

STATES OF JERSEY



Jersey

DRAFT INCOME SUPPORT (JERSEY) AMENDMENT REGULATIONS 202-

Lodged au Greffe on 7th April 2025
by the Minister for Social Security
Earliest date for debate: 3rd June 2025

STATES GREFFE

REPORT

1 Proposal to streamline access to Income Support medical components and Home Carer's Allowance for people who are terminally ill

The Minister for Social Security has proposed amendments to the Income Support Regulations to better support Islanders who are terminally ill and their families. The proposed Regulations will make it easier for people who are terminally ill to access benefits.

If approved, the proposed Regulations will ensure that people who have been assessed by a medical professional ("relevant clinician") as reasonably likely to die within the next twelve months would be treated as automatically meeting the criteria to receive the personal care component of Income Support at the highest available level (Personal Care level 3). This component exists to offer extra support for people who have care needs as a result of a long-term illness or disability. For adults, the new rule for terminally ill people would be subject to the standard income and residence rules of Income Support. In the case of children Personal Care level 3 is available irrespective of the income of their parents and this will also apply to this proposal.

This change also allows a family member who is acting as a full-time carer to the adult or the child to claim Home Carer's Allowance.

Home Carer's Allowance is a contributory benefit available under the [Social Security \(Jersey\) Law 1974](#) that supports working-age people who give up or significantly reduce their working hours to care for a sick or disabled person. It is not means tested.

This is a positive proposal that will offer meaningful support to the small number of households who are supporting a seriously ill family member. The proposed changes would bring Jersey in line with the UK, which currently offers a similar "short cut" to avoid the terminally ill person having to go through the standard assessment process for health and disability components or benefits.

2 Details of the Regulations

The Regulations introduce a new route in the legislation for people to qualify for the income support component Personal Care level 3, in addition to those that already exist.

If passed they will amend Schedule 1 to the Income Support Regulations. The Personal Care element of the special components in paragraph 6 is amended to include a new subparagraph 6(1)(e) with the effect that the highest rate is payable without the need for the assessment and calculation in the case of an adult or child who, in the opinion of a "relevant clinician," is not expected to live more than 12 months.

A "relevant clinician" is then defined as a Jersey or UK medical practitioner or a nurse with a specialism in the terminal condition of the adult or child. "Calculation" refers to the standard assessment process for Personal Care, which requires detail that is not necessary for people who are terminally ill. This new route is achieved by Regulation 2.

The term "reasonably likely" achieves the same effect as the wording in the evidence guidelines that are used by the UK for this purpose.

The definition accepts the possibility that some people may nonetheless live longer than 12 months. Alongside other procedural safeguards, this wording is designed to give medical professionals the confidence to sign the relevant paperwork without worrying about the implications if the person goes on to live longer than predicted. It is planned that Jersey would adapt the same procedure as the UK for evidence purposes; this can be implemented quickly if these Regulations are approved and it is thought they will have minimal impact on those medical

practitioners who might be asked to sign the form, given that many will already be closely involved with the person's palliative care. Despite the expectation that the person is "reasonably likely" to die within the next 12 months, a terminally ill person who lives longer than 12 months will continue to receive benefit.

The Income Support Regulations will also allow people to claim Home Carer's Allowance under the provisions of the Social Security (Jersey) Law 1974.

The conditions in Article 18A (Home Carer's Allowance) of that Law refer to the person needing to meet the criteria for "the rate payable in respect of the personal care element of the impairment component under paragraph 6(3)(c)". If the Regulations are passed, this reference would then also include people who fall under the new paragraph 4A of Schedule 1 Part 2 of the Income Support Regulations. Paragraph 4A points to a new category of people, who receive the personal care element via paragraph 6(3)(e). Those people who fall under 6(3)(e) meet the criteria for the rate referred to in paragraph 6(3)(c), but without the need for the calculation set out in sub-paragraph (2). That calculation is the "scoring" process used to decide the level of personal care, which is now superseded by the opinion of a "relevant clinician" that the cared for person is not expected to live more than 12 months. Therefore, the person meets the criteria for the rate specified in 6(3)(c) – Personal Care level 3. As per the current administration, the cared-for person doesn't need to actually receive the award, only to meet the criteria for its highest level. This allows people to claim Home Carer's Allowance regardless of the household income of the cared-for person.

A separate, minor correction is also proposed to the Carer's Component criteria to limit the entitlement to that component if the carer is in receipt of the personal care element under paragraph 6(1)(d), in line with the existing limitation on carers who get the Personal Care element under 6(1)(c) and carers who get Long-Term Care. This brings the rule in line with the same restrictions that already exist for people who themselves get a benefit in respect of their own high care needs, and therefore cannot be treated as a full-time carer.

