

3. Questions to Ministers without notice - The Minister for Social Security

3.1 Deputy K.C. Lewis:

Further to the excellent question from Deputy Le Hérissier regarding savings limit, does the Minister for Social Security believe the limits should be raised given that I have had many reports from senior parishioners - and I know my colleagues have too - that they have worked hard all their lives and they dread one partner going into care with all the resultant costs? Does the Minister believe that this limit should be raised?

Senator P.F. Routier (The Minister for Social Security):

The limit that has been in existence for quite some time does need review certainly and it is the intention for when I come forward with the rates that we will have a rate which is probably more appropriate to today's setting. Members who have had the opportunity to have read the response to the consultation document will have noticed that in that I am making a recommendation that the current levels are disregarded for people's income; there will be a higher rate for pensioners. So that is certainly the intention, to have a higher rate than it would be for people in working conditions.

3.2 Deputy P.V.F. Le Claire:

In regards to the winter fuel allowance, what are the plans of his department to come forward given the recent information to States' Members that the scheme was likely to cost in excess of £900,000 and he was having difficulty seeking approval of the Council of Ministers? What is coming forward to the Assembly to give comfort to the people who cannot afford to keep up with the increasing fuel costs and to keep themselves warm that do not have unlimited means?

Senator P.F. Routier:

Members will have seen the report that we have just laid before the House which does give all the various options. I think the main problem that we are facing is what cuts are going to have to be made to enable us to afford any scheme? That will be a discussion around the Council of Ministers table to try and find somewhere where we can make some cuts to services or to other benefits so that we can afford to pay for winter fuel payments. That is probably as much information as I can give until it goes back to the Council of Ministers. We have laid it before Members; if any Members have any ideas of where cuts can be made to pay for it, we would very much welcome that.

3.3 Deputy A. Breckon of St. Saviour:

I wonder if the Minister could tell the House if the information being sought for the income support system is data protection compliant. The reason I ask that is that a written answer today said a copy of the whole form has been sent to the Commissioner with an explanation but it does not have an answer.

Senator P.F. Routier:

The Data Protection Commissioner was sent the whole form and we have had notification from the Deputy Commissioner to say that it is not the right or the focus of data protection to look at the individual questions. They would not make a judgment on that mainly because the questions fall out of a law which has been passed from this House. As long as the questions relate to the Law which this House has approved there is no need for Data Protection to look at the basis of the question. The Data Protection Officer did formally look at the declaration and made a couple of suggestions in regard to that and we have put that into the form.

3.3.1 Deputy A. Breckon:

If that is the case, can I ask the Minister who else will have access to the information and who will apply the test of whether that is compliant with data protection?

Senator P.F. Routier:

The information which is gathered from the forms will be the responsibility of members of staff of the Social Security Department and possibly, depending on the agreement that was made with any of the Parishes who are going to be involved in this scheme, anybody who had access to the information: they would have to take an oath the same as our Social Security staff would. So there are no concerns, as far as I am concerned, with regard to the availability of the information getting out from within the scheme. Certainly it will not be information that would be ordinarily available to Parish staff has been the implication. Every person that is accessing the information will be tied very closely to the income support scheme and be responsible to the Minister.

3.4 Deputy G.P. Southern:

Does the Minister, rather than his words that there is no need for the Data Protection Registrar to examine the questions asked... is it not the case, and does he not agree, that they do not have the powers and that what the Minister should have done before bringing the Law to this House was to ensure that the Data Protection Registrar had examined in detail what was contained in the Law so that if there were problems they could have been addressed?

Senator P.F. Routier:

The Data Protection Officer had looked at the Law itself before it came to this House and has not raised any concerns with regard to the Law. The Deputy is quite right that it is not the remit of the Data Protection Officer to look at the form itself and we have proceeded on the basis that the States have approved the Law and the questions that are within the form do relate to the approved Law which this House has passed.

3.5 Deputy G.P. Southern:

The Minister referred to rates more appropriate to today's setting when talking about residential care. Will he apply the same standards to the family component of income support which will replace family allowance in the light of the data that I gave him recently on the slippage that had occurred in family allowance?

Senator P.F. Routier:

This is a repeat of the question the Deputy asked me when we had one of our friendly Scrutiny meetings on Friday. I will probably give the same answer as I gave to him then. It is certainly my intention to ensure that families are protected far better than they currently are. The existing family allowance benefits will not exist and, quite rightly, we will be replacing them with a far better system. To my mind we will be giving far more support to families than we have in the past.

3.6 Deputy R.G. Le Hérissier:

Can I build on Deputy Lewis' question and go where no person has ever gone before and ask the Minister what he thinks of the saving allowance allowable for spouses who have another partner in care and whether, indeed, he has come to the conclusion that this allowance is woefully underestimated in the light of current conditions and that is the particular line he will be pursuing in its revision?

