 11: Neither the Minister nor Officers confirmed that enquiries are made into the wellbeing of claimants facing an overpayment. The Panel is not satisfied that conversations at the point of notification of an overpayment are taking place, therefore making it very difficult for claimants to raise concerns about their wellbeing due to the impact of an overpayment.

³⁶ Written Submission, [EYECAN](#), 14th July 2023

³⁷ [Public Hearing](#) with the Minister for Social Security, 25th July 2023, p4

³⁸ [Public Hearing](#) with the Minister for Social Security, 25th July 2023.

RECOMMENDATION 6: The Minister for Social Security should ensure that either claimants are appropriately signposted to support services when they are notified of an overpayment, or Income Support Officers ensure the wellbeing of the claimant is considered during the repayment plan process. The Minister should give particular consideration to the impact of overpayments on vulnerable individuals.

Impact on Families

As illustrated above, Income Support benefit overpayments have a significant impact on an individual. The Panel sought to understand whether this impact also inadvertently extends to dependants or related individuals of a claimant.

In response to the Panel's call for evidence, Mencap identified the additional impacts faced by a claimant who is a parent or carer:

“ *For parent-carers who might be in receipt of benefit, ensuring staff have awareness of some of the challenges faced, i.e. everyday stresses might be physically, emotionally and financially difficult and how that impacts a family.* ³⁹

In a submission received from the Children's Commissioner, the impact of Income Support overpayments on children was identified as an issue. The submission noted:

“ *On reviewing the enquiries, we have had I can see clear themes emerging, all of which are underpinned by practice, policy and legislation that does not consider children's rights... These are families who are of lower social economic status and for whom any negative impact on their income support contribution will impact on all members of the household.... There are also wider considerations of children's rights in relation to policies levied toward adult income support claimants and these are around dignity, respect, family, life and survival.* ⁴⁰

During a Private Hearing with a member of the public, the individual spoke of the impact that the investigation into a suspected nondisclosure of change of circumstances had on their children.

“ **Deputy R.J. Ward:** *So they just turned up at your house?*

³⁹ Written Submission, [Jersey Mencap](#), 26th June 2023.

⁴⁰ Written Submission, [Children's Commissioner](#), 26th July 2023.

Member of the Public: *Yes...it was in the evening, it was just me and my 2 kids...I welcomed them in...the 2 kids, I sent them upstairs. I broke down, hysterically crying and the 2 kids sat on the stairs the whole time and listened to everything. It was horrific. No kid should be in the house when things like that go on.*⁴¹

When the Minister for Social Security responded to Deputy C. D. Curtis' [Oral Question \(OQ.156-2023\)](#) earlier this year, regarding the consideration of children in Income Support repayment plans, she stated that:

“ *I can reassure Members that the safeguarding of children is always given a high priority in any income support decisions.*

However, when the Minister was questioned on whether consideration is given to the impact of overpayments on children in the Public Hearing, she advised that children are considered only as part of the repayment determination process:

“ *Deputy C.S. Alves: Okay, so it is not things like well-being, mental health, children's well-being, et cetera, those kind of things, you are solely looking at the numbers and how much people can afford.*

The Minister for Social Security: *The fact that there are children in the house will go to how much the household needs to live.*

Given the documented impact of overpayments on children, the Panel is dissatisfied at the Minister's response and maintains that children should be considered in all processes related to overpayments, not just as a component factor in the determination of a repayment plan.

We note that Pledge 2 of the Government's commitment to Putting Children First⁴², states that “we will provide integrated support for families that need extra help caring for their children”. This commitment can be seen to include supporting families that need extra financial help like those in receipt of Income Support. By not considering the impact of overpayments on children in families that need extra financial help, it could be argued that the Minister is not fulfilling this pledge and is, in some cases, contributing to the need for families to seek support from local charities, as evidenced in previous sections.

KEY FINDING 12: Income Support overpayments have been identified as negatively impacting claimants and those closest to them. Our evidence has specifically highlighted that children are significantly impacted by overpayments.

⁴¹ Private Hearing, Anonymous 6, 19th June 2023

⁴² [8 Pledges to Put Children First. Gov.je Website.](#)

KEY FINDING 13: Children are not considered within the processes related to Income Support benefit overpayments other than as a financial component within the determination of a repayment plan. No consideration is given to the wellbeing impact of the overpayments process on children.

RECOMMENDATION 7: In order to the minimise the impact of overpayments on children, the Minister for Social Security should review the overpayment processes to ensure that the wellbeing of children is considered at every stage.

Another consideration of overpayments on families is the impact on the family dynamic. Brightly wrote of the impact of an overpayment on a family they had been supporting:

“ We were made aware last year of a situation in which a family, due to the husband not declaring a change in circumstances, accrued a significant debt with IS [Income Support] because of overpayments. Due to the family dynamics, it was not safe for his wife and child to continue living in the family home. As the claim was in the wife’s name, this debt was attributed to her rather than him. Although she managed to pay off about an eighth of the debt, she felt trapped and unable to move forward with this ongoing debt hanging over her. ⁹

The fact that Income Support assessments are based on household claims rather than individual claims is an issue that has been raised by more than one stakeholder during our review. The Panel has been made aware of two instances where a claimant has accrued an overpayment due to their partner not declaring a change in circumstance to the Department or the claimants. As such, the claimants were liable for the repayment of debt that was no fault of their own due to the nature of Jersey’s Income Support assessment practice.

In a Private Hearing with a local charity, we were told that this issue contributed to the financial coercion present within a relationship.

Deputy R.J. Ward:
“ Do you think the household, the fact that it is done on a household, do you think that is part of the issue?

Charity Representative
Yes, 100 per cent.⁴³

⁴³ Private Hearing, Anonymous, 12th July 2023

The Panel is concerned that, in a household with children, the mother is more likely to be the claimant for the household, which means that, should an overpayment occur, she is liable for the repayment of debt incurred by any member of the household. In abusive or coercive relationships this liability can be exploited, as we have heard in two different cases. When the Minister was questioned during the Public Hearing on whether any consideration had been given to individual assessments, the Associate Policy Director replied:

“ *Having single people claim income support in their own right would be a very, very complicated thing to do.* ”

KEY FINDING 14: The structure of Income Support claims being assessed by a household places full liability for an overpayment within the household on the claimant. In abusive or coercive relationships this liability can become exploited and can contribute to financial coercion.

7 Current Procedures, Policies and Legislation

The Panel received a significant number of submissions that raised concerns relating to the procedures, policies, and legislation currently in place regarding Income Support, that specifically impact the overpayment process. The overall message from those that submitted evidence to the Panel is that the complexity of the Income Support system and its rules and policies are exacerbating the prevalence of overpayments. For example, The Salvation Army commented:

“ *The rules, policies and underpinning legislation regarding income support are difficult to navigate and understand, leaving people vulnerable to receiving overpayments unknowingly and therefore falling into debt with Social Security.*⁴⁴

In this Chapter the Panel has focused on the key themes that were recurring in the evidence that we received. We consider these issues in turn.

Repayment Process

Article 13 of the ISJL gives the Minister for Social Security the powers to recover amounts of Income Support benefit which were not properly payable. In a letter to the Minister for Social Security in July, we asked how repayments for overpayments of Income Support benefits are calculated. The Minister advised that when an overpayment occurs, the first thing the Determining Officer (DO) does is to establish whether the individual can pay back the overpayment immediately. If the household is unable to do so, the DO will refer to guidance in conjunction with consideration of the household’s current financial circumstances. The guidance that CLS uses to determine the repayment amount is set out below:⁴⁵

Debt Amount	Recovery Guidance
£0-£999	£3 per day
£1000-£1999	£4 per day
£2000-£4999	£5 per day
£5000	Max – half the adult component (currently £7.95)

In a Public Hearing with the Panel, we were told that the guidance above has not been changed or replaced since the Income Support (Jersey) Law 2007 came into effect in 2008.⁴⁶ The Panel queried why this was the case considering there have been substantial increases

⁴⁴ Written Submission, [The Salvation Army](#), 5th July 2023.

⁴⁵ [Letter](#), Minister for Social Security, 17th July 2023

⁴⁶ [Public Hearing](#), Minister for Social Security, 25th July 2023

to inflation rates and cost of living in the last 15 years. The Minister advised that “*maintaining the 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.*”⁴⁷

In addition to the guidance, we were advised that, *when possible*, a DO will ensure that the household has at least the personal component for each household member to live on. For example, according to the Minister, a single individual will have at least the adult component (£111.30 a week) to live on once their rent has been paid in full, a couple with one child would have two adult components (2 x £111.30 a week) and one child component (£91.70 a week) to live on. The Minister was eager to highlight to the Panel that every debt and its recovery are looked at on a case-by-case basis, taking the circumstances of the individual and their household into account. During a BBC interview on this subject, when asked what happens when CLS discover an overpayment has been made, the Minister also stated:

“ *I believe we contact the individual and we discuss it with them. We look at the amount of the overpayment and we agree a repayment plan with them. So, repayment plans are discussed on a case-by-case basis with the customer and it should take the customer’s circumstances into account... I think we always leave people with a minimum, we would never leave people with nothing. That simply is not the case. It’ll be discussed what they can afford, and that’s why sometimes these repayment plans can take a very long time, [which is one criticism we often hear], because they are set a low level that the individual can afford.*”⁴⁸

In our Hearing with the Minister, we were advised that CLS’s current working practice is to only speak to people who have an overpayment of more than £500. For those individuals, rather than just receiving a letter, we were told they are contacted by CLS to establish whether the Department has the correct information and to explain the information that will be set out in the letter when it arrives.⁴⁹ After further enquires, we learnt that 738 households, at the time of writing this report, were paying an overpayment greater than £500. The Panel also ascertained that the practice of initiating discussions with individuals whose repayments are greater than £500 is not written into policy but is included in CLS’ internal guidelines which form part of the Income Support training for staff.⁵⁰

KEY FINDING 15: The practice of discussing repayment plans with individuals to ensure they can afford them is not written in policy but rather is included in Customer and Local Services’ internal guidelines which form part of Income Support training for staff.

