

**WRITTEN QUESTION TO THE MINISTER FOR SOCIAL SECURITY
BY DEPUTY G.P. SOUTHERN OF ST. HELIER
QUESTION SUBMITTED ON MONDAY 15TH NOVEMBER 2021
ANSWER TO BE TABLED ON MONDAY 22ND NOVEMBER 2021**

Question

Will the Minister confirm whether or not the Department has adopted a policy whereby all overpayments of Income Support will be recovered no matter who was responsible for the overpayment; and, if so, will she inform members on what basis (including any Laws or Regulations) this policy has been adopted, particularly for instances in which the overpayment was caused by the Department itself?

Answer

Under Article 13 of the Income Support (Jersey) Law 2007 the Minister may recover any award of Income Support that was not properly payable. This part of the Income Support Law has been in place since the inception of the scheme. This power is formally delegated to officers of Customer and Local Services, who act on the Minister's behalf and under guidance approved by her for the administration of the Income Support benefit.

It is essential for the fairness of the tax-funded benefit system that households are asked to repay benefit in situations where they are paid more than they are entitled to. This is the Minister's policy and so officers of Customer and Local Services will seek to recover all overpayments of Income Support.

When any overpayment recovery is made against an Income Support claim, it is because a household has had more money than they are entitled to and the money needs to be paid back. This is no different in cases where the overpayment is caused by the actions of the claimant, or by an administrative error of the Department. In both situations, the household has received money in excess of its entitlement.

The income support scheme provides payments in advance to low income families. This ensures that vulnerable households are not left without funds to support their basic needs immediately following a drop in income. A system that makes payments in advance will always require adjustments where household income has increased after a payment has been made.

Each case of overpayment will be considered individually by an officer. They will set a repayment level that recognises the household's ability to repay. This process will take into account a household's current income and what is known about any additional costs they face.

Where a benefit overpayment is the result of fraud, the Department will always consider a criminal prosecution.