



**Children's Commissioner for Jersey**  
Promoting and Protecting Children's Rights

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**Office of the Children's Commissioner**

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Dear Deputy Ward

**Health and Social Security Scrutiny Panel Overpayment of Income Support  
Benefits Review**

Many thanks for your letter in relation to your review of overpayments of Income Support and the impact this has on children in a household and on their rights under the UN Convention on the Rights of the Child (UNCRC).

I have conducted a brief review of the enquiries that have been forthcoming to the Office since its inception in shadow form in 2018. To date we have received only 14 enquiries in relation to Income Support.

I was a little surprised that there were not more however this could be due to a number of reasons not least privacy of the adults and not linking specifically to the impact on their child's rights in the first place.

To that end I have only been contacted once in relation to overpayment of Income Support and the impact of this on a family with children.

On reviewing the enquiries, we have had I can see clear themes emerging, all of which are underpinned by practice, policy and legislation that does not consider children's rights. When conducting your review, I would encourage curiosity regarding the potential for discrimination because of this. These are families who are of lower social

economic status and for whom any negative impact on their income support contribution will impact on all members of the household. I would advise the panel to review the Legislative Gap Analysis completed in 2019 as it highlights the incompatibility of the Income Support (Jersey) Law 2007 and the UNCRC.

Most specifically the issues raised with this Office relate to the stopping of an income support component when medical treatment is required for a child off island that cannot be provided in Jersey. Other enquiries have included the assessment of personal care allowances, requirement to seek full time employment when the youngest child commences secondary school (age 11) and the five-year residency rule and the particular impact of this on those fleeing domestic abuse.

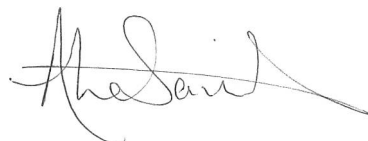
One parent contacted us to say she would be leaving the island as she could not access support. When this Office raised this with the relevant department, repatriation funding was offered. How can a child born in Jersey be repatriated to another country. Jersey is their place of birth.

The issues through our casework mirror the gaps separately identified in our Legislative Gap Analysis

Specifically, Articles 26 and 27 require that all children should have access to assistance and support programmes that support their healthy child development, this includes the right to benefit from social security. Children should be ensured a standard of living that is adequate to this development.

There are also wider considerations of children's rights in relation to policies levied toward adult income support claimants and these are around dignity, respect, family, life and survival.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Andrea Le Saint', written in a cursive style.

**Andrea Le Saint**  
Acting Children's Commissioner for Jersey