⁴⁷ [Letter](#), Minister for Social Security, 8th August 2023.

⁴⁸ BBC Radio Jersey Interview, 17th July 2023

⁴⁹ [Public Hearing](#), Minister for Social Security, 25th July 2023

⁵⁰ [Letter](#), Minister for Social Security, 8th August 2023.

Contrary to what the Minister advised, the Panel's evidence suggests that individuals are not always contacted before receiving a letter when their debt is greater than £500 and, if individuals are contacted, open discussions regarding how much that member of the public can afford to pay do not always happen. In her interview with BBC radio, the Minister announced that *"if people are struggling, I would ask them to come back to the department and tell us that so that we can look at repayment plans and see if it can be adjusted"*. The feedback we received indicated that when individuals do contact the Department to inform them that the repayment amount would cause real financial hardship, they are not always listened to.

Please note that all of the examples provided below are cases where the overpayment amount was greater than £500.

According to one member of the public, they were only sent a letter informing them of their debt, rather than receiving a phone call, and no discussion took place as whether they could afford the monthly repayments:

“ *This happens regularly and all they do is send you a letter and take away £3 a day until it is cleared... I was paid too much because they had made a clerical error with my Long-Term Incapacity Benefit. Nothing I could do about. They just told me that they had made an error. I had to pay this money back over 8 months and that's that. Not even an apology or an inquiry as to whether I could afford to pay it back.*⁵¹ ”

In response to an Oral Question in July this year, the Minister stated that *"[repayment] plans are negotiated and discussed with the adults of a household, and it is for them to agree with the Department a plan that they feel meets their needs."*⁵² However, our evidence suggests that some individuals have little say in what their repayments look like, and instead of it being an open conversation, it is a decision made by CLS. The following are some examples where individuals have tried to speak to CLS about their financial struggles but have not felt that their concerns have been listened to or acted upon:

“ *I...have had telephone calls with the department, but it gets one nowhere. I am having to pay back the whole amount, which means my income support, which they have calculated to amount to £133.28 every 4 weeks is now reduced, for the next three years(!) to £49.28 every 4 weeks after the deduction of £84 - the payback amount. After receiving a final letter a few days ago setting out their calculations I rang yesterday and spoke to [an employee] from the income support department and asked if he thought it was reasonable to expect someone, who needed £133 every* ”

⁵¹ Written Submission, [Anonymous 8](#), 29th June 2023

⁵² [Oral Question, OQ.156/2023](#)

month to cope on £49, and for such an extended length of time. For reply he fell back on 'We are just following regulations' or 'procedures' or some such phrase.⁵³

“When I went into another appointment to see if those figures were right, you know: “What do you want me to pay a month?”, £150 is just not possible. They said: “You have to appeal that” and I did. I contacted the debt collection team. They had me fill in a form. I filled in the form - this was all via email - and it was as if they were not listening.... So through these emails I conveyed it so clearly that I could not afford it and the email I received after sending this statement almost it is like: “We are able to accept £150” so it is ... They did not give me the time of the day. I know obviously it was through email, but they just were not listening.”⁵⁴

Deputy R.J. Ward:

“Have they spoken to you about this? Have they spoken to you at any point about the consequences of them taking this back and where it leaves you?”

Anonymous 4:

No, they are not bothered. Because that is what I said in one of the meetings that: “How do you expect me to survive?” and they told me to get rid of my car, get rid of my Sky, and stop smoking, and I will be able to survive.”⁵⁵

KEY FINDING 16: When individuals try to discuss their financial struggles and vulnerability with Customer and Local Services following an overpayment notification their concerns are not always listened to or acted upon.

As discussed in Chapter 3, overpayments have a significant impact on individuals and so the negotiation of repayment plans is crucial to the avoidance of financial hardship, detrimental impacts on wellbeing and reliance on charities. In written submissions or conversations with the Panel, two of our stakeholders raised concerns regarding the repayment process and the lack of consideration given by the Department to their clients' financial position when calculating the weekly rate and the difficulty in negotiating the repayment amount.

“To negotiate weekly repayment without enforcing that straight on the client without knowing their full finance background; the highest I have seen is about £50 a week coming off and that is taken into their rent payments. They have not looked at the client's whole financial background before implementing this coming off of their weekly amount.”⁵⁶

⁵³ Written Submission, [Anonymous 12](#), 20th July 2023

⁵⁴ Private Hearing, Anonymous 7, 14th July 2023

⁵⁵ Private Hearing, Anonymous 4, 14th July 2023

⁵⁶ Private Hearing, Anonymous, 14th July 2023

“ ...you do come up against “computer says no”. “There is nothing we can do. This is how it is. I think sometimes it is hard to get past that barrier with the person in front of you.”⁵⁷

RECOMMENDATION 8: The Minister for Social Security must undertake a review of the current guidelines that are used to determine a repayment amount and amend where necessary to ensure that repayments of overpayments of the Income Support benefit are not causing financial hardship and leaving individuals or families financially vulnerable.

KEY FINDING 17: Despite the Minister for Social Security stating that repayment plans are discussed on a case-by-case basis, taking the household’s circumstances into account, we found that this is not always happening in practice.

KEY FINDING 18: The Panel’s evidence suggests that individuals are not always contacted before receiving a letter when their debt is greater than £500 and, if individuals are contacted, open discussions regarding how much they can afford are not always happening.

RECOMMENDATION 9: The Minister for Social Security must ensure that every individual, whose repayment amount is £500 or greater, is contacted by Customer and Local Services and invited to a face-to-face meeting, where possible, to discuss a repayment plan that considers the household’s whole financial background to ensure that it is affordable and does not leave an individual or family facing financial hardship.

Processing Times for Changes of Circumstances

One of the main themes that we identified during our review was concerns raised regarding the time it takes CLS to process information relating to changes of circumstances that impact a person’s Income Support claim. Any change in rate is implemented at the same time the claim is assessed and is backdated to the date of change. So, the longer it takes to process a claim the greater the overpayment amount. Below are three examples of evidence we received that referred to this matter:

“ Often the processing of an income support claim or change of circumstances can take many weeks. This not only causes real and extreme problems to people but, in the case of a change of circumstances, can cause the amount of the overpayment to increase.”⁵⁸

⁵⁷ Private Hearing, Anonymous, 12th July 2023

⁵⁸ Written Submission, Private, 17th July 2023

“ Our understanding is that the time it takes for an individual case to be reviewed and adjustments made, can lead to debt and hardship.⁵⁹

“ The main thing for me, and I probably speak for many that have been on income support, when there is a change of circumstances which can be ... maybe you have had a pay rise or maybe ... we submit it online as soon as we find out. It does not then get checked or looked at for 2, 3 weeks so by that time you then receive a letter from Income Support thanking you and then saying: “You owe us £400 as we have overpaid you.”⁶⁰

In a letter to the Minister in July, we queried how long it takes Income Support, on average, to process a change of circumstances and for this to be reflected in an individual’s claim amount. It was advised that the Department aims to implement changes within 5 days of receiving all the information but that it currently takes on average 9 days to process a change in circumstances.⁶¹

The Panel wished to understand how often processing changes takes over 9 days to complete. We were told that the Department’s IT system does not enable Officers to record the time taken to process each individual change of circumstance and, instead, have used a “*simple method of measuring the oldest outstanding*” in the Minister’s response to the Panel. Based on this method, we were informed that, so far in 2023, the oldest change of circumstances outstanding was at 9 days or more in 39 out of 144 days. However, it was emphasised that on these days, many changes of circumstance would have been processed within the 5 days (e.g., increases in income).⁶²

KEY FINDING 19: Customer and Local Services’ IT system does not enable Officers to record the time taken to process each individual change of circumstance.

We were informed that the increase in processing time from 5 to an average of 9 days was due to the time it takes to obtain all the necessary information from households.⁶³ Similarly, during a Public Hearing, the Group Director for CLS told the Panel:

“ I think what tends to happen is that we do get some information, start the process for change, but after closer inspection we realise there is something missing, we have to go back to the claimant to get further information. So, on average, trying to go back

⁵⁹ Written Submission, [Brightly](#), 23rd June 2023

⁶⁰ Private Hearing, Anonymous, 12th July 2023

⁶¹ [Letter](#), Minister for Social Security, 17th July 2023

⁶² [Letter](#), Minister for Social Security, 8th August 2023.

