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# STATES OF JERSEY



## **REVIEW OF INCOME SUPPORT BENEFIT OVERPAYMENTS (S.R.1/2023): RESPONSE OF THE MINISTER FOR SOCIAL SECURITY**

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Presented to the States on 21st November 2023  
by the Minister for Social Security

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**STATES GREFFE**

**REVIEW OF INCOME SUPPORT BENEFIT OVERPAYMENTS (S.R.1/2023):  
RESPONSE OF THE MINISTER FOR SOCIAL SECURITY**

<b>Ministerial Response to:</b>	S.R.1/2023
<b>Ministerial Response required by:</b>	20th November 2023
<b>Review title:</b>	Review of Income Support Benefit Overpayments.
<b>Scrutiny Panel:</b>	Health and Social Security Scrutiny Panel

## INTRODUCTION

The Minister thanks the Scrutiny Panel for their work on this topic. The Panel’s report is based on evidence submitted by 15 organisations and charities and 16 submissions from members of the public. Twenty-six of these submissions have been published. The Panel's report contains numerous references to evidence gathered during private hearings. As no details or transcripts of these hearings are available, it is not possible for the Minister to draw conclusions from this evidence, nor to provide any additional information in relation to those cases.

The Report itself refers to the type of evidence that was submitted and notes: “The Panel acknowledges that when undertaking a review of this nature it is more likely to receive negative feedback than positive and therefore, in this instance, the evidence received isn’t necessarily a reflection on the majority of staff who work within Income Support.” The Panel also noted that they had received “encouraging feedback about their experiences with CLS staff.” The response provided below includes clarification in respect of a number of matters and draws attention to the major Transform project which is currently ongoing within the CLS department. The new IT system being developed is planned to be operational in 2025 and this system will allow for greater flexibility in customer communications and improved analysis in operational procedures.

The Income Support system provides financial support to a wide range of individuals, including care leavers, pensioners, individuals looking for work and individuals who are in work but require additional financial support. The Income Support budget for 2023 is £75.5m and there is a wide range in the size of benefit payments made, from a few pounds a week to over £50,000 per annum for some households. For example, a single parent with 2 young children living in a 2 bed flat has a basic Income Support entitlement of £706.86 a week (£36,757 a year net income).

Unlike other jurisdictions, Income Support payments are ring fenced and cannot be allocated to meeting the cost of other monies owed to Government such as fines.

The need to repay benefit only occurs after a benefit claimant has received more money than they are legally entitled to. That is, it means they have had more money in their pocket than other claimants. The principle of requiring the repayment of overpayments

ensures fairness among benefit claimants, as well as fairness to the taxpayers who fund Income Support.

The Panel's Report includes a number of findings and recommendations relating to interdependent relationships. It is vital that if someone claiming Income Support forms an interdependent relationship with a new partner, the Customer and Local Services Department are made aware of this so that any impact on existing Income Support claims can be identified. Failing to advise the Department of an interdependent relationship can lead to large overpayments of benefit and the prompt reporting of a new relationship is therefore vital in maintaining fairness with other benefit claimants and particularly with those couples who do provide timely information on their household circumstances.

## FINDINGS

	Findings	Comments
1	Approximately 1 in 5 households currently in receipt of Income Support and 1,600 households, whose claims have now closed, are repaying overpayments.	The Income Support scheme provides payments in advance to low-income families. This ensures that 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.
2	The two most cited reasons for the overpayment of benefits are errors made by Customer and Local Services and the failure of claimants to disclose changes of circumstances.	The Scrutiny Review received evidence from 31 individuals/organisations, of which 26 have been published. This finding, and many of the other findings listed below, are based on the evidence gathered from one or two individual submissions. Claimants are legally required to advise the CLS Department of a change in circumstance that might affect their benefit entitlement. Many overpayments of benefit arise when claimants fail to notify the Department promptly of a change in circumstance which has the effect of reducing overall benefit entitlement.
3	The loss of documentation relating to changes of circumstances by Customer and Local Services has been identified as a cause of overpayments. A significant proportion of change of circumstance submissions are received in paper form but there are currently no processes in place that provide claimants with proof of receipt or assurance that their documents have been received by the Department.	Since 2022, claimants are able to provide details of change of circumstances online. The online process includes confirmation that scanned imaged have been received by the department. Now the majority of changes (55%) are submitted in this way. The Minister does not accept that the loss of documentation by the Department is commonplace.

	<b>Findings</b>	<b>Comments</b>
4	The Panel appreciates that some overpayments are inevitable due to the nature of Income Support benefits being paid in advance. However, there are times when Customer and Local Services has made a calculation or administrative error that results in a claimant accruing an overpayment. In instances where an overpayment has occurred at the fault of CLS, no acknowledgment of this mistake nor an apology is issued by the Department.	The Department aims to provide an excellent customer service, and this already includes acknowledging and apologising if the department has made an error. The Department will review written information to ensure consistency on this point. However, the overpayment of benefit will still need to be recovered as the claimant has received money they are not entitled to.
5	Our evidence shows that some overpayments have occurred due to a lack of understanding of the instances that qualify as a change of circumstances and that require Customer and Local Services to be notified.	All communications to Income Support claimants explain that they need to notify the Department of any changes to their circumstances. Reminders are included in notification letters and on the IS online website. <a href="http://gov.je">Change in circumstances (gov.je)</a> sets out common changes that need to be notified.
6	Data evidencing why overpayments occur is not held centrally and, as a result, cannot be analysed without collating information manually from individual records.	Noted
7	Overpayments of Income Support benefits have a significant financial impact on those required to repay them. The review has found that many claimants repaying an overpayment of Income Support benefits are facing significant financial hardship, and as a consequence some individuals are in rental arrears, choosing between eating and buying medication, or accessing food banks.	A repayment of Income Support benefit only occurs after a claimant has already received an additional benefit payment, over and above their legal entitlement. Repayment plans will reduce ongoing benefit payments by a small weekly amount that factors in each household's circumstances. Health Insurance prescriptions are dispensed free of charge to local residents and cover all medicines on the agreed Prescribed List. The Health Access Scheme also provides reduced GP fees for all IS household members.
8	The Panel is aware of a number of local charities that are supporting individuals dealing with an overpayment in various ways, such as, but not limited to emotionally, administratively, and financially. Charities are incurring a financial cost in their support of individuals as a	Charities are private organisations that make their own decisions as to how they apply their resources and funds. The Department works closely with many charities to support vulnerable individuals.

