

2015.09.22

4.2 DEPUTY J.A. HILTON OF THE MINISTER FOR SOCIAL SECURITY REGARDING EXPENDITURE ON SUPPORTING CHILDREN IN INCOME SUPPORT FAMILIES:

Can the Minister provide the department's expenditure on supporting children in income support families whose fathers do not contribute to their upbringing and state what the department's policy is on pursuing fathers who do not financially support their children?

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

I can confirm that at the end of August this year the approximate annual value of income support child components provided to single parent households in which there is no maintenance income received amounted to roughly £1.9 million. This out of a total of £6.4 million for all children components in income support households. The approximate figure of £1.9 million includes families in which the ex-partner, which could be male or female, is now deceased or receiving long-term care, is in prison or is also receiving income support, and is therefore not in a position to make a financial contribution to the upkeep of the child. Just under half of single parent income support households currently receive some maintenance from an ex-partner and this proportion has been increasing since 2011 when the first statistics in this area were published. I can reassure Members that income support has very firm rules which require parents to pursue any maintenance that is due to them. The department will provide advice to the parent and give them time to put in place a maintenance agreement. Parents may be eligible for legal aid.

4.2.1 Deputy J.A. Hilton:

It seems to me that there are an awful lot of fathers out there getting away without supporting their children and obviously it is costing the taxpayer at the end of the day. Is the Minister satisfied that the process that is in place at the moment is the right process to extract funds from absent fathers?

Deputy S.J. Pinel:

As the Deputy describes, it is sometimes very difficult indeed to pursue absent fathers, as the Deputy described in this case, sometimes mothers. Obviously we have no legislation or jurisdiction to do this other than in Jersey and, as I mentioned in my opening remarks, that if the absent parent is on benefits or is in long-term care or, in some cases, sadly deceased, then it is not possible obviously to pursue these maintenance claimants. We recently just introduced or hoping to introduce an increase in the disregard that lone parents will have, increasing it from 10 per cent to 23 per cent, to encourage the partner remaining with the child to pursue maintenance payments, if at all possible.

4.2.2 Deputy J.A. Martin:

Can I be quite clear? The Minister is stating that it is very difficult to get the absent father or mother to pay maintenance but did not the Minister say when taking away the single parent allowance that she hopes that parents will pursue the absent father and basically it is quite easy to do. Which one is the right statement?

Deputy S.J. Pinel:

When we were considering removing the lone parent component those ... just to give the Deputy some statistics, of 1,279 lone parent claimants 637 of those did not have maintenance income and of these 637 it involved 798 children. So this is where the £1.9 million comes from that I made in my opening remarks. In 2011 45 per cent of single parent families received maintenance. In 2014 this has risen to 49 per cent. The aforementioned increase in the income disregard from 10 per cent to 23 per cent is there to encourage people to pursue the maintenance. It is not going to be easy but we give as much help with income support as we can through the Citizens Advice Bureau and also the Jersey Family Mediation Service.

[10:00]

4.2.3 Deputy J.A. Martin:

Could the Minister not take this over, as they do in the U.K., the debt becomes the department's, so they chase it because the parent remaining does not always get legal aid and it is a very expensive case through the court?

Deputy S.J. Pinel:

In the U.K. there is a child support agency, which Jersey is considered too small a jurisdiction to have, which will help partners in pursuing maintenance.

4.2.4 Deputy K.C. Lewis of St. Saviour:

On a similar vein, does the Minister not believe that a mechanism should be put in place so that absent parents who live in the United Kingdom can be pursued for maintenance? At the moment if one receives a parking ticket in the city of London it can be pursued in Jersey and vice versa, so it is not beyond the wit of man.

Deputy S.J. Pinel:

We have legal aid available, as I already mentioned, which is free to people on benefits, and lawyers will only pursue a case if they perceive that there is a reasonable chance of success. They cannot help, as I mentioned before, if the ex-partner has left the Island or only has income in the form of benefits.

