

22.04.25

3 Deputy R.J. Ward of the Minister for Social Security regarding long-term incapacity benefit (OQ.66/2022)

Given that the assessment for long-term incapacity benefit takes into account how the disability in question affects the person's state of mind, their ability to care for themselves and their ability to get about, will the Minister advise how these components are weighted in the final assessment of benefit need?

Deputy J.A. Martin of St. Helier (The Minister for Social Security):

The long-term incapacity allowance is awarded based on percentage of a person's loss of faculty. This is based on an assessment by a specialist medical doctor who compares the loss of faculty with a person of the same sex and age who does not have any loss of faculty. The weighting of the individual factors in the final assessment is a clinical decision taken by the doctor.

3.3.1 Deputy R.J. Ward:

There is one question in the application regarding mental capacity. Does the Minister believe it is adequate to understand the real needs and challenges faced by applicants?

Deputy J.A. Martin:

I am not sure if the Deputy is reading the incapacity award, long-term incapacity or long-term sick, but both of them are covered by R.189/2021. It says that the L.T.I. (long-term incapacity) assessment method and the work is under way and it needs to look at how they are assessed. That is the next big job for the new Minister for Social Security. I am not disagreeing. It is work ongoing.

Deputy R.J. Ward:

Sorry, Sir, can I just ask does the Minister ... I just did not understand really the answer to that question, whether that is adequate or not. Is she saying it is not adequate because it is being assessed, just for clarity?

The Bailiff:

Can you clarify that further? I only ask because there are no other Members wishing to ask questions.

Deputy J.A. Martin:

Sorry, I am not disagreeing with the Deputy, I am saying it is under review. There is a report, P.189. I did a presentation to all States Members and a separate one to Scrutiny. I do not know if the Deputy attended, but it is all under review, especially the assessment of how it is assessed. That is for the next Minister to do. I hope that helps the Deputy.

3.3.2 Deputy G.P. Southern:

Is it not the case that while the long-term incapacity is assessed by doctors the clinical component for those receiving income support who have a disability is also defined by reference to officers and not doctors and, therefore, confuses the image as to who has incapacity, who has that disability and who does not?

Deputy J.A. Martin:

The Deputy is now asking about a different assessment under income support, on that form. Both of the assessments are able to be asked for a redetermination under 21 days, but definitely the L.T.I.

one, the Deputy knows ... he did attend the presentation and asked some very pertinent questions. No, it is not fit for purpose and it literally does need changing. It is a very, very old law.

3.3.3 Deputy G.P. Southern:

Does that not especially refer to mental capacity where there are only a few questions on the overall assessment sheet and that this is assessed by an officer, and when is she going to get around to changing some of this?

Deputy J.A. Martin:

Again, you are asking about a different form, a different incapacity benefit, and that one is not being looked at. The one that is being looked at, that the Deputy has read in R.189/2021, is the long-term incapacity and the short-term incapacity, et cetera. But that one is done by officers and it can, I think, be reviewed by a doctor.

3.3.4 Deputy R.J. Ward:

The question was about long-term incapacity, I just remind the Minister. So, given the increase in mental health issues following in particular COVID that has been recognised in our society, is it not important to increase the emphasis on this area of assessments and also with the recognition of things like post-traumatic stress disorder and so on and our greater understanding of these issues for people long term? Will the Minister be urging those areas to be looked at in much more detail?

Deputy J.A. Martin:

I do not know how many times I can say the whole of the L.T.I., how it is assessed, et cetera, is a recommendation in R.189. It is very, very many years old and it will be done. It is a big job for the next Minister. It will be in my handover recommendation and it is being worked on as we speak by officers while we are running around trying to get re-elected.