	<b>Findings</b>	<b>Comments</b>
	direct result of Income Support benefit overpayments.	
9	The signposting of claimants to charities for financial assistance by Income Support officers suggests that the Department is aware that individuals are suffering significant financial hardship and are not considering this appropriately during the determination process of a person's repayment plan.	The Department works closely with many charities to support vulnerable individuals and there may be different reasons for this depending on the nature of the support required.  The Scrutiny review acknowledges the useful role played by local charities and providing information to claimants on appropriate charities is part of the overall customer service provided by the Department.
10	The overpayment of Income Support benefits has a very significant impact on the mental health and wellbeing of individuals. This impact is so severe in some cases that individuals have considered or attempted to take their own lives.	The Department has robust safeguarding measures to support customers with mental health issues. Staff are trained to make referrals as appropriate.  The Department works closely with many charities as well as other government departments to support vulnerable individuals.
11	Neither the Minister nor Officers confirmed that enquiries are made into the wellbeing of claimants facing an overpayment. The Panel is not satisfied that conversations at the point of notification of an overpayment are taking place, therefore making it very difficult for claimants to raise concerns about their wellbeing due to the impact of an overpayment.	Departmental procedure is to make a telephone call to all claimants who have received additional benefit of £500 or more to explain the reason for the overpayment and to agree a recovery rate.  Repayment plans will reduce ongoing benefit payments by a small weekly amount that factors in each household's circumstances. Claimants are always able to provide extra information to the Department and ask for this to be taken into account. Guidelines for minimum repayment amounts have not been increased since Income Support was introduced in 2008.
12	Income Support overpayments have been identified as negatively impacting claimants and those closest to them. Our evidence has specifically highlighted that children are significantly impacted by overpayments.	All household circumstances are taken into account in making decisions on an Income Support claim. This includes any children in the household.
13	Children are not considered within the processes related to Income Support benefit overpayments other than as a financial component within the determination of a repayment plan. No consideration is given to the wellbeing impact of the overpayments process on children.	All household circumstances are taken into account in making decisions on an Income Support claim. This includes any children in the household.

	<b>Findings</b>	<b>Comments</b>
14	The structure of Income Support claims being assessed by a household places full liability for an overpayment within the household on the claimant in abusive or coercive relationships this type of city can become exploited and can contribute to financial coercion.	Income Support is a means tested benefit based on household income.  The Department accepts that within an abusive or coercive relationship (which can be difficult to identify), benefit payments can be used as one form of control. Officers can complete a safeguarding referral for extra support for anyone in such a situation, signposting to appropriate local charities for further help.
15	The practice of discussing repayment plans with individuals to ensure they can afford them is not written in policy but rather is included in Customer and Local Services' internal guidelines which form part of Income Support training for staff.	Noted
16	When individuals try to discuss their financial struggles and vulnerability with Customer and Local Services following an overpayment notification their concerns are not always listened to or acted upon.	The Minister does not accept the finding that when an individual raises a concern they are not listened to.  A repayment of Income Support benefit only occurs after a claimant has received an additional benefit payment, over and above their legal entitlement.  Repayment plans will reduce ongoing benefit payments by a small weekly amount that factors in each household's circumstances.  Claimants are always able to provide extra information to the Department and ask for this to be taken into account.
17	Despite the Minister for Social Security stating that repayment plans are discussed on a case-by-case basis, taking the household's circumstances into account, we found that this is not always happening in practice.	The Minister would draw attention to the very small number of submissions received by the Panel – this will not be representative of what is happening on a daily basis within the Department.  A repayment of Income Support benefit only occurs after a claimant has received an additional benefit payment, over and above their legal entitlement.  Repayment plans will reduce ongoing benefit payments by a small weekly amount that factors in each household's circumstances.  Claimants are always able to provide extra information to the Department and ask for this to be taken into account.

