

STATES OF JERSEY



DRAFT INCOME SUPPORT (SPECIAL PAYMENTS) (AMENDMENT No. 2) (JERSEY) REGULATIONS 201-

**Lodged au Greffe on 31st May 2016
by the Minister for Social Security**

STATES GREFFE



Jersey

DRAFT INCOME SUPPORT (SPECIAL PAYMENTS) (AMENDMENT No. 2) (JERSEY) REGULATIONS 201-

REPORT

1. Summary

The proposed Regulations implement a small change to the qualifying criteria for a household to receive an Income Support Special Payment. Following the successful introduction of the [Long-term Care \(Jersey\) Law 2012](#) (the “LTC Law”), it is now appropriate to extend the criteria for receiving a special payment to include those households who qualify for means-tested assistance towards the costs of their long-term care.

2. Low-income households receiving assistance with care costs

Having implemented the Long-Term Care benefit, a minor clarification is now required to extend part of the Income Support legislation to households with low incomes who would previously have qualified for Income Support, but are now receiving means-tested support through the LTC Law.

These households may require assistance through special payments towards irregular costs such as dental treatment, chiropody, etc. The Minister wishes to clarify the legislation so that people with long-term care needs who qualify for means-tested support with their daily living costs, are eligible to apply for and receive special payments under the [Income Support \(Special Payments\) \(Jersey\) Regulations 2007](#).

To achieve this, the scope of Regulation 2 of the Income Support (Special Payments) (Jersey) Regulations 2007 is extended to include –

- (a) a claimant who qualifies for a special payment to meet costs of long-term care under Regulation 2 of the [Income Support \(Special Payments\) \(Long-Term Care\) \(Jersey\) Regulations 2014](#). This is a very small group of claimants who have a low income and are not included within the LTC Law on the grounds of residency. If such an individual does satisfy the residency conditions for Income Support, then a fully means-tested long-term care benefit is available;

and

- (b) a claimant who is receiving a grant under Article 11, or a loan under Article 12 of the [Long-Term Care \(Benefits\) \(Jersey\) Order 2014](#) in order to meet the costs identified in Article 9(c) of that Order. This group includes a large number of claimants previously receiving support with their long-term care costs through the Income Support Law as well as

new claimants who are receiving means-tested support with their basic living costs in a care home.

An individual with a low income who is receiving a means-tested long-term care benefit in respect of care received in their own home continues to be eligible under the [Income Support \(Jersey\) Law 2007](#) and does not need to be considered separately.

The majority of the claims by this extended group are likely to relate to medical, dental and optical expenses. However, the Regulations provide access to the full range of goods and services set out in the Special Payment Regulations, which also include: expenses payable by the claimant that are necessary to prevent a serious risk to the health, safety or welfare of the claimant or a member of the claimant's household; funeral expenses; and expenses payable by the claimant to remove the claimant and any member of the claimant's household from Jersey.

3. Financial and manpower implications

The cost of aligning the eligibility to special payments is included in the existing budget of Income Support. There are no manpower implications arising from these changes.

Explanatory Note

These Regulations amend Regulation 2 of the Income Support (Special Payments) (Jersey) Regulations 2007 (“2007 Regulations”) to provide that a special payment may be made to defray the expenses described in Regulation 3 of those Regulations where the claimant is an adult who –

- (a) meets the requirements for a special payment to defray the expenses of long-term care being provided to that person; or
- (b) receives a grant or a loan to meet certain costs referred to in the Long-Term Care (Benefits) (Jersey) Order 2014.

The expenses to be defrayed described in Regulation 3 of the 2007 Regulations include the costs of certain goods and services; expenses payable by the claimant that are necessary to prevent a serious risk to the health, safety or welfare of the claimant or a member of the claimant’s household; funeral expenses and expenses payable by the claimant to remove the claimant and any member of the claimant’s household from Jersey.



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

THE STATES, in pursuance of Articles 8 and 18 of the Income Support (Jersey) Law 2007¹, have made the following Regulations –

1 Amendment of Regulation 2 of the Income Support (Special Payments) (Jersey) Regulations 2007

In Regulation 2 of the Income Support (Special Payments) (Jersey) Regulations 2007² –

- (a) at the beginning there shall be inserted the number (1);
- (b) after paragraph (1) there shall be added the following paragraph –
 - “(2) A special payment may be made to defray the expenses described in Regulation 3 in the circumstances where the claimant is an adult who –
 - (a) meets the requirements for a special payment to defray the expenses of long-term care being provided to that person under Regulation 2 of the Income Support (Special Payments) (Long-Term Care) (Jersey) Regulations 2014³;
 - (b) receives a grant under Article 11 of the Long-Term Care (Benefits) (Jersey) Order 2014⁴ to meet the costs referred to in Article 9(c) of that Order; or
 - (c) receives a loan under Article 12 of the Long-Term Care (Benefits) (Jersey) Order 2014 to meet the costs referred to in Article 9(c) of that Order.”.

2 Citation and commencement

These Regulations may be cited as the Income Support (Special Payments) (Amendment No. 2) (Jersey) Regulations 201- and shall come into force 7 days after they are made.

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- ¹ *chapter 26.550*
 - ² *chapter 26.550.70*
 - ³ *chapter 26.550.72*
 - ⁴ *chapter 26.600.10*