⁶³ [Letter](#), Minister for Social Security, 17th July 2023

*and forth and get the information, can take a little bit longer. But I need to stress that we cannot initiate the change, the financial change, without having absolutely the right information or we are at risk of getting it wrong.*⁶⁴

Following the Hearing, we also learnt that processing times can take longer due to higher volumes of circumstances as a result of seasonal fluctuations, and the availability of resources during busy periods. When we asked the Minister whether CLS keeps a record of the reasons behind extended processing times, she advised that “*our system does not allow us to record this information*”.⁶⁵

KEY FINDING 20: Customer and Local Services’ current IT system does not allow Officers to record the reasons for extended processing times of changes of circumstances.

RECOMMENDATION 10: The Minister for Social Security must ensure that the new IT system for Customer and Local Services enables the capturing of processing times for each change of circumstance and the reasons for extended processing times. This will allow for analysis to be undertaken, changes to be made where necessary and resources to be directed appropriately.

Three key stakeholders who engaged with the Panel during its review proposed solutions to reducing the impact of extended processing times on the amount of overpayment accrued:

“ *Effort should be invested into developing processes and systems which reduce the amount of time it takes to deal with Income Support matters by CLS. This in turn reduces the amount of overpaid benefit which has to be recovered.*⁶⁶

“ *...I am not saying you have to deal with it on the day but the date that the email comes in, that should be: “Right, well they did actually bring this in on time before, so we really need to honour it from then.”*⁶⁷

“ *My personal view, it would be effective from the date they action it, because it is not the individual’s fault that it takes 2 to 3 weeks to action it. They do not know the amount they are being impacted by, to go: “Right from 1st May you are down £50 a week. We did not process it until the 28th, so we are going to claw all that back”, because they did not know they were being impacted by that amount.*⁶⁸

⁶⁴ [Public Hearing](#), Minister for Social Security, 25th July 2023

⁶⁵ [Letter](#), Minister for Social Security, 8th August 2023.

⁶⁶ Written Submission, Private, 17th July 2023

⁶⁷ Private Hearing, Anonymous, 12th July 2023

⁶⁸ Private Hearing, Anonymous, 14th July 2023

In regard to improving turnaround times for processing information, the Minister advised that the new 'Change in Circumstances' online form states what information is required to process the change and therefore should make the overall process faster. We were also advised that the new IT system that CLS is planning to develop will “*make a significant improvement once it is implemented.*”⁶⁹ Following the Public Hearing, we asked the Minister what the main aims and objectives of the new IT System were. We were told that the system would be designed to minimise the amount of time that CLS staff spend on simple and/or repetitive administrative tasks, whilst also maintaining a fair and appropriate degree of human oversight to ensure decision affecting benefits are made correctly. Furthermore, it was advised that the new system 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.⁷⁰

We note that the procurement phase for the new IT system is about to begin, and the Minister’s aim is to have the system in place by 2025.

KEY FINDING 21: Overpayments can be accrued further by the processing time it takes the Department to effect a change in circumstances. Although the Panel notes that the new IT system will aim to improve and quicken these internal processes, a number of local charities have highlighted the need for quicker processing times in the interim before the IT system is rolled out.

RECOMMENDATION 11: The Minister for Social Security should ensure that any overpayments accrued after the date in which changes circumstances are submitted are not recovered.

Zero-Hour Contracts

We also learnt during our review that the impact of extended processing times is exacerbated for individuals who are on zero-hour contracts. Due to the nature of the Income Support

⁶⁹ [Letter](#), Minister for Social Security, 8th August 2023.

⁷⁰ [Letter](#), Minister for Social Security, 8th August 2023.

system, advance payments will always result in a small overpayment if changes of circumstances are not reported in advance of them happening. However, due to the current turnaround time, we have been advised that some people are experiencing constant overpayments, as well as some underpayments, who are on zero-hour contracts. We were advised by the Group Director for CLS that they would try and work out an average pattern of hours worked and base the benefit amount a claimant would receive on that. However, he also emphasised that communication was key in cases where claimants are receiving fluctuating income, including regular conversations with CLS Officers to ensure that they are understanding the peaks and troughs in the hours individuals are working.

One of our stakeholders told us that claimants on zero-hours contracts are continually submitting change of circumstance forms and providing payslips to CLS:

“ *They are difficult. They are constantly having to update their change of circumstances, constantly having to send in payslips, but because of that 2-week turnaround there is constant underpayments and overpayments. The amount is constantly changing.*

From this account, it appears that no regular conversations are initiated by the Department in order to understand an individual's work pattern. And, as discussed in previous chapters, intended conversations and discussions between the Department and claimants are not always taking place in practice.

KEY FINDING 22: The Panel agrees with Customer and Local Services' acknowledgement that communication with claimants on zero-hour contracts is key to avoiding frequent overpayments. However, the Panel is not satisfied that conversations to understand claimants zero-hour work patterns are being held regularly.

Fraud Investigations

The Panel is of the understanding that an investigation is undertaken when there is suspicion that Income Support benefits are being claimed fraudulently. All leads relating to potential benefit fraud are evaluated based upon the quality of information provided, the likely risk of the fraud occurring, and the value of any potential overpayment. From 2013, the National Intelligence Model (NIM) was introduced within the Social Security Fraud Team in Jersey for decision making and assessing risk. The Panel was also advised that NIM is used to evaluate an allegation prior to opening an investigation. According to a Freedom of Information response in 2016, leads are often identified as genuine mistakes from claimants rather than fraud and these can be quickly rectified, and repayment arranged.⁷¹

⁷¹ [FOI – Benefit Fraud Cases](#)

Home Visits

We learnt that part of an investigation being carried out by CLS in respect of a Fraud, or failure to disclose change in circumstances case might entail an unannounced visit to the claimant's home address. When we asked whether the Minister thought it was appropriate to turn up, out of the blue and without any prior conversation, she told us that sometimes it is the only way to find out if someone is receiving more Income Support than they should be.⁷²

In the Hearing with the Minister, we were assured by the Chief Officer that *"it is a small level of activity that the Department goes to visit to investigate a particular potential fraud in that way."*⁷³ However, following the Hearing, we were told that, whilst CLS does not hold any data on the specific number of unannounced visits that take place (as all visits are documented within the individual investigation file), it is estimated that, on average, 3 home visits are conducted each week as part of an investigation, of which some are pre-arranged with the claimant and some are unannounced.

The Panel received evidence during its review which raised concerns regarding home visits and the way they are conducted. One individual that contacted the Panel, spoke of a male Officer turning up at her home address unannounced and proceeded to speak to her in an aggressive and abrupt manner which left her feeling *"absolutely terrified"*⁷⁴. Another individual was visited (also unannounced) by CLS Officers one evening who 'interviewed' them for 45 minutes whilst their two children were in the house (see evidence on p30). The individual spoke of this situation having a detrimental impact on the children and their wellbeing.

In light of the above, the Panel raised a number of questions at its Public Hearing with the Social Security Minister about the process of conducting home visits when they receive an allegation about a claimant. Firstly, we wished to understand whether it was normal practice for a male Officer to visit an address which is occupied by a single mother and her children and, secondly, whether it was appropriate to undertake a lengthy interview in someone's home when children were present. When we queried whether male Officers are sent to single woman's homes the Minister stated that she would be "very disappointed" if that had happened. The Group Director commented further:

“ I think officers have had a referral come in so they understand what the potential composition is there and we have a mixture within the team of men and women. We will try and accommodate as best we can to make sure we are not making somebody uncomfortable on a visit.

⁷² [Public Hearing](#), Minister for Social Security, 25th July 2023

⁷³ [Public Hearing](#), Minister for Social Security, 25th July 2023

⁷⁴ Private Hearing, Anonymous 4, 14th July 2023

When asked what safeguarding processes were in place before Officers are sent to a home address, the Minister advised that all staff conducting home visits complete the following:

- 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
- Training on the Visiting Officers Code of Conduct.

KEY FINDING 23: Whilst Customer and Local Services Officers consider the composition of the household and try to accommodate the best they can to ensure no one is made to feel uncomfortable during a home visit, this is not always achieved.

RECOMMENDATION 12: The Minister for Social Security must ensure that a female Officer from Customer and Local Services is always present when a home visit takes place at an address occupied by a single woman.

In respect of a household that includes young children, we were advised that CLS Officers would invite the individual into the Department before or after a home visit, depending on the allegation, but would “*strive to have a meeting back at the office*”⁷⁵. The Panel is aware that the offer of having a meeting in the Department is not always provided. Unfortunately, in the absence of this proposal, children can be exposed to types of conversations that should not be happening in their presence. Furthermore, if ‘interviews’ are carried at the time of unannounced visits, potentially vulnerable people are not given the opportunity of having a friend or charitable representative present to provide support.

KEY FINDING 24: Whilst Customer and Local Services Officers strive to invite individuals into the Department for a meeting prior or following a home visit, we found that this is not always offered.

RECOMMENDATION 13: The Minister for Social Security must ensure that following an unannounced home visit, individuals are invited into the Department to discuss their claim, to protect any children that may have been present at the home address and to allow the individual to invite a family member, representative from a charity, or support worker to attend the meeting to provide support.