	<b>Findings</b>	<b>Comments</b>
18	The Panel's evidence suggests that individuals are not always contacted before receiving a letter when their debt is greater than £500 and, if individuals are contacted, open discussions regarding how much they can afford are not always happening.	Departmental procedure is to make a telephone call to all customers with an overpayment of £500 or more to explain the reason for the overpayment and to agree a recovery rate. Note that in some cases the claimant may not respond to a telephone call. A repayment of Income Support benefit only occurs after a claimant has received an additional benefit payment, over and above their legal entitlement. Claimants are always able to provide extra information to the Department and ask for this to be taken into account.
19	Customer and Local Services' IT system does not enable Officers to record the time taken to process each individual change of circumstance.	Noted
20	Customer and Local Services' current IT system does not allow Officers to record the reasons for extended processing times of changes of circumstances.	Noted
21	Overpayments can be accrued further by the processing time it takes the Department to effect a change in circumstances. Although the Panel notes that the new IT system will aim to improve and quicken these internal processes, a number of local charities have highlighted the need for quicker processing times in the interim before the IT system is rolled out.	The view of the charities is noted.
22	The Panel agrees with Customer and Local Services' acknowledgement that communication with claimants on zero-hour contracts is key to avoiding frequent overpayments. However, the Panel is not satisfied that conversations to understand claimants zero-hour work patterns are being held regularly.	When a claimant has irregular income from any source, the claimant is required to notify the Department of the changes in income. The Income Support Law specifies that weekly earnings are normally averaged over a 5 week period and monthly earnings over 2 months. Other periods can be used as needed. Claimants are always able to provide extra information to the Department and ask for this to be taken into account.
23	Whilst Customer and Local Services Officers consider the composition of the household and try to accommodate	Depending on the nature of the need for a home visit, the claimant may feel uncomfortable – for

	<b>Findings</b>	<b>Comments</b>
	the best they can to ensure no one is made to feel uncomfortable during a home visit, this is not always achieved.	example if the claimant is aware that they are currently making a fraudulent claim.
24	Whilst Customer and Local Services Officers strive to invite individuals into the Department for a meeting prior or following a home visit, we found that this is not always offered.	This will depend on the reason for the home visit and the evidence gathered during the home visit.
25	Notifications of overpayments are currently only sent out via post and any delay in the claimant receiving this letter could impact the length of time they have to appeal the decision.	<p>Note that there is no right of appeal against the repayment of overpaid benefit. An extra benefit payment has been received outside of legal entitlement and the Minister, through her officers, has the right to require that the overpaid benefit amount be repaid. This ensures fairness between all benefit claimants, and for the taxpayers who fund Income Support.</p> <p>Appeal rights do exist in respect of decisions as to the value of an Income Support claim. This is a two-stage process with 21 days allowed to request a review (a redetermination). If the matter is not resolved through this process the claimant can then request an external appeal within 14 days of receiving the redetermination decision.</p> <p>The law requires decisions to be sent by post and a letter is counted as being delivered 2 working days after it was sent. Time is also allowed for bank holidays etc and also for postal strikes. In exceptional circumstances - eg the claimant is in hospital, further time can be allowed.</p>
26	There can be a high emotional cost associated with appealing an overpayment decision, which is not always acknowledged by Customer and Local Services.	<p>The Department has robust safeguarding measures to support customers with mental health issues, or who are vulnerable. Staff are trained to make referrals as appropriate.</p> <p>The Department works closely with many charities as well as other Government Departments to support vulnerable individuals.</p>
27	Only two Officers currently who directly deal with Income Support processes have completed trauma informed practice training. However, we were encouraged to learn that all remaining staff will receive this training during the remainder of 2023.	Noted. Training is being set-up with the help of the Health department

	<b>Findings</b>	<b>Comments</b>
28	<p>The current appeals process is not accessible for many vulnerable people in our society.</p>	<p>Note that there is no right of appeal against the repayment of overpaid benefit. An extra benefit payment has been received outside of legal entitlement and the Minister, through her officers, has the right to require the overpaid benefit amount to be repaid.</p> <p>Appeal rights do exist in respect of decisions as to the value of an Income Support claim. This is a two-stage process which starts with an internal review (a redetermination). If the matter is not resolved through this process the claimant can then request an external appeal.</p> <p>Most issues are resolved at the first stage which can be triggered by a letter, email, phone call or in person, this process is fully accessible and officers will support claimants who have a query regarding their benefit decision.</p> <p>The appeal process is independent of the Minister and the Department and is provided through the Tribunals Service. The Tribunal Service provides facilities for claimants with disabilities and can provide translation services as needed. The claimant can have someone with them to help them during the appeal itself.</p> <p>Charities and community organisations also support individuals as needed. For example, Citizens Advice Jersey (which is grant funded by GoJ) provides a range of support for all islanders in respect of benefit Issues including appeals.</p>
29	<p>The existence of an interdependent relationship, as a component of an Income Support entitlement, is decided by Determining Officers. Officers use the <a href="#">Income Support (General Provisions) (Jersey) Order 2008</a> and internal policy guidance in their determination process. The criteria for interdependent relationships, as set out in these documents, are not prescriptive and require officers to interpret the level of interdependency present in a relationship on the balance of probability. This means that the determination process can be open to subjectivity and inconsistent application across the Department.</p>	<p>All Income Support benefit decisions are decided by determining officers, using the Income Support legislation and internal policy guidance.</p> <p>The tests for an interdependent relationship are set out in legislation and the guidelines are applied consistently across the department.</p> <p>Undeclared interdependent relationships are one of the biggest causes of benefit fraud, and can lead to significant overpayments being generated if the Department is not kept updated. It is critical for interdependent relationships to be identified to ensure fairness amongst all benefit claimants.</p>