Finally, Regulation 3 makes a small clarifying amendment to the [Income Support \(General Provisions\) \(Jersey\) Order 2008](#). This ensures that the power of the Determining Officer to require further information in respect of a claim for an impairment component won't apply to the new provision for terminally ill people described above. This power would be unnecessary, as the Regulations already set out how the evidence will be received from a relevant clinician.

3 Financial and staffing implications

It is difficult to assess the level at which this route will be used. Individuals may already be making applications through the current route or already be receiving long term care benefits. It is likely that the majority of people who will directly benefit from this scheme will be adults with aggressive cancers, and a small number of parents with very sick children. The effect of the scheme will be to remove the current level of bureaucracy that may deter or prevent them from applying for support.

An accurate assessment of claim volumes is not possible, but for each extra 10 people to claim through this route, it would cost up to –

	Weekly value	Annual value per claim	Annual cost per 10 people
Personal Care level 3	£190	£9,901	£99,010 tax funded
Home Carer's Allowance	£283	£14,717	£137,170 Social Security Fund

There are no staffing implications of this change as the extra work can be absorbed within the existing Employment, Social Security and Housing headcount.

The cost of these proposals can be absorbed within the existing budgets of Income Support and Social Security Fund expenditure.

4 Children's Rights Impact Assessment

A Children's Rights Impact Assessment (CRIA) has been prepared in relation to this proposition and is available to read on the States Assembly website.

EXPLANATORY NOTE

These Regulations, if passed, will amend Schedule 1 to the Income Support (Jersey) Regulations 2007. The personal care element of the special components in paragraph 6 is amended. The effect is that the highest rate is payable without the need for the assessment and calculation in the case of an adult or child who, in the opinion of a “relevant clinician”, is not expected to live more than 12 months. A “relevant clinician” is a Jersey or UK medical practitioner or a nurse who specialises in the terminal condition of the adult or child: *Regulation 2(1)–(4)*.

A correction is made in paragraph 11 to the carer’s component criteria to exclude the entitlement if the carer is in receipt of the personal care element under paragraph 6(1)(d), in line with the existing exclusion for carers who get the personal care element under paragraph 6(1)(c) and carers assessed as being in need of long-term care: *Regulation 2(5)*.

Regulation 3 consequentially amends the Income Support (General Provisions) (Jersey) Order 2008 so that the power of the determining officer to require further information in respect of a claim for an impairment component won’t apply to the new provision for terminally ill people described above.

Regulation 4 provides for how the Regulations may be cited and for them to come into force 7 days after they are made.



Jersey

DRAFT INCOME SUPPORT (JERSEY) AMENDMENT REGULATIONS 202-

*Made**[date to be inserted]**Coming into force**[date to be inserted]*

THE STATES make these Regulations under Articles 5 and 18 of the [Income Support \(Jersey\) Law 2007](#) –

1 [Income Support \(Jersey\) Regulations 2007](#) amended

Regulation 2 amends the [Income Support \(Jersey\) Regulations 2007](#).

2 [Schedule 1, Part 2 \(special components\)](#) amended

- (1) This Article amends Schedule 1.
- (2) After paragraph 6(1)(d) there is inserted –
 - (e) an adult or child who, in the opinion of a relevant clinician, is not expected to live more than 12 months.
- (3) In paragraph 6(2), after “sub-paragraph (1)(d)” there is inserted “or an adult or child referred to in sub-paragraph (1)(e)”.
- (4) After paragraph 6(4) there is inserted –
 - (4A) In the case of an adult or child referred to in sub-paragraph (1)(e), the rate of personal care element payable is that referred to in sub-paragraph (3)(c) (without the need for the calculation set out in sub-paragraph (2)).
- (5) In paragraph 6(5), after the definition “personal care” there is inserted –
 - “relevant clinician” means –
 - (a) a doctor;
 - (b) a fully registered person as defined by section 55 of the Medical Act 1983 of the United Kingdom; or
 - (c) a nurse who specialises in the terminal condition of the adult or child referred to in sub-paragraph (1)(e).
- (6) After paragraph 11(1)(b)(i) there is inserted –
 - (ia) is not in receipt of the personal care element under paragraph 6(1)(d);

3 Consequential amendment

In Article 7(3) of the [Income Support \(General Provisions\) \(Jersey\) Order 2008](#), after “paragraph 6(1)(d)” there is inserted “or (e)”.

4 Citation and commencement

These Regulations may be cited as the Income Support (Jersey) Amendment Regulations 202- and come into force 7 days after they are made.