⁷⁵ [Public Hearing](#), Minister for Social Security, 25th July 2023

The Panel wished to seek clarity from the Minister as to whether it was normal practice by CLS not to make any contact with the claimant prior to the home visit to query their current circumstances and whether there have been any recent changes. We were told that *“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.”*⁷⁶ Whilst the issue of home visits only formed a small part of the evidence we received, those that did discuss this matter confirmed that they had not received a letter from the Department prior to the visit. The Panel finds it hard to recognise an instance where it wouldn't be appropriate to send a letter to the claimant prior to a home visit to establish whether there are any changes that they have not yet declared.

Appeals Process

The Income Support (Jersey) Law 2007 does not give the right of redetermination or appeal against a decision made under Article 13 of the law to recover an overpayment. The right of redetermination and appeal is against the decision that created the overpayment. Provisions for the determination of claims is provided through [Article 9\(1\) of the ISJL](#). Under Article 9, the right of redetermination and appeal is restricted to only those decisions made by DOs under Part 2 of the ISJL (which covers Articles 2 to 7) and Articles 8(1), 11 and 12 of the Law. If a claimant or adult member of the claimant's household is dissatisfied with a determination that is made in respect of the household, and in this case the decision which led the Officer to decide there had been an overpayment, they can require that a matter is redetermined. We were advised that any letter that is sent to a claimant regarding an overpayment, and therefore an amount for repayment, includes a statement that the person can appeal a decision within 21 days of receiving the DOs determination.

According to the Minister, there have only been 28 appeals in the last 5 years from 2018 to present. A breakdown of the outcomes of these appeals are as follows⁷⁷:

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.

⁷⁶ [Letter](#), Minister for Social Security, 8th August 2023.

⁷⁷ [Letter](#), Minister for Social Security, 8th August 2023.

In respect of the 21 days in which you can appeal, one of the issues that was raised to the Panel was the fact that the countdown on that timeline begins from the day the letter is sent, rather than the date it is received. In some cases, during periods where post is particularly slow or over bank holidays, it could mean that the claimant has noticeably less time to appeal. A stakeholder told the Panel that this can become a problem when a claimant needs assistance from a charity to fill in the necessary documentation, but staff don't have availability within that shorter timeframe.⁷⁸ When we raised this with the Minister, she assured the Panel that CLS was reasonable and if someone explained that for whatever reason they had not received the letter the Department would take this into consideration⁷⁹. To help address this issue, we were also informed that it was hoped that the new IT system would automatically generate an email version which would be sent out at the same time as the letter, to those who have an email account.⁸⁰

KEY FINDING 25: Notifications of overpayments are currently only sent out via post and any delay in the claimant receiving this letter could impact the length of time they have to appeal the decision.

RECOMMENDATION 14: In advance of the new IT system being in place, the Minister for Social Security should ensure that letters advising individuals of an overpayment and the option of an appeal are also sent via email to those who have access to an email account.

In a submission from The Salvation Army, they discussed the emotional cost of appealing and provided an example where someone felt unable to appeal due to the impact that the process would have on their wellbeing:

“*...an individual had told Social Security about various traumas relating to a previous abusive relationship, explaining that these experiences had contributed to the circumstances that Social Security based their decision on regarding an overpayment. This individual was told that they could easily appeal if they felt a decision was not correct, with no recognition of the courage and energy that would be required to make such an appeal. There was also a likelihood of having to recount these traumas again. For this individual, the additional stress and anxiety caused by this process left them “unable to fight another battle” and so they chose what they felt was the easier route of not appealing the overpayment decision. They are now in considerable debt as a result.*⁸¹

⁷⁸ Private Hearing, Anonymous, 14th July 2023

⁷⁹ [Public Hearing](#), Minister for Social Security, 25th July 2023

⁸⁰ [Public Hearing](#), Minister for Social Security, 25th July 2023

⁸¹ Written Submission, [The Salvation Army](#), 5th July 2023

Another submission told us that a parishioner paid their debt in full as “*they were too upset to challenge further*”⁸² after receiving a significant overpayment due to a small pension increase over a number of years.

In The Salvation Army's view, there was little understanding among staff within CLS of the emotional needs, of the individual they refer to, and little evidence of any understanding of trauma informed practice. As a result, they recommended that all staff receive suitable training, including the core principles of trauma informed practice in order to provide “*a more consistent, supportive and empowering service*”. It was suggested that this should include clear, easily accessible support following any letter sent to a household advising of an overpayment.

KEY FINDING 26: There can be a high emotional cost associated with appealing an overpayment decision, which is not always acknowledged by Customer and Local Services.

With regards to trauma informed practice, we asked the Minister how many employees, who are currently directly involved in Income Support matters, have completed training on this subject. We were told that, in 2022, 26 members of CLS staff attended this training, of which the majority of these were from the Back to Work and Critical Support Teams, with only 2 attending from Income Support. We were pleased to learn, however, that more sessions are planned for quarters 3 and 4 in 2023, which all remaining Income Support staff will attend.⁸³

KEY FINDING 27: Only two Officers currently who directly deal with Income Support processes have completed trauma informed practice training. However, we were encouraged to learn that all remaining staff will receive this training during the remainder of 2023.

RECOMMENDATION 15: The Minister for Social Security must ensure that trauma informed practice training becomes mandatory for all new employees who are directly involved in Income Support processes and that the training is undertaken at the earliest possible opportunity following appointment.

During our Public Hearing, the Group Director for CLS told the Panel that the appeals process provides everybody with the opportunity to challenge the decision that has been made and to have that decision re-examined. However, The Salvation Army, along with various others who submitted evidence to the Panel, argue that the current appeals process “*is not an accessible process for the many vulnerable people in society.*” Thus, in its opinion, a review should be carried out which includes “*meaningful engagement with marginalised and vulnerable groups to shape this service.*”⁸⁴

⁸² Written Submission, Private, 28th June 2023

⁸³ [Letter](#), Minister for Social Security, 8th August 2023.

⁸⁴ Written Submission, [The Salvation Army](#), 5th July 2023

KEY FINDING 28: The current appeals process is not accessible for many vulnerable people in our society.

RECOMMENDATION 16: The Minister for Social Security should undertake an urgent review, including meaningful engagement with marginalised and vulnerable groups, to ensure that the appeals process is accessible to everyone.

RECOMMENDATION 17: The Minister for Social Security must ensure that every letter informing a claimant of an overpayment includes clear, easily accessible information regarding the appeals process.

Another issue that needs to be addressed when considering the appeals process is the impact of an over-complicated system on an individual's likelihood of submitting an appeal. The Panel is concerned that many individuals may feel unable to question an overpayment if the data and information that has been provided to them in a letter is impenetrable. In addition, we know that, in the absence of a new IT system, it is not easy for a claimant to check their own circumstances and whether the information that the Department holds is correct. At the Hearing with the Minister, we asked how individuals are supposed to appeal a decision when they may not be able to decipher the information that has been provided to them. We were informed that CLS were currently undertaking work on a communications project, which included improving and making clearer information provided to claimants via letters and emails. We will discuss the Minister's communication project further in Chapter 8.

Ministerial Discretion

Article 13 of the Income Support (Jersey) Law 2007 gives the Minister for Social Security the powers to recover amounts of Income Support benefit which were not properly payable. These powers are delegated to Determining Officers of the Department, confirmed by [R20/2021](#) (page 13). In the Public Hearing with the Minister for Social Security she advised the Panel that, whilst the powers of Ministerial direction in cases of overpayments have been delegated to DOs, an overpayment of more than £50,000 cannot be written off without her approval. The Minister also advised the Panel that, to date, she has not been asked to use Ministerial discretion and it can therefore be assumed that either overpayments greater than £50,000 have not been accrued whilst her time in office or, if they have, a request has not been put forward to write them off.

The Panel was keen to establish how often Ministerial Discretion had been used by DOs to write off overpayments over the last 5 years. We were provided with the following data:

	2023 YTD		2022		2021		2020		2019
	70		55		56		93		36

To understand the average amount of overpayments that were written off, we asked the Department for a further breakdown of the 70 cases in 2023 where Ministerial Discretion has been used. We were advised that the 70 cases amounted to a total written-off amount of £105,274. CLS provided the breakdown of the total amount into the following bands:

	write-off value					
£	0- 500	501 - 1000	1001 - 2000	2001 - 5000	5001 - 10000	10001 - 11000
Volume	38	7	9	10	3	3

Interdependent Relationships

Part 2 5 (1) (a) of the [Income Support \(General Provisions\) \(Jersey\) Order 2008](#) determines that “a person is to be treated as being a member of the same household as another person if the 2 persons are in an interdependent relationship with each other”. Paragraph 4 of the same Part defines an interdependent relationship as “a relationship, including (but not limited to) marriage or civil partnership, in which 2 persons are emotionally committed to one another and lead their lives as an economic and domestic unit”. Furthermore, Paragraph 5 sets out a list of factors to be considered when determining whether two persons are in an interdependent relationship.

Since the existence of an interdependent relationship can have a sizable impact on the entitlement of a household’s Income Support benefit, the Panel was keen to understand how the Law is used in practice.