	<b>Findings</b>	<b>Comments</b>
30	The determination of interdependent relationships is at the full discretion of Determining Officers and so careful consideration should be afforded to the determination process. Allowing for a second decision to be made on an interdependent relationship prior to the appeals process would be beneficial to both the claimant and the Department.	The determining officer does not have full discretion, All Income Support benefit decisions are decided by determining officers, using the Income Support legislation and internal policy guidance. The tests for an interdependent relationship are set out in legislation and the guidelines are applied consistently across the Department. The decision of the determining officer must be made following the tests set out in the legislation.
31	During and post pandemic a team of senior Social Security advisors were made available to various charities as a direct link to discuss and secure support and advice for particularly vulnerable people experiencing issues with Social Security. This has been a positive step and, for some, has reduced the negative impact on individuals arising from Social Security issues, including overpayments on Income Support. This support should continue for the foreseeable future.	Noted
32	Occasionally claimants are confronted by Income Support Officers who hold an attitude that 'blames' them for their individual situations and are left feeling disempowered, belittled, or simply not listened to.	Benefit claimants will not always be satisfied with the outcome of a benefit claim and this may impact the perception of their engagement with the Department. Departmental staff are trained to deliver an excellent customer service to all customers equally and customer satisfaction is constantly measured as a key performance indicator on service.
33	More than one local charity spoke of the differential treatment given to claimants who attend meetings at Customer and Local Services alone as opposed to being accompanied by a charity/support worker.	The perception of a benefit claimant when accompanied by a support worker may well be more positive compared to a meeting without such support. Departmental staff are trained to deliver an excellent customer service to all customers equally.
34	Advice given by Income Support staff can vary from advisor to advisor for the same specific situation. Incorrect information by advisers can lead to increases in overpayment amounts and place an individual in a more vulnerable position.	Departmental staff receive comprehensive training to enable them to deliver a consistent service. Errors will always occur from time to time and staff will apologise when an error occurs and seek to rectify the mistake as soon as possible

	<b>Findings</b>	<b>Comments</b>
35	Some individuals dealing with an overpayment issue will speak to multiple Officers at Customer and Local Services about their overpayment. Not only can this exacerbate the issue of inconsistent advice, but it can also be very challenging for those who find their circumstances difficult to discuss.	All departmental officers have access to the detailed notes recorded against each claimant's record. Workflow management can mean that different staff members may be required to have input/receive customer calls around a particular case. Maintaining a dedicated case officer per claim would result in delays for the claimant when that officer was not available (such as annual leave or through illness). The current system of shared information ensures that claims and queries can be dealt with as quickly as possible and that staff are efficiently allocated across benefit tasks.
36	Having a dedicated Income Support Officer, or small group of Officers, assigned to each Income Support case would reduce the degree of repetition for individuals, improve communication and provide claimants with greater comfort that they are receiving correct information.	All departmental officers have access to the detailed notes recorded against each claimant's record. Workflow management can mean that different staff members may be required to have input/receive customer calls around a particular case. Maintaining a dedicated case officer per claim would result in delays for the claimant when that officer was not available. The current system of shared information ensures that claims and queries can be dealt with as quickly as possible and that staff are efficiently allocated across benefit tasks
37	One of the points most frequently made throughout the Panel's evidence has been the importance of face-to-face meetings. Whether this is for the negotiation of repayment plans, enquiries into wellbeing, explanation of the appeals process or the communication of a policy change, face-to-face meetings are pivotal in claimant's understanding of overpayments and related processes and ensuring that they feel recognised, seen and heard by the Department.	Face to face meetings are available to all customers.
38	There appears to be a lack of communication between Andium Homes and Income Support which can exacerbate the impact of overpayments on individuals.	There is a strong working relationship and regular communications between the Income Support teams and Andium Homes to ensure claims are accurate.
39	It is imperative that all staff directly involved in Income Support processes are provided with sufficient training in	Mandatory training for all CLS staff includes: <ul style="list-style-type: none"> <li>• Children's Rights Awareness</li> <li>• Dignity &amp; Respect</li> </ul>

	<b>Findings</b>	<b>Comments</b>
	order to communicate with a wide array of individuals effectively and appropriately.	<ul style="list-style-type: none"> <li>• Diversity, Equity &amp; Inclusion, which includes Unconscious Bias</li> <li>• Foundation Safeguarding</li> </ul>
40	According to Jersey Mencap, all staff should be provided with disability training, and especially learning disability, as this is so often misunderstood. It is unclear from the evidence the Panel received whether staff who deal with Income Support are offered any training on learning disabilities.	The views of Jersey Mencap are noted
41	The Panel was disappointed to discover that no specific training has been delivered on unconscious bias and that only 24 members of staff in the entire Department had attended gender and sexuality in the workplace training. Furthermore, it was unclear from the response whether any staff members who deal with Income Support had received this training.	<p>Mandatory training for all CLS staff includes</p> <ul style="list-style-type: none"> <li>• Children’s Right’s Awareness</li> <li>• Dignity &amp; Respect</li> <li>• Diversity, Equity &amp; Inclusion, which includes Unconscious Bias</li> <li>• Foundation Safeguarding</li> </ul>
42	The language used in written communications from Customer and Local Services is complex and hard to decipher and disproportionately impacts the most vulnerable people in our society.	<p>Letters sent to claimants in respect of benefit decisions are legal documents and must state clearly the decision and the right of the claimant to ask for that decision to be reconsidered. Claimants are always able to ask for further information or an explanation if any part of the decision letter is unclear.</p> <p>The Minister has previously identified the need to review written communications. This was included in the Minister’s Delivery Plan for 2023 which includes</p> <p><i>“Reviewing and enhancing the ways Social Security contributions and benefits issues are communicated with the public by:</i></p> <ul style="list-style-type: none"> <li>• <i>initiating a review of standard letters and guidance notes to make sure they are easy to understand and address customer needs in 2023.</i></li> </ul> <p>“</p> <p>This review is in progress.</p>
43	Individuals would be empowered to engage more with their benefit claims and would have a greater chance of identifying an overpayment if the entire system was made more approachable	A system such as Income Support that provides low-income support across many different kinds of household and personal circumstances will by necessity have a degree of legal complexity – explaining it in detail will involve some technical

