

## **6. Questions to Ministers without notice - The Minister for Social Security**

### **6.1 Deputy T.M. Pitman:**

I would like to ask the Minister about his plans on dealing with people who might leave employment without good reason. His written answer to question 19 really does not put me at ease so I would like him to explain whether this is not going to be left to some kind of subjective opinion from an officer which could leave a person who has left for a very good reason possibly without any income maybe for weeks on end, all the way to an independent tribunal, which will take weeks and weeks and weeks.

#### **The Bailiff:**

Was there a question there, Deputy?

### **Deputy T.M. Pitman:**

I thought there was but perhaps I am confused. What is he going to do to make sure that this process is not just subjective? How is it going to be maintained so it will be objective decision so we have proper criteria and it is not done on a whim?

#### **The Bailiff:**

So it is how is he going to make sure it is not subjective?

### **Senator F. du H. Le Gresley (The Minister for Social Security):**

As explained in the written answer to the Deputy, we have been working with the Department for Work and Pensions who have a sanctions regime in place, and we will be consulting on the proposals for officers to use with the Jersey Advisory and Conciliation Service. There will, as the Deputy points out, be appeal rights initially for a redetermination by a segment officer and then an appeal to a tribunal. The basic principle of sanctions for people who leave work without just cause is set out in a decision of the Tribunal of Commissioners. For the benefit of the Assembly I will just read it: "The test is: Some fact which, having regard to all the circumstances, including the claimant's health and the information which he had received and that which he might have obtained would probably have caused a reasonable person of his age and experience to act or fail to act as the claimant did." That is the reasonable test which we will be applying.

#### **6.1.1 Deputy T.M. Pitman:**

Could I have a very short and to the point supplementary, Sir? As a former staff representative I have seen many people who have been forced out of their jobs through bullying and it is normally a very insidious process. What sort of guarantees and assurances can the Minister give that that will be fully considered? Because it may not look like someone has left for a good reason on purpose but if you do a bit of digging I am sure the Minister will accept it could be a completely different story.

### **Senator F. du H. Le Gresley:**

The test of people leaving work due to bullying or harassment will be considered in the guidance notes for determining officers. What will be one of the tests is has that person taken the matter up through the usual procedures within an office, i.e. through the Personnel Department or head of department? If they have made attempts to deal with the issue rather than just walking out of the job then that would be taken into consideration.

### **6.2 Deputy J.A. Hilton:**

Would the Minister consider a fresh look at the rules which dictates that the self-employed must not have worked for a whole quarter before submitting a low income support claim? My understanding is, for example, if a self-employed person worked for a few weeks in April they

would not qualify under the current rules for low income support until the quarter beginning September. This does, in my opinion, seem very harsh in the present economic circumstances. The role of a person being made redundant appears to be treated differently in that if someone is made redundant and receives 3 months redundancy pay they automatically qualify for low income support at the end of that period.

**Senator F. du H. Le Gresley:**

With all due respect to the Deputy, that is the sort of question I would have preferred to have as a written question and I could have provided a fulsome answer. Being asked to answer that sort of question on the hoof, so to speak, is difficult. With regard to the self-employed, obviously we do take into consideration the situation with their business, whether it is no longer profitable, *et cetera*. I cannot answer the Deputy in the full detail but if she would care to submit that to me by email I will provide a response and copy it to Members. As far as people who are made redundant - and that is where their job has gone and they are truly redundant in that sense - the fact is that they can receive income support because the money they receive as redundancy as opposed to notice money or any other sick pay, holiday pay, is treated as capital rather than income.

**6.2.1 Deputy J.A. Hilton:**

Supplementary? It was not my intention to catch the Minister out, it was just something that came to my attention in the last 24 hours. So is the Minister confirming that he will consider a fresh look at the rules?

**Senator F. du H. Le Gresley:**

Yes, I will look into the matter the Deputy has raised.

**6.3 Deputy R.G. Le Hérissier:**

Would I be right in thinking that in the *Actively Seeking Work* report there is no gender breakdown of the various groups referred to in that report? If indeed I am right, could the Minister tell the House whether there are gender imbalances in the figures that are being put forward and does he not think that these are matters for open public debate? Could he tell us where the areas of concern are?

**Senator F. du H. Le Gresley:**

We could certainly provide gender information for those who are actively seeking work, it is certainly available in the department and it is the department that provides the information to the Statistics Office so there is absolutely no problem with providing that information. Insofar as the long-term unemployed, i.e. that is people that have been unemployed for more than 12 months, the balance is equal and there is roughly 50 per cent females to males who have been unemployed for more than 12 months and I think the Deputy asked a further question but it has escaped me.

**6.3.1 Deputy R.G. Le Hérissier:**

Supplementary. Are there any areas where the Minister feels that there is a worrying imbalance and, if so, can he identify them?

**Senator F. du H. Le Gresley:**

An imbalance between the genders I understand is what the Deputy is asking me, because I do not have the detail of those breakdowns, other than for the long-term unemployed, I cannot really comment about imbalance.

**6.4 Deputy G.P. Southern:**

I return to the answer to question 19 on sanctions for leaving work without good reason and ask the Minister to reconsider what he has written about the appeal mechanism because he refers to guidelines for officers and then refers to a second determination by a second officer.

[12:00]

That currently is used only for administrative purposes; have they met, ticked the right boxes administratively? Is the decision sound? It then goes on to an independent tribunal which as the previous questioner has said, takes weeks to complete or to arrange and I find it very inadequate. It is also not very clear what that tribunal currently considers. If it is to consider reasonable, would he consider appointing a lawyer-led tribunal to assess those decisions because that happens in the complaints board procedure.