We note that it is Income Support Officers who use the law to determine whether two persons are in an interdependent relationship. This was reflected in a submission received from The Salvation Army:

“ In this case, the decision was made by Social Security staff that there was indeed an interdependent relationship, using the criteria set out in the Income Support (General Provisions) (Jersey) Order 2008.⁸⁵

In the same submission, the determination of interdependent relationships was a raised as a considerable issue. The charity commented:

“ The decision-making criteria for Social Security around issues such as interdependent relationships are often vague and open-ended with the good intention

⁸⁵ Written Submission, [The Salvation Army](#), 5th July 2023

*of avoiding being too prescriptive. This, however, means that identifying and enforcing overpayments can be open to subjective interpretation by Social Security staff, with rules and policies being applied inconsistently as a result. A review of the legislation, and consistent guidelines for all staff on how to apply the legislation is needed.*⁸⁶

In our Public Hearing with the Minister and Officers on 25th July 2023, the determination of interdependent relationships was described as being decided upon “*on the balance of probability*” by the Group Director:

“ *It is determined on the balance of probability, we believe this is an interdependent relationship, so we would class it as a joint household.*

While we note that there is internal policy guidance which supplements the Law on the determination of interdependent relationships, DOs are required to interpret the extent or degree to which the defining factors of an interdependent relationship are fulfilled on the balance of probabilities, meaning that the determination is subjective.

The Panel spoke to an individual who had been under investigation by the Department into the existence of an interdependent relationship and raised concerns about the determination process. They told us that the DO had determined the existence of an interdependent relationship due to factors that were not definitive:

“ *They asked: “When he does stay at your house” which I explained was very, very rarely: “where does he sleep?” and I said: “In the bed” so they have extended it to a sexual relationship because we share a bed.*⁸⁷

Our review has collected evidence that suggests DOs are inconsistently applying the Law in their determination of whether two persons are in an interdependent relationship. With one of our stakeholders noting that:

“ *This set of criteria is incredibly vague and open to interpretation, with no clear guidance for staff or individuals on how it would be applied. As a result, any decision is subjective, because there is so much interpretation needed within the set criteria.*⁸⁸

KEY FINDING 29: The existence of an interdependent relationship, as a component of an Income Support entitlement, is decided by Determining Officers. Officers use the [Income Support \(General Provisions\) \(Jersey\) Order 2008](#) and internal policy guidance in their

⁸⁶ Written Submission, [The Salvation Army](#), 5th July 2023

⁸⁷ Private Hearing, Anonymous 6, 14th July 2023

⁸⁸ Written Submission, [The Salvation Army](#), 5th July 2023

determination process. The criteria for interdependent relationships, as set out in these documents, are not prescriptive and require officers to interpret the level of interdependency present in a relationship on the balance of probability. This means that the determination process can be open to subjectivity and inconsistent application across the Department.

RECOMMENDATION 18: The Minister for Social Security should review Determining Officers' application of internal guidance regarding interdependent relationships and ensure that both the Law and guidance are applied consistently.

Since the determination of interdependent relationships is at the full discretion of the DO, careful consideration should be given to the determination process. This notion is supported within the submission from The Salvation Army:

“ *The level of evidence backing up the decision in this case was very low, and again the advice was for the individual to appeal if they felt the decision was incorrect. Given the previously mentioned emotional cost of making an appeal, it feels wrong that the burden of proof regarding an interdependent relationship should fall on the individual to defend themselves rather than on Social Security to prove the level of interdependence.*⁸⁹

The Panel believes that the determination of interdependent relationships may benefit from an oversight process. Whilst we note that the appeals process allows for a redetermination by another DO, in light of the issues we have raised regarding that process and the emotional impact it can have on individuals, we feel that oversight at this stage would be more beneficial to both the claimant and the Department. This could reduce the number of appeals sought and give claimants greater confidence in the processes of Income Support. Furthermore, the Department will have an added protection in regard to the subjectivity of determination.

KEY FINDING 30: The determination of interdependent relationships is at the full discretion of Determining Officers and so careful consideration should be afforded to the determination process. Allowing for a second decision to be made on an interdependent relationship prior to the appeals process would be beneficial to both the claimant and the department.

RECOMMENDATION 19: The Minister for Social Security should implement an oversight process in the determination of interdependent relationships, which would require two Determining Officers to agree on the existence of an interdependent relationship, independently of one another based on the evidence gathered.

⁸⁹ Written Submission, [The Salvation Army](#), 5th July 2023

Communicating Changes to Policies and Legislation

It is imperative that any changes to policies and legislation that impact vulnerable people are communicated clearly and effectively, particularly when they are as complex as the Income Support system. The next chapter discusses communication in a wider context, but here we felt it was important to address the process of informing claimants when changes are made to legislation and policies. When we queried how changes are communicated to individuals already in receipt of the Income Support benefit, we were advised:

“ *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 changes⁹⁰.*

Whilst some individuals are confident in accessing information online, we know that this type of communication does not work for everyone. As highlighted by one of our stakeholders, some people do not have the financial means to purchase or use technology or do not have the skills to navigate information online.⁹¹ Consideration should therefore be given to other methods for communicating policy and legislation changes in respect of Income Support, and specifically, those that would impact the possibility of an overpayment occurring.

⁹⁰ [Letter](#), Minister for Social Security, 8th August 2023

⁹¹ Written Submission, Private, 17th July 2023

8 Challenges with Communication

The word ‘communication’ has been used consistently throughout our review by members of the public and stakeholders when discussing issues concerning the overpayment process, as well as the Income Support system in general. The Panel acknowledges that communication is key in all services provided by Government that involve members of the public and it is therefore imperative that Departments strive to understand and continuously improve any potential areas of failings within this area.

Similar to previous Chapters, the Panel considers key themes that been identified from the evidence received throughout its review.

Communication with Income Support Officers

The Panel acknowledges that when undertaking a review of this nature it is more likely to receive negative feedback than positive and therefore, in this instance, the evidence received isn’t necessarily a reflection on the majority of staff who work within Income Support. Having said that, the Panel did hear from a number of stakeholders who provided encouraging feedback about their experiences with CLS staff:

“ To date, the contact we have had with Social Security team has been good and they have been understanding and helpful.⁹²

“ We have fostered good relationships with colleagues within social security and are generally able to make contact and discuss issues, concerns, feedback with officers directly, whether that be on behalf of clients or supporting them to attend meetings or have conversations themselves.⁹³

One of our stakeholders told us that, whilst they have built good relationships with several Income Support Officers over the years who are extremely helpful, this level of service is not provided by all Officers:

“ We have some exceptionally helpful colleagues within Income Support who we have developed strong working relationships with over the years. These individuals help us to direct the clients appropriately and can sometimes sort out the more minor issues in a clear and timely manner. However, these employees are not always available...due to changing staff within Govt departments, we are often confronted by individuals who are less knowledgeable and sometimes less helpful. This is

⁹² Written Submission, [Jersey Mencap](#), 26th June 2023

⁹³ Written Submission, [Enable Jersey](#), 27th June 2023

*frustrating for us as professionals but can have a devastating effect on a parent who may already be struggling financially, and feels vulnerable, confused and occasionally disrespected.*⁹⁴

The Salvation Army was keen to recognise the positive development of support offered by CLS Officers over the last few years. They told the Panel that, during the Pandemic, a team of senior advisors were made available to various charities as a direct link to discuss and secure support and advice for particularly vulnerable people experiencing issues with CLS. This was seen as a really positive step as, for a number of people, the fast-track to sound advice and support reduced the negative impact on individuals arising from Social Security issues, including overpayments of Income Support benefits. The charity recommends that this support continues.⁹⁵

KEY FINDING 31: During and post pandemic a team of senior Social Security advisors were made available to various charities as a direct link to discuss and secure support and advice for particularly vulnerable people experiencing issues with Social Security. This has been a positive step and, for some, has reduced the negative impact on individuals arising from Social Security issues, including overpayments on Income Support. This support should continue for the foreseeable future.

Empathic Approach

We think it is fair to say that most people would agree that the subject of overpayments of Income Support needs to be addressed understandingly and empathetically, as often those receiving financial support from the Government include the most vulnerable people in our society and as shown earlier, the financial and emotional impact of an overpayment can be considerable. Jersey Mencap made this point in their submission to the Panel:

“ *If there has been an overpayment, this needs to be dealt with sensitively and appropriately – often there are other issues going on that lead to this.*⁹⁶

Unfortunately, the Panel learnt during its review that this is not always the case, and some people are occasionally left feeling disempowered, belittled, or simply not listened to. For instance, we were informed:

“ *There was little flexibility or empathy evident for families facing financial difficulty. We were occasionally presented with an attitude that ‘blamed’ the clients for their individual situations. For parents who are already disadvantaged, and who may be*

⁹⁴ Written Submission, Private, 4th July 2023

⁹⁵ Written Submission, [The Salvation Army](#),

⁹⁶ Written Submission, [Jersey Mencap](#), 26th June 2023

being penalized due to a lack of understanding of the government processes, this feels extremely demoralizing and disrespectful. I (and colleagues experiencing the same challenges) tried to ensure the client's dignity and self-esteem were preserved as much as possible.⁹⁷

“ *I think they look upon everybody who is claiming income support as beneath them. I just felt constantly that I was just looked down upon, that I was a second-class citizen and that I was not worthy of them dealing with me in a professional manner at times.⁹⁸*

“ *...They can be quite inappropriate and rude to the clients as well, as if it is their fault that they have this overpayment.... How they speak is incredible. It is almost like a sense of entitlement. Not all of them.⁹⁹*

In addition, The Salvation Army spoke about a lack of understanding amongst Officers as to the impact of discussing Income Support matters on some individuals:

“ *It is our opinion that there is not enough understanding among Social Security staff and the Income Support process, of how stressful it can be for an individual to have any dealing with income support matters.¹⁰⁰*

When we queried whether the Minister or her Officers had received any complaints of this nature, we were advised that they hadn't and if they ever did receive feedback from a customer that highlighted this as an issue then it would be investigated and addressed¹⁰¹.