Senator P.F. Routier:

The current level, as I said, does need reviewing and I anticipate that it will be higher than the current level. As I mentioned earlier, I have already decided that the capital allowances is in the consultation document and it is quite clear that I will be ensuring that pensioners in particular

will have a far higher rate than the workers of the Island. I hope that will alleviate some of the concerns the Deputy has.

3.7 Deputy A. Breckon:

Could the Minister confirm that the information sought for income support is more detailed and intrusive than that sought by income tax?

Senator P.F. Routier:

I think one of the issues which a lot of people seem to be having difficulty with is that we are asking people for information so that we can give them a benefit which is appropriate to their needs. We need to have that information so that we can support them in an appropriate way. It is a different type of information that we ask for than the Tax Department asks certainly. We do feel that if somebody is applying of their own free will, to come and ask for support from the taxpayer which is virtually what it is - it is a transfer of payments from the taxpayers to those on low incomes - that the taxpayer and this House, and I am sure everybody, would hope that we would have the correct information to ensure that we can provide people with appropriate support. It may seem to people that we are asking intrusive questions but the reality of the matter is that we have to have the correct information to ensure that people are supported correctly.

3.7.1 Deputy A. Breckon:

Would the Minister recognise that people are not applying from their own free will, they are applying because they have a particular need and could he explain to me if my brother has a need why I should be assessed for that if I live in the same house?

Senator P.F. Routier:

What we need to get to the bottom of with every household is whether they are financially inter-dependent. A household can be made up in very many ways and we have obviously highlighted the area of people who are caring for a disabled adult. It is recognised that you can have a household that is specifically just made up of the disabled adult although they may be living with the parents and we would support that disabled adult. We can have the reverse of that as well where elderly parents are living with children. The definition of a household is very, very important. You quote a brother living with a brother. Well, it all depends on whether they are financially dependent or not. That is a judgment that needs to be made at the time of the application.

3.8 Deputy P.V.F. Le Claire:

That is very interesting. I was going to ask a different question but I will ask this one instead. Based upon that last supplementary by Deputy Breckon, what would be the situation whereby somebody finds themselves in need through no fault of their own because of an illness and perhaps has a lodger? People are entitled to have up to 5, I believe, within their household. Would that lodger's circumstances then be investigated or would they be able to be asked questions as to whether or not their financial circumstances are inter-dependent given the fact that the lodger might be an inter-dependent part of that person's mortgage-paying ability. Would then the lodger be required to furnish all of their income and all their details?

Senator P.F. Routier:

I would imagine in those circumstances if the person who owns the accommodation has a lodger and the owner of the property was making a claim for income support, all that would be taken into consideration would be the income that the lodger paid for the rental and that would be it. It would not be the lodgers themselves because they would be considered to be a separate household.

3.9 Deputy G.P. Southern:

In a written answer to me earlier the Minister has suggested that any claim is made on behalf of all members of the household. Surely that is a re-interpretation and is that definition contained within the Law? My understanding is that claims for low income support will be made by an applicant as head of household and not on behalf of others thereby rendering information required - intrusive information required - by the department of dependents or others in the household an invasion of privacy.

Senator P.F. Routier:

The test really is about whether they are financially inter-dependent. So what we need to ask is do they rely on each others support for living. That will be a judgment that will have to be made when the assessment is being made face-to-face with various assessors.

3.9.1 Deputy G.P. Southern:

But the question I was referring to and the answer refers to, is the requirement to declare all savings or all assets over £1,000. That is not about inter-dependence. That is about people's private assets. Does the Minister not agree that in that case there is a privacy issue?

Senator P.F. Routier:

If people are settled in a household and they are inter-dependent they would have to declare assets over £1,000. It is not intrusive. I think every member of this house would want us to be sure that we are using our taxpayers' money in an appropriate way. Why should we be paying money to people who have assets over £1,000 or more? I just cannot understand that. If that is what the Deputy is suggesting, that we should be paying income support to people who have high assets, well I am surprised. I know I am perhaps going off and not answering the question.

3.10 Deputy C.J. Scott Warren:

The Minister will know that I have contacted him regarding this issue and the confusion people within households have had and the concern they have all had to give information which the person claiming then has to sign is correct. You did tell me at the time that you were looking at a way to further clarify the form to stop this concern; that people have to give information when they are not part of that individual household but live in the same house but they are not financially inter-dependent. Has the Minister managed to further clarify the form and alleviate this distress to members of the household of somebody claiming?

Senator P.F. Routier:

The form itself has not altered since we last spoke and the current form will not exist in the future. When the support comes into place the process will be that people will call into the department and have a face-to-face assessment with people and they will be able to talk them through. The Deputy mentioned that some people may have been distressed by the form. I have to say that the flow of forms that we are getting back into the department now is very good. We are very pleased that the forms are still coming in. There are some people who have been concerned, who have phoned the department, and we have given them as much assistance as we possibly can, even to the extent of arranging home visits to sit down with them to talk through the form. As I say, the form itself will not exist in the future; it will be a more relaxed approach to applying for income support.

The Deputy Bailiff:

Very well. I am afraid that time has expired on that.