

### **3.14 Deputy S. Pitman of the Minister for Social Security regarding recipients of Long Term Incapacity Allowance:**

Would the Minister advise Members whether 89 recipients of Long-Term Incapacity Allowance, considered unable to work by the Medical Board, are not receiving their incapacity pension, and if so, explain why?

#### **Deputy I.J. Gorst (The Minister for Social Security):**

As the Deputy did not specify which 89 recipients she is referring to, it has been difficult for me to answer the question specifically. However, in general terms, L.T.I.A. (Long-Term Incapacity Allowance) is a benefit paid to working-aged individuals who have a long-term loss of faculty. The benefit is a variable amount depending on the severity of the condition. Individuals are able to work and claim this benefit at the same time. A Medical Board examines the individual and decides the level of benefit payable. The Medical Board do not take any account of the ability of the individual to work; they just consider the extent of the loss of faculty. Incapacity pension is a benefit paid to adults still below pension age who have a serious long-term condition which means that they are very unlikely to return to employment before they reach pension age. It is impossible for an individual to receive L.T.I.A. and incapacity pension at the same time.

#### **3.14.1 Deputy S. Pitman:**

May I just point out to the Minister that on the assessment forms of the Medical Board the recipients are informed by the Medical Board whether or not they can work? There are boxes they tick "yes" or "no" and so he is wrong on that issue. I refer to a written question I asked several weeks ago and where it was pointed out to me that there are currently 98 individuals claiming L.T.I.A. with 100 per cent award but only 9 of them receiving incapacity pension. It does say in the leaflets on the incapacity benefits: "If the Medical Board agrees that your loss of faculty is such that you will probably not return to work, you will be given a form to complete for incapacity pension." The question I ask is at what point does the Medical Board determine whether a recipient of L.T.I.A. will receive this pension?

#### **Deputy I.J. Gorst:**

I am sorry that the Deputy thinks that I was wrong. I was not wrong; I was quite clear in the way I answered the question. However, she is right, the current form does ask that question of the Medical Board and as I have been reviewing this particular area in light of some of the questions that the Deputy has raised, I have asked for that particular form to be clarified because, as I quite clearly said, the Medical Board and the law allows the Medical Board to take consideration for the loss of faculty, not the ability to work or not. This benefit was introduced so that recipients could receive some benefit and work at the same time. I am not wrong, but then neither is the Deputy, in that regard. She also makes some comments in regard to a written answer that I gave some months ago. I hope that I was clear in my initial answer but perhaps not. If one is receiving L.T.I.A., one is not also able to receive incapacity pension. Therefore, it is not a matter of mathematics: 98 minus the 9 making 89 but it is 98 plus the 9, so these are different groups. I am sorry, there were quite a lot of questions, I am not sure if I have answered them all.

#### **3.14.2 Deputy G.P. Southern:**

Surely the point is that once in receipt of an incapacity pension, one no longer has to go for regular medical checks to make sure that you are still ill. Will the Minister review all cases of 100 per cent incapacity to examine whether it is appropriate to place some or all of these people on an incapacity pension with their agreement accepting that they will work again but excusing them from the need to travel to receive Medical Board at regular intervals?

**Deputy I.J. Gorst:**

While I acknowledge - and Deputy Pitman herself raised this issue - there is also a need for clarification in the leaflet regarding this benefit and that I have asked my department to do as well. However, the assertion that everybody on 100 per cent L.T.I.A. should move on to a pension, I refute that. The pension is based on ...

**Deputy G.P. Southern:**

There was no assertion, Minister. There was a question. The question: will you review to see whether it is appropriate?

**Deputy I.J. Gorst:**

Of course, I am always prepared to review. However, I should say that my department is overworked, as I am sure the Deputy would admit. However, I must make it absolutely clear that the invalidity pension is based on previous contributions and therefore it may not be of benefit to the individual to move from 100 per cent L.T.I.A. to an incapacity pension because they may be worse off. Therefore, I am not sure whether the Deputy is suggesting I move all those people on the 100 per cent to incapacity pension therefore making them worse off. We and my department try to encourage that people have the best and most appropriate benefit for them at the maximum rate to which they are entitled, not moving them to benefits which may be less beneficial to them.

**3.14.3 Deputy S. Pitman:**

Firstly, could the Minister answer Deputy Southern's questions: will he endeavour to review as to when these people who are on 100 per cent L.T.I.A. ... when is it appropriate for somebody to receive a pension? Also, I refer him to one of his own constituents which he met with myself in January who has been trying to get an answer out of him since then and I have myself. Could he answer regarding Mr. R, if he has forgotten, when is he going to give this gentleman an answer as to if he will be receiving a pension, because he has worked for many years, made his full contributions, please could he tell me when he is going to give this gentleman an answer?

**Deputy I.J. Gorst:**

The Deputy insists on trying to raise individual cases. It is not appropriate for me in order to defend myself to get into the details of an individual. It is not appropriate for my department to do so either and I will refuse to be drawn into that ...

**Deputy S. Pitman:**

I think he is obliged to his constituents to answer.

**The Bailiff:**

Wait a moment, Deputy, if the Minister is going to give way, you may interrupt but if he is not, you cannot.

**Deputy I.J. Gorst:**

As I tried to indicate in my answer to Deputy Southern, it is not as straightforward as saying that everybody with 100 per cent L.T.I.A. should move on to incapacity pension. I am prepared, as I committed to review these cases, it might be appropriate for someone who was on, say, 80 or 85 per cent L.T.I.A. who had a very good contribution record and perhaps had a dependency to move to an incapacity pension, if their contribution record was not up-to-date, if they were reasonably young, is it appropriate for the department to be moving people into a pension situation which is going to leave them on pension for 20 years until they reach pension age and then continue after that?

**Deputy S. Pitman:**

May I ask when the Minister is going to give Mr. R an answer?

**The Bailiff:**

I am sorry, Deputy, no, you have had your final supplementary and I think the Minister has made his position clear. May I ask you, Deputy, whether your following question is for the Attorney General personally or is to be answered by the Solicitor General?

**Deputy S. Pitman:**

The Attorney General has expressed that he wishes to answer the question at the next sitting but I understand he has briefed the Solicitor General. I leave it entirely up to the Solicitor General if he wishes to answer the question.

**The Bailiff:**

Well I think it is really a matter for you. If you are content to have an answer from the Solicitor General, we can proceed.

**Deputy S. Pitman:**

Yes. Thank you.

**The Bailiff:**

Very well, then put your question, please.