KEY FINDING 32: Occasionally claimants are confronted by Income Support Officers who hold an attitude that 'blames' them for their individual situations and are left feeling disempowered, belittled, or simply not listened to.

RECOMMENDATION 20: The Minister for Social Security should undertake open conversations with charities and organisations who support individuals with overpayments to understand and help address any concerns regarding a lack of empathy among Income Support staff.

Differential Treatment

On several occasions we received evidence that suggested differential treatment is given to claimants if they attend meetings at CLS alone opposed to if they attended with a representative from a charity or organisation. For instance, one stakeholder explained that the

⁹⁷ Written Submission, Private, 4th July 2023

⁹⁸ Private Hearing, Anonymous 3, 14th July 2023

⁹⁹ Private Hearing, Anonymous, 14th July 2023

¹⁰⁰ Written Submission, [The Salvation Army](#), 5th July 2023

¹⁰¹ [Public Hearing](#), Minister for Social Security, 25th July 2023

reason their organisation tried to accompany clients to meetings with CLS was that that the client appeared to receive a better service when a third party was present.¹⁰² Another stakeholder told the Panel that “*they talk through our residents*” when they accompany clients to meetings regarding overpayments, like they are invisible.¹⁰³

When we asked the Chief Officer of CLS if he was aware of instances where people had felt like they had received differential treatment he informed us that he “*had not heard that feedback before*”. In response to our question, the Minister provided a possible explanation:

“ *I think it may be a different experience because if you go on your own - I am just speculating - and you are trying to explain your story and you are feeling stressed or anxious or you are having a difficult time in your life, then your experience of that may be more difficult, will be different from if you go with a person who is kind of calm and objective and can help you tell your story, so there may always be those differences. Simply because someone has someone there and their own experience of that meeting will be different because they have had that support. I think always people do remember things differently. You and I could have a conversation and you go away thinking one thing and I could go away thinking another, just because of the way we have not communicated with each other very well. People remember different things out of a conversation sometimes and that is not to say I am not discounting that comment because I am quite sure there will be people who will be thinking that is a terrible experience just because of the nature of the experience for them.*¹⁰⁴

KEY FINDING 33: More than one local charity spoke of the differential treatment given to claimants who attend meetings at Customer and Local Services alone as opposed to being accompanied by a charity/support worker.

Inconsistent and Incorrect Advice

In their submission to the Panel, The Salvation Army explained that in their experience “*advice given by staff at Social Security varies from advisor to advisor for the same specific situation*”. The Charity EYECAN also provided evidence that suggested that one their clients were provided wrong information which led to an increase in their overpayment amount:

“ *Whilst at an appointment with CAB [Citizens Advice Bureau] the advisor, who helped X to manage her debt repayments, phoned IS and advised that she felt their*

¹⁰² Private Hearing, Anonymous, 12th July 2023

¹⁰³ Private Hearing, Anonymous, 14th July 2023

¹⁰⁴ Private Hearing, Anonymous, 14th July 2023

*calculations were wrong. IS denied this. Being in debt was very stressful for X but she accepted and worked with the limitations the situation imposed on her. However, in 2019 she was contacted by CLS and advised that she had been overpaid by £4.5K...Almost a year had gone by since CAB had queried figures with IS. Had the situation been properly investigated at the time, X's eventual repayment figure would have been significantly less. During this time X's anxiety increased and she suffered sleepless nights.*¹⁰⁵

KEY FINDING 34: Advice given by Income Support staff can vary from advisor to advisor for the same specific situation. Incorrect information by advisers can lead to increases in overpayment amounts and place an individual in a more vulnerable position.

Need to Repeat Stories

The Panel learnt that some individuals dealing with overpayments issues will speak to multiple Officers at CLS about their case. Not only can this exacerbate the issue of inconsistent advice, but it can also be very challenging for those who find their circumstances difficult to discuss. For instance, we are aware that some of those who are impacted by overpayments can be described as extremely vulnerable persons. Among those are individuals who may have experienced trauma of some kind which has contributed to the reasons why they incurred an overpayment. One of our stakeholders recognised the potential impact of individuals having to repeat themselves in their submission to the Panel:

“ *When dealing with IS [Income Support] over the phone, they often get different people, asking the same questions, and are asked to keep repeating their story – which can be traumatic.*¹⁰⁶

One member of the public who we spoke to during a Private Hearing also addressed the issue of repetition:

“ *I think what needs to happen is that they ... you never get allocated a person. I think if you were allocated a person then that would make communication so much easier because throughout the whole process of everything that I was going through I very, very rarely spoke to the same person twice and if I called up and asked to speak to the person whose name was on the bottom of the letter, they would say they are not available. Everybody is always in a meeting.*¹⁰⁷

¹⁰⁵ Written Submission, [EYECAN](#), 14th July 2023

¹⁰⁶ Written Submission, Private, 17th July 2023

¹⁰⁷ Private Hearing, Anonymous 4, 14th July 2023

The Panel wished to understand whether the Minister for Social Security had given any consideration to having an Income Support Officer, or a small group of Officers, dedicated to each case in order to try to reduce the degree of repetition for individuals. The Minister advised the Panel that whilst it had been considered, there was a concern that if a dedicated Officer was ill or on leave then the claimant would be in the same position as they were before and would still have to repeat themselves. In addition to this, the Chief Officer for CLS told us that whilst the Department hopes to achieve a client relationship model or similar in the future, the current system wouldn't allow it:

“ I think the kind of client relationship kind of model is where we want to get to, where you have just got one face, one name that you have, so a kind of relationship with that person and you can see on a regular basis, to avoid the repetition and having to state the same situation again for another person. We want to get there but at the moment the way we are set up with our systems is not allowing us to get there quicker and that is what we want to do. ¹⁰⁸

The Chief Officer also advised the Panel that due to complicated processes involved in Income Support it takes a while to embed the knowledge with an Officer and thus teams within the section are rotated across different processes to gain a better understanding of the entire system. However, as previously discussed, it is anticipated that the new IT system will remove some of the manual processing and free Officers up to provide a client relationship model of service.

KEY FINDING 35: Some individuals dealing with an overpayment issue will speak to multiple Officers at Customer and Local Services about their overpayment. Not only can this exacerbate the issue of inconsistent advice, but it can also be very challenging for those who find their circumstances difficult to discuss.

KEY FINDING 36: Having a dedicated Income Support Officer, or small group of Officers, assigned to each Income Support case would reduce the degree of repetition for individuals, improve communication and provide claimants with greater comfort that they are receiving correct information.

RECOMMENDATION 21: The Minister for Social Security must ensure that a client relationship model, where each Income Support caseload has a dedicated Income Support Officer or small group of Officers, is implemented at the earliest possible opportunity.

¹⁰⁸ [Public Hearing](#), Minister for Social Security, 25th July 2023

Face-to-Face meetings

It was widely acknowledged among both members of the public and our stakeholders that face-to-face meetings with Income Support Officers are advantageous for many reasons when discussing issues such as overpayments of Income Support. For example, one of our stakeholders commented:

“ Our staff ‘feel that having face to face meetings with Income Support staff enables CLS staff to better understand the individual circumstances faced by our clients.’¹⁰⁹

Another told us:

“ Electronic systems are helpful and may be timely, but face-to-face appointments are essential in our opinion and should be available as an option for all service users within Social Security/Income Support if they should require this level of support.’¹¹⁰

In Chapter 7 of this Report, we discussed the issue of repayment plans and the lack of communication about an individual’s financial position. As a result, we recommended that face-to-face meetings are offered for those who have received an overpayment of greater than £500 at the point that this is identified, to determine the amount the individual can afford to pay. However, it is also imperative that face-to-face meetings are available to everyone at any point during the overpayment process. Worryingly, we received evidence to suggest that face-to-face meetings can be hard for members of the public and charities/organisations to arrange. One stakeholder informed us:

“ Our team clearly fed back that they always recommend that the client make an appointment to meet someone to discuss their overpayment issues, face to face. However, this can be extremely difficult to organize, sometimes for us as professionals, but especially for clients, who are often told that this is not available.’¹¹¹

They continued:

“ It is quite common. “We do not have people available.” “We are short-staffed.” “We could get you in, in a week.” Which when you have got somebody in front of you who needs to come in now to sort this out ... another week is another week’s overpayment so the week to the guy clacking away on the computer is no big deal but the week to that lady who has got 2 children and maybe is a single parent is huge.