**Senator F. du H. Le Gresley:**

Questions without notice end up about 6 questions without notice in one go.

**The Bailiff:**

Well, just answer one or 2 and be done with it. **[Laughter]**

**Senator F. du H. Le Gresley:**

Thank you for your guidance on that. I will pick the ones that I can answer. The situation is that the sanctions that we will use for people who walk out of work without good cause, the procedures or the guidelines for officers will be carefully drawn up. We are certainly going to protect vulnerable people, people who have good cause for leaving work. We are not intent on a witch hunt here at all but there are situations - and we have them regularly - where people do make the decision, without consulting the department, to walk out of a paid job and then would expect to receive tax-funded benefits. That is the position we are trying to correct. As far as the second determination, yes, it would follow the normal procedures which the Deputy has described. The same evidence is looked at by a second officer to see if they might come to a different opinion. We will process appeals as promptly as possible. We will try to work to a 14 day timeline for once an appeal has been requested but the actual calling of the tribunal is the work of the Judicial Greffe and we have no control over the operation of the tribunal. As to having a lawyer chairing the tribunal, that would be a matter for the Judicial Greffe to decide in conjunction with myself.

**6.4.1 Deputy G.P. Southern:**

Supplementary, if I may. Would the Minister consider releasing and circulating the report he quoted from the Commissioners in the U.K., I presume? Would he release that so we could all study it?

**Senator F. du H. Le Gresley:**

It is not a report, as I understand it, I was just quoting from - I can tell the Deputy what it was - a formula that was adopted by the Tribunal of Commissioners and has since been endorsed by the Court of Appeal but I can give the Deputy more information about it.

**6.5 Senator L.J. Farnham:**

Given the recent introduction of the charitable work scheme, I wonder if the Minister would consider extending the scheme or creating a similar scheme which encompasses perhaps apprenticeships and other useful community and environmental projects, obviously at a wage commensurate with the work undertaken with the potential of putting hundreds of people back to work in these times of high unemployment?

**Senator F. du H. Le Gresley:**

The Deputy refers to the recently launched Community Jobs Fund ... sorry, the Senator, I do beg his pardon: we may all be Deputies soon. The budget that we have put towards this jobs fund is to employ a maximum of 50 people for up to 6 months at a minimum wage. Obviously if there was a great interest in the scheme from organisations and charities and other groups we would extend the scheme because of any work and the ability to have that work experience is something that we are trying to promote and we certainly, if there was a real demand for this community fund, would consider extending it.

## **6.6 The Connétable of St. John:**

Under the new population card, will the Minister look into his department that when dealing with students and others that when they are asked questions about getting information, i.e. from past time at school, *et cetera*, producing birth certificates, his department have access to many other departments by way of computer, why are they putting the general public, and students in particular, to the trouble of finding all this information out when, in fact, in some cases this information is at their own fingertips, albeit in microchip form or whatever? Will the Minister please look into this and give us his response, please?

### **Senator F. du H. Le Gresley:**

It is important to explain to the Connétable that the Social Security are not responsible for the control of the Housing and Work Law and that staff at Social Security are working with the Population Office and the Chief Minister's Office in the assessing of people for their registration cards. The sources of information available to verify somebody's status is varied and we do use social security contribution records but because of changes in computer systems over the years contribution records prior to 1991 do not give us sufficient information, which would verify somebody's continuous residence in Jersey. This is the test, it is continuous residence: it is not about just being around to pay some social security contributions. We are working closely with the Population Office and we will try to improve the service but it is a big task and we ask people to be patient.

### **6.6.1 The Connétable of St. John:**

Given that the Minister omitted to mention anything about students and the student's finance section I understand is within Social Security - although I do stand to be corrected - why are students, for instance, having to produce this information when in fact the schools and Social Security should be working closely to make sure that when a young person leaves school this information of that young person's 10 years' qualification or whatever it is, 15 years in education, is automatically with the department instead of the young people having to get that information from previous schools?

### **Senator F. du H. Le Gresley:**

I can confirm that officers are working with officers from Education to try and streamline the service. Obviously we had a problem particularly during the summer holidays when the schools were closed but we are working to improve the service and the student finance section only leases part of Social Security buildings, they are not under my control.

## **6.7 Deputy M. Tadier:**

Does the Minister agree that things like being able to go and see the doctor when you need to and not having to worry about the cost of it and being entitled to maternity or paternity leave when you need for a sufficiently long period of time are basic social requirements that we would expect in any modern civilised society?

### **Senator F. du H. Le Gresley:**

Yes.

### **6.7.1 Deputy M. Tadier:**

Based on that, does the Minister acknowledge we cannot have it all ways? We cannot keep costs low for employers and for the States and provide these things in any satisfactory function. Now if we are to provide these functions in a meaningful way, we do need to look at new funding mechanisms which may include raising the social security cap so that those who earn the most in our society pay the same as the rest of us and that perhaps progressive taxation should be included to look at these? Does the Minister think that those are valid points and will he be looking at those mechanisms to make sure that we can have a fit, modern and civilised society in Jersey as indeed exists in certain other places on this globe?

**Senator F. du H. Le Gresley:**

I agree with a lot of what the Deputy has just said but not all. We have to do things in Jersey carefully, we cannot just go for the maximum social protection that some of us would wish to see. We have to take the public with us and in particular we have to take employers with us. It is a fine balance and I am very mindful that that balance is something that I have to achieve in order to bring social change and I feel that during my term of office I have achieved some social change and I will continue to do so.

**The Bailiff:**

That brings Questions without notice to the Minister for Social Security to an end. We move now to the second period which are questions to the Chief Minister.