	<b>Findings</b>	<b>Comments</b>
	and simpler to understand. Furthermore, a better understanding and a more transparent system could potentially reduce the likelihood of overpayments occurring.	<p>language. The communication review aims to minimise jargon and make all letters easier for customers to understand.</p> <p>The system itself could be made simpler in one of two ways:</p> <ul style="list-style-type: none"> <li>• the benefit rules could be relaxed to provide easier access to Income Support, with less eligibility tests - this would significantly increase the cost of Income Support and it would be less well targeted. Those in the greatest need may see their benefit entitlement reduced.</li> <li>• the benefit rules could be tightened to provide simple access to Income Support but only in very specific cases. This would reduce the cost of Income Support but it would also deny many existing claimants access to financial support.</li> </ul> <p>The current Income Support system is a balance between these two tensions.</p>
44	Methods of communication used by Customer and Local Services in respect of overpayments lack inclusivity and diversity. It should not be assumed that everyone is able to read/write/communicate in the way the system requires.	Legislation requires decisions to be notified in writing - <a href="#">Income Support (General Provisions) (Jersey) Order 2008 (jerseylaw.je)</a>
45	In January 2023 the Minister for Social Security launched a prioritised programme of work to improve communications with customers, which is due to be completed in December this year. The work aims to improve standard letters and guidance to make them easy to understand and to ensure digital, phone and face-to-face communications regarding Social Security contributions and benefit systems are easily accessible and are operated efficiently.	Noted. This review is continuing and there have already been a number of improvements made.

## RECOMMENDATIONS

	Recommendations	To	Accept/ Reject	Comments	Target date of action/ completion
1	<p>The Minister for Social Security should ensure that customers are provided with a copy of any documentation handed in to Customer and Local Services, which has been stamped with the date of receipt. This will provide both the claimants and Department with a greater understanding of the situation and minimise the risk of a dispute.</p>		Reject	<p>The majority of change of circumstances (55%) are received online and the department will continue to encourage claimants to use this method. The online process includes a confirmation that the document has been received.</p> <p>The Minister does not accept that loss of documents by the Department is frequent or commonplace. Accepting this recommendation would perpetuate the need for paper records, would be inefficient and time consuming, and would have a negative impact on overall service provision and response times.</p> <p>If a customer would like a record of a document being submitted, they can submit the online form which will provide confirmation that the document has been received.</p> <p>If the customer does not have digital access, they can come to the Department and use the assisted digital area. The welcome hosts are available to help if needed.</p> <p>The Department is currently preparing for the implementation of a major new IT system, known as Transform. As set out in the Ministerial Plan for 2024 (R.143/2023), the aim of the Transform programme is to deliver a new highly customer centred benefit administration system with implementation between 2024 and 2026.</p> <p>Making customer records more accessible and transparent is a priority for the Transform programme. Requirements for the future solution include the capability for customers to access digital copies of information they have submitted to the department.</p>	N/A

	<b>Recommendations</b>	<b>To</b>	<b>Accept/ Reject</b>	<b>Comments</b>	<b>Target date of action/ completion</b>
				During this preparatory period, it is important that any changes to existing processes are carefully prioritised.	
2	The Minister for Social Security should ensure that the communication that notifies a claimant about an overpayment, which has occurred as a result of departmental errors, includes an acknowledgement of error and apology. This should be considered during the Minister's wider review of Customer and Local Services communications.		Accept	The review makes several recommendations in respect of communication issues. The Department is already reviewing communications material across the Department, including standard/most commonly used letters, in line with the Minister's 2023 Delivery Plan, with areas being addressed on a priority basis. The Minister accepts that letters, by their nature, can be complicated. Letters to customers need to contain relevant information and clearly identify actions needed on the part of the customer. The wording of standard letters will be reviewed to identify if any further changes are needed.	31/12/23
3	The Minister for Social Security must ensure that Customer and Local Services does not recover overpayments that result from errors made by the Department.		Reject	Recommendations 3 and 10 propose that customers should retain extra benefit payments that have been made in addition to their legal entitlement. These recommendations cannot be accepted. Regardless of the reason for an extra payment of benefit, a claimant who has been overpaid has received an additional payment above the amount to which they are legally entitled; that is, they have had extra money in their pocket that other claimants have not received. If the claimant would struggle to repay the amount in a lump sum, they can discuss a regular and realistic rate of repayment with the Department. To introduce a policy of writing off additional benefit payments would increase the cost of Income Support to the taxpayer and would not be fair on other benefit claimants who have received the correct amount of benefit. Without an increase in funding allocation, this proposal could lead to	N/A

	<b>Recommendations</b>	<b>To</b>	<b>Accept/ Reject</b>	<b>Comments</b>	<b>Target date of action/ completion</b>
				benefit rates being reduced to maintain spending within budget.	
4	The Minister for Social Security must ensure that data relating to the reasons why overpayments occur is held on a central database to allow this information to be analysed and for targeted changes/improvements to processes to be implemented, where necessary.		Partially accept	<p>The Department is currently preparing for the implementation of a major new IT system, known as Transform. As set out in the Ministerial Plan for 2024 (R.143/2023), the aim of the Transform programme is to deliver a new highly customer centred benefit administration system with implementation between 2024 and 2026.</p> <p>During this preparatory period, it is important that any changes to existing processes are carefully prioritised. It is not possible at this stage to confirm how overpayment information will be processed under the new system. However, improving the understanding of customers and their interactions with GOJ is an important requirement of Transform, as is the ability to be able to quickly configure and improve service delivery.</p> <p>This proposal will be evaluated as part of the overall development of Transform, but the Minister cannot commit to this specific recommendation forming part of the new system.</p>	12/2025
5	The Minister for Social Security must acknowledge the detrimental impact that an overpayment of Income Support benefit can have on an individual's mental health and wellbeing.		No action required – part of existing process	Following the identification of extra benefit being paid to a claimant and the need to recover the over payment, the Department already offers support and advice to help the claimant understand the situation and agree the actions needed.	N/A
6	The Minister for Social Security should ensure that either claimants are properly signposted to support services when they are notified of an overpayment or Income Support officers ensure the well-being of the		No action required – part of existing process	<p>The Department works closely with many charities as well as other government departments to support benefit claimants including vulnerable individuals.</p> <p>The Scrutiny review acknowledges the useful role played by local charities and providing information to claimants on appropriate charities is part of the</p>	N/A