4.2.5 Deputy G.P. Southern:

Would it not be a far simpler matter to change the rules around maintenance such that the departments were responsible for chasing it up, after all they know where the errant ex-partner is, they know where they work, they know how much they earn? They know, it is much easier than any single parent, where that person is. If somebody wants to hide from maintenance they can do easily in Jersey. Why not take the powers to the department itself?

Deputy S.J. Pinel:

The way we are approaching this is, yes, the Deputy is quite right, we do have the information but of course we also are covered by data protection and cannot release a lot of the information. There is also a view that we are using this encouragement to increase the disregard to encourage parents to support it themselves. Parents have the responsibility for their children, not the department, and we would not encourage the department taking overall of this when the parents have the responsibility.

4.2.6 Deputy G.P. Southern:

Is it not the case, Minister, that those errant parents who are not contributing maintenance, if they are on income support, receive 100 per cent disregard for payment of maintenance whereas the recipient will only in future receive 23 per cent disregard, i.e. a tenner on £50 a week or that order? Is it not also the case that in the majority of these cases single parents cannot receive, my understanding is, legal aid and if it gets to court that is a very, very expensive business?

Deputy S.J. Pinel:

In answer to the Deputy, I did check this with a legal company after the question in the Scrutiny Panel and almost all circumstances of parents on income support can receive legal aid.

Deputy G.P. Southern:

The first part of the question was not answered or not addressed. That was: is it not the case that a donor of maintenance receives 100 per cent disregard whereas the recipient only receives 23 per cent?

The Deputy Bailiff:

Do you have anything to add, Minister, to your answer?

Deputy S.J. Pinel:

My apologies to the Deputy, I only answered the second part. The income support component of child benefit is what is expected in the maintenance, which is up to £64, which is the child component, and the recipient of that will receive in future the 23 per cent as opposed to the 10 per cent disregard on any income, including that.

4.2.7 Deputy M.R. Higgins:

The question I was going to raise has been raised by some others. It is to do with trying to follow up on these errant fathers and others, and to be perfectly honest, hearing the Minister's answer, she is basically throwing it all on to the family. The family ... and again she talks about income support and legal aid, we know the legal aid system is not working. We basically are giving them no remedy. It should be the department following up on these people and making sure that they pay their due contribution. Does the Minister not think that by not doing that he is leaving families to wallow because they will not get the aid they require?

Deputy S.J. Pinel:

No, I do not. The department are incredibly helpful with all these families on both sides; the absent parent when it is possible to do so within the Island and the person receiving the maintenance. As I answered to a previous question, I do not think it is the responsibility of the department to pursue every avenue of maintenance. It is the responsibility of the parents and we give as much assistance as we possibly can without anything having to go to court.

4.2.8 Deputy J.A. Hilton:

It might not be the responsibility of the department but surely the payment of £1.9 million is a lot of money that the taxpayers are having to foot while the Minister is saying it is not the responsibility of the department. Like previous speakers, I believe the department has got the information at hand and I do not see why maintenance cannot be withdrawn at source from earnings. That is what I am struggling with. I would really like the Minister to go back and talk with her colleagues in the department to see if there is a way that we can address this issue of this very, very large sum of money being paid out and people basically getting away scot-free.

Deputy S.J. Pinel:

This has of course been discussed at length within the department but I will contact the Deputy with closer discussion that we have had.

Deputy M. Tadier:

May I ask a point of order? It seems that we are firing through questions pretty rapidly even though we only have 11 and I note that several Members have had lights on and not been able to get in for supplementaries. Could I ask you to take that into consideration?

The Deputy Bailiff:

Thank you, Deputy. I had received your message that your light had been missed and indeed I also heard from Senator Cameron that her light had been missed for which, if that is an oversight from the Chair, I apologise, but I did not see the lights when I called time on each individual question.