¹⁰⁹ Written Submission, Private, 17th July 2023

¹¹⁰ Written Submission, Private, 4th July 2023

¹¹¹ Written Submission, Private, 4th July 2023

Contrary to this evidence, when we questioned the Minister and her Officers on this matter at the Public Hearing, they were extremely surprised by the statement and explained that scenario was not what they were seeing or experiencing. The Minister further commented:

“... *La Motte Street has been open for some time and we have been promoting the appointment system since COVID. We have had 4 months almost there, so we are just surprised if that is happening.*

The Panel is unsure as to when these issues with face-to-face meetings were encountered and whether it was before CLS re-opened fully to walk in customers. However, given the importance of face-to-face appointments we would encourage the Minister for Social Security to investigate this matter to ensure that meetings are made available to anyone in a timely manner and that no one is being turned away.

KEY FINDING 37: One of the points most frequently made throughout the Panel’s evidence has been the importance of face-to-face meetings. Whether this is for the negotiation of repayment plans, enquiries into wellbeing, explanation of the appeals process or the communication of a policy change, face-to-face meetings are pivotal in claimant’s understanding of overpayments and related processes and ensuring that they feel recognised, seen and heard by the Department.

Communication between Income Support and Andium and other CLS Benefit Teams

The Panel would like to briefly touch on the subject of communication between Income Support and Andium Homes (Andium) and between different benefit teams within CLS. Many individuals receiving Income Support, and who are living in Andium accommodation, have their rent paid directly to the housing provider by CLS. The money is paid out of their overall Income Support claim amount.

We are aware of circumstances where poor communication between CLS and Andium, following an identification of an overpayment, has resulted in individuals owing money to the housing provider, as well as the Department. One member of public advised us that, due to an error by Andium (which appeared to be as a result of miscommunication with Income Support), her rent payments suddenly increased by £28 per month:

“ *Your rent is not that, we should have been charging you £422 a month and so we are going to recoup that. Instead of paying £422 we want you to pay £450 a month.*¹¹²

¹¹² Private Hearing, Anonymous 5, 14th July 2023

One of our stakeholders also discussed issues with communication between Andium and Income Support:

“ *Our team...were very vocal regarding the lack of communication between Andium and IS [Income Support], as well as within the Andium service itself.*¹¹³

In a Private Hearing with the stakeholder, they elaborated:

“ *...it appears they are not communicating...But this is not the first time we have heard of issues between Income Support and Andium; disagreements, repayments, who owes what.*

KEY FINDING 38: There appears to be a lack of communication between Andium Homes and Income Support which can exacerbate the impact of overpayments on individuals.

The Panel has also received evidence to suggest that there may be issues with communication between Income Support and other benefit teams within CLS. A number of submissions spoke about a significant delay in an Income Support claim being updated to reflect a claimants' receipt of additional benefits such as LTIA (Long-Term Incapacity Allowance) or STIA (Short-Term Incapacity Allowance). This delay has resulted in claimants being overpaid considerably more than if the Income Support claim had been adjusted more promptly. For instance, one member of the public told us:

“ *When you get LTIA they have to sort and send a report to various departments I believe. This took months and while it was happening I was still getting the income support which I went in to social a couple of times to say I was still getting the full amount and that money needs to stop and get calculated correctly however I was told no they need to wait for the 'report' which I ended up being over £2000 overpaid.*¹¹⁴

The Panel raised this matter with the Social Security Minister and queried how Income Support processes currently interact with other Social Security Benefits, such as LTIA and STIA. The Minister told the Panel that Income Support payments do interact with other Social Security payments, particularly contributory benefits. Furthermore, we were informed that 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 Minister's response also addressed the issue of delays to the process of identifying when an additional benefit is being received:

¹¹³ Written Submission, Private, 4th July 2023

¹¹⁴ Written Submission, Anonymous 5, 22nd June 2023

“ *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 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, we were told that 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 is also presented with the choice to either, receive the backdated payment and incur an Income Support overpayment, or agree not to receive the backdated amount, in which case no overpayment is generated.¹¹⁵

Income Support Staff Training

Since overpayments involve some of the most vulnerable people in our society, it is imperative that all staff who are directly involved in Income Support matters are provided with sufficient training in order to communicate with a wide array of individuals effectively and appropriately. As evidenced in previous sections, we have found that, on occasions, Officers in CLS have lacked empathy for an individual’s situation and have treated claimants differently to representations from charities or organisations. The following section also highlights issues with written communication and its lack of accessibility, inclusion and diversity. The Panel felt it necessary to understand what training is currently offered to Income Support staff that may benefit them when dealing with individuals about overpayments of Income Support benefit.

We note that there is no single “Income Support” team within CLS and staff from both the Work and Family Hub and the Pensions & Care Hub administer Income Support. It has been estimated that 39 staff members from the Work and Family Hub and 8 from the Pension and Care Hub are directly involved in Income Support processing. We also note that there are currently 276.76 FTE (Full-Time Equivalent) staff working within CLS.

In the Public Hearing we were advised that staff who administer Income Support receive customer service training, which helps to ensure that they can “*explain things in a language that people can understand, and they can recognise when somebody is in difficulty.*”¹¹⁶ In a [letter](#) to the Minister we asked for further details of the training and, specifically, how the training covers issues such as accessibility, mental health awareness, and vulnerability. We were told that the Customer Services Skills learning outcomes are:

¹¹⁵ [Letter](#), Minister for Social Security, 8th August 2023

¹¹⁶ [Public Hearing](#), Minister for Social Security, 25th July 2023

- Understanding the importance of having a customer mindset and providing good customer service (including understanding the difference between customer service and customer experience).
- Understanding the importance and benefits of having excellent customer service skills and how it is everyone's responsibility.
- Knowing how to put yourself in the customer's shoes.
- Understanding how questioning and listening play an essential role in understanding what customers need and want and in providing a good customer experience.
- Explaining the importance of good communication and be able to understand how to adapt communication styles to the customer and their needs.
- Understanding 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).
- Understanding how to deliver unwelcome messages in a positive way.
- Knowing how to remain professional when providing customer service both in-person and over the phone.
- Knowing how to end challenging or conflict conversations in an assertive yet positive way.

In addition, we were told that 14 members of staff in CLS are currently trained in Mental Health First Aid, with more training becoming available later on in the year. With regard to mandatory training, we note that all CLS staff must undertake the following:

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

The Panel also learnt that some CLS staff members in the past had undertaken SPELL 1 and 2, which was training delivered by Jersey Adult Autism Services (JAAS). However, it wasn't clear from the information provided to the Panel, how many staff who administer Income Support have received that training.

In their submission to the Panel, Jersey Mencap expressed:



*As good practice, we feel that disability training for all staff is important – especially learning disability as this is so often misunderstood.*¹¹⁷

Mencap define a learning disability as “a reduced intellectual ability and difficulty with everyday activities - for example household tasks, socialising or managing money – which affects someone for their whole life.”¹¹⁸ Again, it is unclear from the Minister’s response whether any training on learning disabilities is available to Income Support Officers.

KEY FINDING 39: It is imperative that all staff directly involved in Income Support processes are provided with sufficient training in order to communicate with a wide array of individuals effectively and appropriately.

KEY FINDING 40: According to Jersey Mencap, all staff should be provided with disability training, and especially learning disability, as this is so often misunderstood. It is unclear from the evidence the Panel received whether staff who deal with Income Support are offered any training on learning disabilities.

RECOMMENDATION 22: The Minister for Social Security must look to introducing mandatory training on learning difficulties for all staff who are directly involved in Income Support processes.

Due to some of the issues that the Panel has become aware of whilst undertaking its review, we have identified three further areas of training which we feel is essential for Officers working within Income Support: trauma informed practice, dementia, and unconscious bias. We have already discussed trauma informed practice in the section of the report on the appeals process where we recommended that the training be made mandatory for all staff working in Income Support. In respect of training on dementia and unconscious bias we asked the Minister how many employees were currently trained in these areas and was advised:

- Dementia – *Dementia Jersey has 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*

¹¹⁷ Written Submission, [Jersey Mencap](#), 26th June 2023

¹¹⁸ [What is a learning disability? | Mencap](#)

*which have covered unconscious bias have been delivered over the years, but we are unable to provide data on numbers.*¹¹⁹

The Panel was disappointed to discover that no specific training has been delivered on unconscious bias and that only 24 members of staff in the Department (out of a total of 276.76 FTE) had attended gender and sexuality in the workplace training. It is also unclear from the response whether any staff members who administer Income Support have received this training. Furthermore, whilst gender is one characteristic that can trigger unconscious bias, it is much more than that. Unconscious bias can be triggered by our brain automatically making quick judgements and assessments influenced by our background, personal experiences, societal stereotypes and cultural context. As well as gender, ethnicity, socio-economic status, height, body weight, names are examples of what can trigger unconscious bias.

KEY FINDING 41: The Panel was disappointed to discover that no specific training has been delivered on unconscious bias and that only 24 members of staff in the entire Department had attended gender and sexuality in the workplace training. Furthermore, it was unclear from the response whether any staff members who deal directly with Income Support had received this training.

RECOMMENDATION 23: The Minister for Social Security should ensure that unconscious bias training is introduced and delivered to all customer facing staff within Customer and Local Services.