	<b>Recommendations</b>	<b>To</b>	<b>Accept/ Reject</b>	<b>Comments</b>	<b>Target date of action/ completion</b>
	claimant is considered during the repayment plan process the minister should give particular consideration to the impact of overpayments on vulnerable individuals			overall customer service provided by the Department. The Department has robust safeguarding measures to support customers with mental health issues. Staff are trained to make referrals as appropriate	
7	In order to the minimise the impact of overpayments on children, the Minister for Social Security should review the overpayment processes to ensure that the wellbeing of children is considered at every stage.		No action required – part of existing process	The wellbeing of children is an important consideration and is always taken into account in making decisions. This is existing practice. The presence of children in a household is not, in itself, a reason for not repaying an overpayment. That household will still have received additional funds they were not entitled to.	N/A
8	The Minister for Social Security must undertake a review of the current guidelines that are used to determine a repayment amount and amend where necessary to ensure that repayments of overpayments of the Income Support benefit are not causing financial hardship and leaving individuals or families financially vulnerable.		Reject	The repayment guidelines have never been changed and are based on historical levels of benefit. They have not been increased and start at £3 per day. Benefit levels have risen substantially in recent years and a review of the guidelines would require the repayment amounts to be increased in line with current benefit rates. Given current economic conditions and ongoing economic uncertainty, the Minister will not be reviewing the guideline amounts at present. The guideline amounts will remain at their historic levels.	N/A
9	The Minister for Social Security must ensure that every individual, whose repayment amount is £500 or greater, is contacted by Customer and Local Services and invited to a face-to-face meeting, where possible, to discuss a repayment plan that considers the household's whole		Reject	Departmental procedure is to make a telephone call to all customers with an overpayment of £500 or more to explain the reason for the overpayment and to agree a recovery rate. Face to face meetings are available to all customers either by dropping into the department or booking an appointment (online or by phone). Not all claimants need a face-to-face meeting in respect of the arrangements for a repayment plan and it is important that staff resources are	N/A

	<b>Recommendations</b>	<b>To</b>	<b>Accept/ Reject</b>	<b>Comments</b>	<b>Target date of action/ completion</b>
	financial background to ensure that it is affordable and does not leave an individual or family facing financial hardship.			allocated to priority areas and in particular to provide support to more vulnerable claimants. Claimants are always able to provide extra information to the Department and ask for this to be taken into account.	
10	The Minister for Social Security should ensure that any overpayments accrued after the date in which changes circumstances are submitted are not recovered.		Reject	Recommendations 3 and 10 propose that customers should retain extra benefits payments that have been made in addition to their legal entitlement. These recommendations cannot be accepted. Regardless of the reason for an extra payment of benefit, a claimant who has been overpaid has received an additional payment above the amount to which they are legally entitled. If the claimant would struggle to repay the amount in a lump sum, they can discuss a regular and realistic rate of repayment with the Department. To introduce a policy of writing off additional benefit payments would increase the cost of Income Support to the taxpayer and would not be fair on other benefit claimants who have received the correct amount of benefit. Without an increase in funding allocation, this proposal	N/A
11	The Minister for Social Security must ensure that the new IT system for Customer and Local Services enables the capturing of processing times for each change of circumstance and the reasons for extended processing times. This will allow for analysis to be undertaken, changes to be made where necessary and resources to be directed appropriately.		Partially accept	The Department is currently preparing for the implementation of a major new IT system, known as Transform. As set out in the Ministerial Plan for 2024 (R.143/2023), the aim of the Transform programme is to deliver a new highly customer centred benefit administration system with implementation between 2024 and 2026. Processing delays can arise as a result of the claimant not submitting all required information in a timely manner. Improving the understanding of customers and their interactions with GOJ is an important requirement of the Transform programme, as is the ability	12/2025

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				to be able to quickly configure and improve service delivery. This proposal will be evaluated as part of the overall development of Transform, but the Minister cannot commit to this specific recommendation forming part of the new system.	
12	The Minister for Social Security must ensure that a female Officer from Customer and Local Services is always present when a home visit takes place at an address occupied by a single woman.		Reject	The CLS officers whose duties include home visits are not recruited on the basis of gender and it would be inappropriate to do this. Staff are all trained to the same high standard, and it is always explained to the customer that if it is not convenient the officer will reschedule or arrange an appointment in the office. Staff will not enter a property unless they are invited and do not have any powers of entry.	N/A
13	The Minister for Social Security must ensure that following an unannounced home visit, individuals are invited into the Department to discuss their claim, to protect any children that may have been present at the home address and to allow the individual to invite a family member, representative from a charity, or support worker to attend the meeting to provide support.		Reject	Not all claimants will need a face-to-face meeting following a home visit and it is important that staff resources are allocated to priority areas and in particular to provide support to more vulnerable claimants. During the home visit, claimants are always asked if it is convenient to talk about their claim during the visit and are always allowed to request a reschedule or a meeting at the department and the Investigating Officers leave contact details with the customer for this to be arranged if required. Unannounced visits are only scheduled if there is reliable intelligence to suggest a possible fraud situation or overpayment occurring due to undisclosed information. Customers are always able to bring someone with them for support during any appointment they have in the Department.	N/A
14	In advance of the new IT system being in place, the Minister for Social		Reject	Every claimant must receive written communication in respect of benefit decisions in accordance with the law.	N/A

	<b>Recommendations</b>	<b>To</b>	<b>Accept/ Reject</b>	<b>Comments</b>	<b>Target date of action/ completion</b>
	Security should ensure that letters advising individuals of an overpayment and the option of an appeal are also sent via email to those who have access to an email account.			The Department's current administration system does not capture customer preferences for notifications. This will be addressed by the future Digital Government Platform and Transform programme. The Transform programme includes a review of current legislation to allow notifications of awards according to customer preferences.	
15	The Minister for Social Security must ensure that trauma informed practice training becomes mandatory for all new employees who are directly involved in Income Support processes and that the training is undertaken at the earliest possible opportunity following appointment.		Partially Accept	Trauma Informed Practice training is planned for late November/ December 2023, for Income Support staff. Future training courses and timings will be prioritised according to operational need and available resources.	12/23
16	The Minister for Social Security should undertake an urgent review, including meaningful engagement with marginalised and vulnerable groups, to ensure that the appeals process is accessible to everyone.		Not appropriate for Minister for Social Security to review independent appeals process	The Tribunal Service operates independently of the Minister and the Department. Tribunal decisions are appealable to the Royal Court. It should be noted that there are no appeal rights against the recovery of overpaid benefits. There are appeal rights in respect of benefit decisions. The appeals process has been managed by the Tribunal Service which sits under the Judicial Greffe since 2018. The Tribunal Service have their own <a href="#">website</a> and they are responsible for the content of the appeal application form and the information provided on the appeals process and Tribunals. As such, any advertising of the work of the Tribunals sits with the Tribunal Service. Letters advising of benefit decisions and redetermination decisions always include information about appeal rights and provide a link to the Tribunal	N/A

	<b>Recommendations</b>	<b>To</b>	<b>Accept/ Reject</b>	<b>Comments</b>	<b>Target date of action/ completion</b>
				<p>Service website. The CLS web page also provides links to the Tribunal Service website and the online appeal form.</p> <p>The Minister’s legal responsibility for the Tribunals is limited to the provision of panel members for the 3 Tribunals that hear appeals against decisions made under benefit legislation that the Minister is responsible for. This is done via recommendations made to the States Assembly who have the final say on who is appointed.</p>	
17	The Minister for Social Security must ensure that every letter informing a claimant of an overpayment includes clear, easily accessible information regarding the appeals process.		No action needed – this is current practice	<p>It should be noted that there are no appeal rights against the recovery of overpaid benefits.</p> <p>There are appeal rights in respect of benefit decisions. All benefit decision letters already contain clear redetermination and appeal rights. Here is the standard wording:</p> <p><i>“If you are dissatisfied with this decision you can ask for your claim to be reconsidered by Customer and Local Services. You have 21 days from the date you receive this letter to contact Customer and Local Services. This can be done by telephone, in writing or in person.</i></p> <p><i>If you ask for your claim to be reconsidered and you are still dissatisfied after the claim has been reviewed, you can then appeal to an independent tribunal.</i></p> <p><i>If you do not ask for a review within 21 days, then you no longer have a right of appeal to an independent tribunal.”</i></p> <p>If a claimant asks for a review (redetermination) this will be completed by a different officer within the Department. When the redetermination process is completed, the customer is sent a copy of the redetermination record, which sets out the full</p>	N/A

	<b>Recommendations</b>	<b>To</b>	<b>Accept/ Reject</b>	<b>Comments</b>	<b>Target date of action/ completion</b>
				circumstances of the decision, as well as the second Determining Officer's decision. This letter sets out full details	
18	The Minister for Social Security should review Determining Officers' application of internal guidance regarding interdependent relationships and ensure that both the Law and guidance are applied consistently.		Accept	The internal guidance regarding interdependent relationships has been reviewed and was considered to be fit for purpose with no changes required. Recent cases have been assessed for both quality and consistency. The Minister is satisfied that all recent decisions are consistent with the internal guidelines and the principle of the legislation.	November 2023
19	The Minister for Social Security should implement an oversight process in the determination of interdependent relationships, which would require two Determining Officers to agree on the existence of an interdependent relationship, independently of one another based on the evidence gathered.		Reject	The Income Support legislation already allows for any decision to be reviewed by a second officer at the request of the claimant. The doubling up of this task in respect of every claim of this nature would divert resources from other operational areas and is not justified.	N/A
20	The Minister for Social Security should undertake open conversations with charities and organisations who support individuals with overpayments to understand and help address any concerns regarding a lack of empathy among Income Support staff.		No action needed – this is current practice	The Department works closely with many charities and community organisations to support benefit claimants including vulnerable individuals. Operational and policy officers also offer regular individual contact with all organisations who support benefit claimants. There are already a number of mechanisms for charities and organisations to raise any concerns with overpayments or other benefit issues. These include <ul style="list-style-type: none"> <li>• Financial Impact Action Group,</li> <li>• Cluster groups in respect of:</li> <li>• Children and Young People,</li> <li>• Homelessness,</li> </ul>	N/A