Complex and Over-Complicated Communications

The Panel's review has shown that the onus of the overpayment process is very much on the claimant's understanding of the information provided to them and notifying CLS if it is incorrect. In Chapter 4 we considered the appeals process and found that that is currently inaccessible to many vulnerable people in our society. On a similar note, the Panel raised queries as to how an individual can access the appeals process if they are unable to decipher the information provided to them by the Department.

During the Public Hearing, the Minister herself acknowledged that the majority of submissions the Panel had received raised issues regarding communication and, that often, this referred to the complexity of written correspondence sent to the claimant regarding their overpayment and the way that information is explained by a CLS Officer. Below are some examples of the feedback the Panel received on this matter:

¹¹⁹ [Letter](#), Minister for Social Security, 8th August 2023

“ The [overpayment] letter was incredibly hard to understand even with the help of a staff member from JAYF [Jersey organisation for Youth & Friendship] and the numbers that added up to the total overpayment were incomprehensible¹²⁰

“ I do not think any of the income support processes are easy to understand for two-thirds of our client base. I think whether it is English as an additional language or whether it is just the comprehension of the processes. But I do not think there is a change. Unless you can get that one to one, if you can get that one to one, you can get the person in front of you to change the way they are explaining it. Especially if we are with them because then we can question on their behalf to work out the best way for the client to understand. But for the clients who are on the phone or who go in themselves, they often really do not understand. It does not matter whether their appeal process or whether it is the initial basic process, there is very limited movement in the way things are explained.¹²¹

“ My mum is Portuguese. She does not understand these letters. That is one thing that is really strong on my behalf is: what if these people cannot understand? Like it could completely tip them over the edge.¹²²

The evidence also suggested that the over-complicated language used in written correspondence disproportionately impacts the most vulnerable in society:

It is just not catered for younger people at all, very hard to understand. The language they use is just ... I understand it is professional, but as someone that does not get taught...For vulnerable young people, it is another language for them. [representative from Charity] I mean, I was with you, and the figure was just outstanding...I did not understand the letter.¹²³

“ There is a chance that calls or letters might be ignored due to fear or not understanding or as simple as, not being able to read the letter.¹²⁴

“ [some will have] literacy issues which result in them not fully understanding the content of written communications from CLS¹²⁵

¹²⁰ Written Submission, Anonymous 7, 14th June 2023

¹²¹ Private Hearing, Anonymous, 12th July 2023

¹²² Private Hearing, Anonymous 7, 14th July 2023

¹²³ Private Hearing, Anonymous 7, 14th July 2023

¹²⁴ Written Submission, [Jersey Mencap](#), 26th June 2023

¹²⁵ Written Submission, Private, 17th July 2023

KEY FINDING 42: The language used in written communications from Customer and Local Services is complex and hard to decipher and disproportionately impacts the most vulnerable people in our society.

The Panel agrees with The Salvation Army, who in its submission argued that people would be empowered to engage more with their benefit claims and would have a greater chance of identifying an overpayment if the entire system was made more approachable and simpler to understand. They also argued that a better understanding and a more transparent system would potentially reduce the likelihood of overpayments occurring.¹²⁶

KEY FINDING 43: Individuals would be empowered to engage more with their benefit claims and would have a greater chance of identifying an overpayment if the entire system was made more approachable and simpler to understand. Furthermore, a better understanding and a more transparent system could potentially reduce the likelihood of overpayments occurring.

The strongest message that came from the evidence we received regarding communication is that a ‘one size fits all’ approach or shoehorning claimants into one type of explanation does not work. Enable Jersey argued that not everyone is able to read/write/communicate in the way the system requires and that face-to-face support as well as different modes/types of communication and information needs to be explored and offered simply and easily.¹²⁷ Two other stakeholders identified similar recommendations:

“ *The over reliance of online processes can cause problems for some people in the community. Some people lack the necessary skills to be able to navigate and access services which are online or in some cases they do not have financial means to purchase technology or WIFI to go online in the first place. Other forms of accessible systems for interaction with government should be developed and made available which are aimed at the vulnerable in our community.*¹²⁸

“ *Communication with individuals regarding overpayments and repayment plans should be reviewed, with the needs of the most vulnerable in society taken into consideration. Of particular concern are groups such as older people, those with additional learning needs, and those who are in or have survived abusive relationships.*¹²⁹

Specifically, Jersey Mencap suggested the use of Easy-Read documents to help benefit those with disabilities or those whose English is not their first language.¹³⁰

¹²⁶ Written Submission, [The Salvation Army](#), 5th July 2023

¹²⁷ Written Submission, [Enable Jersey](#), 27th June 2023

¹²⁸ Written Submission, Private, 17th July 2023

¹²⁹ Written Submission, [The Salvation Army](#), 5th July 2023

¹³⁰ Written Submission, [Jersey Mencap](#), 26th June 2023

KEY FINDING 44: Methods of communication used by Customer and Local Services in respect of overpayments lack inclusivity and diversity. It should not be assumed that everyone is able to read/write/communicate in the way the system requires.

When we asked the Minister for Social Security whether consideration had been given to exploring different means of communication, she told us:

“ *It is difficult in terms of what people want. We are trying to work on accessibility, so can people with disabilities, is there a team available for them that they can access? Language issues, I think the way Government generally writes things for the public is not very good and it is a real ... I have worked in this for quite a long time when I was in the public sector. We have to be better at writing for the public.*

The Panel also asked if any thought had been given to creating videos alongside written communications as an alternative means of communicating information. The Group Director of CLS commented:

“ *I think video is a good mechanism to be able to explain, people understand information in different ways. I think with the online activity, we are seeing a lot more people doing things online but I think a video alongside our webpage would be a helpful guide with using Government services.*¹³¹

RECOMMENDATION: The Minister for Social Security must ensure that the current review of communications includes consideration of different methods of communication about overpayments and Income Support in general.

RECOMMENDATION 24: The Minister for Social Security must ensure that due attention is given to introducing the use of Easy-Read documents within Customer and Local Services to help benefit those with disabilities or those whose first language is not English.

Customer and Local Services' Communication Project

The Panel was previously aware that CLS launched a prioritised programme of work in 2023 to improve communications with customers. The project is due to be delivered throughout the year and has a completion date of December 2023. The project was mentioned by the Minister on several occasions during the Public Hearing in response to concerns raised by the Panel regarding the complexity and inaccessibility of written, as well as verbal, communications. The potential impact of this on people's understanding of the rules regarding income support and

¹³¹ [Public Hearing](#), Minister for Social Security, 25th July 2023

on an individual's ability to appeal a decision made on overpayments was of particular concern to the Panel. The Minister accepted the Panel's concerns and highlighted the communication project as a means of addressing these:

“ *I absolutely agree with you, people need to understand it, they have to understand it and that is why we have a communication project, we are going across the board looking at our letters to try and make them better.* ¹³²

In a letter following the Hearing, we asked for further details of the communications project. The Panel was informed that the aims of the project are as follows:

- Improve standard letters and guidance notes to make sure they are easy to understand and address customer needs.
- Improve 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.

Furthermore, we were advised that the project was well underway and was focused on reviewing and improving high volume customer communications in the following areas:

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

According to the Minister, colleague training around effective communication has also been a key part of the project with 100 CLS colleagues trained so far. ¹³³

The Panel was keen to establish who CLS has engaged with during the project to help assist in improving the current methods of communication. We were advised that The Disability and Inclusion Team (an internal group of Officers) and the Citizens Advice Bureau had provided input to the communications project to date.

The Panel was pleased to learn that the Citizens Advice Bureau had been involved in this project given the extent of clients they assist with income support overpayments. However, we also feel that it would be extremely beneficial for CLS to engage with local charities who work with people living with disabilities and learning disabilities such as, but not limited to,

¹³² [Public Hearing](#), Minister for Social Security, 25th July 2023, p57

¹³³ [Letter](#), Minister for Social Security, 8th August 2023.

Enable Jersey and Jersey Mencap. Their knowledge would be invaluable in ensuring that any new or improved communication methods are inclusive, accessible, and easier to understand, and that adequate consideration has been given to the most vulnerable in our community.

KEY FINDING 45: In January 2023 the Minister for Social Security launched a prioritised programme of work to improve communications with customers, which is due to be completed in December this year. The work aims to improve standard letters and guidance to make them easy to understand and to ensure digital, phone and face-to-face communications regarding Social Security contributions and benefit systems are easily accessible and are operated efficiently.

RECOMMENDATION 25: The Minister for Social Security should engage with local disability charities whilst undertaking the communications project to ensure that any new or improved communication methods are inclusive, accessible, and easier to understand, and that adequate consideration has been given to the most vulnerable in our community.

Appendix 1: Panel Membership and Terms of Reference

Panel Membership



Deputy Rob Ward (Chair)



Deputy Carina Alves (Vice Chair)



Deputy Andy Howell



Deputy Beatriz Poree



Deputy Barbara Ward



Deputy Marcus Troy

Terms of Reference

1. To assess the extent and causes of Income Support benefit overpayments.
2. To assess the current policy and rules regarding repayments.
3. To consider the impact of overpayments on those in receipt of the income support benefit, including family members and delegates.
4. To assess the actions, if any, that are being taken by the Minister for Social Security to address this issue.

5. To consider possible solutions to the overpayment of income support and ways of minimising its prevalence and/or impact.