	<b>Recommendations</b>	<b>To</b>	<b>Accept/ Reject</b>	<b>Comments</b>	<b>Target date of action/ completion</b>
				<ul style="list-style-type: none"> <li>• Learning Disability,</li> <li>• Equality, Diversity and Inclusion,</li> <li>• Adult Mental Health,</li> <li>• Older People and</li> <li>• Cancer.</li> </ul> <p>• In addition through the Closer to Home events islanders have the opportunity to speak to CLS Officers at locations of their choice.</p>	
21	The Minister for Social Security must ensure that a client relationship model, where each Income Support caseload has a dedicated Income Support Officer or small group of Officers, is implemented at the earliest possible opportunity.		Reject	<p>The Department is currently preparing for the implementation of a major new IT system, known as Transform. As set out in the Ministerial Plan for 2024 (R.143/2023), the aim of the Transform programme is to deliver a new highly customer centred benefit administration system with implementation between 2024 and 2026.</p> <p>The new IT system will not be based on a client relationship model. This type of model would not provide the functionality needed in the new system.</p>	N/A
22	The Minister for Social Security must look to introducing mandatory training on learning difficulties for all staff who are directly involved in Income Support processes.		Partially accept	<p>CLS staff already receive mandatory Dignity and Respect and Diversity, Equity &amp; Inclusion training which covers some aspects of how to best serve customers with Learning needs. Dementia training was implemented this year with the Pensions and Care team, and it is hoped to run this again with Dementia Jersey in 2024 for all CLS staff including the Work and Family team.</p> <p>SPELL training was provided in 2021 and the Diversity and Inclusion team will consider whether this should be provided again.</p> <p>The CLS Learning and Development team will work with the Diversity and Inclusion Team to identify any additional relevant training with regards to learning difficulties.</p>	12/24

	<b>Recommendations</b>	<b>To</b>	<b>Accept/ Reject</b>	<b>Comments</b>	<b>Target date of action/ completion</b>
23	The Minister for Social Security should ensure that unconscious bias training is introduced and delivered to all customer facing staff within Customer and Local Services.		Partially accept	<p>CLS staff already receive mandatory Diversity, Equity &amp; Inclusion training. This includes a dedicated section on Unconscious Bias.</p> <p>CLS staff also have optional access to additional training with 4 additional courses of</p> <ul style="list-style-type: none"> <li>• Mitigating Unconscious Bias,</li> <li>• Unconscious Bias,</li> <li>• Unconscious Bias at Work and</li> <li>• Common Workplace Biases.</li> </ul> <p>The CLS Learning and Development team will work with the Diversity and Inclusion Team to identify any additional relevant training focused on unconscious bias.</p>	12/24
24	The Minister for Social Security must ensure that the current review of communications includes consideration of different methods of communication about overpayments and Income Support in general.		Reject	<p>Every claimant must receive written communication in respect of benefit decisions in accordance with the law. The Department's current administration system does not capture customer preferences for notifications. This will be addressed by the future Digital Government Platform and Transform programme. The Transform programme includes a review of current legislation to allow notifications of awards according to customer preferences.</p>	N/A
25	The Minister for Social Security must ensure that due attention is given to introducing the use of Easy- Read documents within Customer and Local Services to help benefit those with disabilities or those whose first language is not English.		Accept	<p>The Department has already developed some easy read documents which are currently being reviewed by a range of claimants. Subject to feedback, these documents will become publicly available and further topics will be introduced.</p>	Dec 2024
26	The Minister for Social Security should engage with local disability charities whilst		No action needed – this is	<p>The Disability and Inclusion Team continue to work in partnership with a range of charities and other stakeholders to ensure that communication methods</p>	N/A

	<b>Recommendations</b>	<b>To</b>	<b>Accept/ Reject</b>	<b>Comments</b>	<b>Target date of action/ completion</b>
	undertaking the communications project to ensure that any new or improved communication methods are inclusive, accessible, and easier to understand, and that adequate consideration has been given to the most vulnerable in our community.		current practice	are inclusive, accessible and easier to understand. This ongoing work has supported the development of a GoJ accessible communications protocol which will be disseminated in 2024.	

## CONCLUSION

The Minister can confirm that action is already being taken against the three recommendations that have been accepted. A review of internal guidance on interdependent relationships has already been completed. As part of existing communications projects, the Department has already developed some easy read documents with more planned and standard letters are under active review. Five recommendations are partially accepted. Two relate to the future capabilities of the Transform system and the Scrutiny recommendations will be considered as part of overall development. A further three recommendations relate to departmental training and the Scrutiny recommendations will be taken into account when developing further training programmes.

Six recommendations relate to operational practices that are already in place. It would appear that the Panel has based some of its recommendations on evidence received from a single individual or organisation. Income Support is the major means tested benefit provided in Jersey, supporting over five thousand families with weekly payments, requiring significant operational resources and distributing an annual budget of over £75 million. Within any major system of this size there will always be isolated incidents where customer service falls below the expected standard or an error is made in a benefit claim. The Department continually strives to maintain and improve its high levels of customer service and operational efficiency and these recommendations all relate to existing operational practices. Eleven recommendations are rejected for a number of reasons. Some fall outside of the legal framework required under the Income Support legislation, others would lead to inefficient use of staff resources or increased costs within the Income Support system.

The Minister is pleased that the Scrutiny Panel has confirmed the fundamental principle that Income Support payments are made in advance, and that this will always result in some level of overpayment of benefit as family circumstances improve and a lower level of Income Support is required.

