

WELFARE GRANTS AND FAMILY RESPONSIBILITIES FOR THE NEXT OF KIN

**Lodged au Greffe on 10th December 2002
by the Employment and Social Security Committee**



STATES OF JERSEY

STATES GREFFE

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PROPOSITION

THE STATES are asked to decide whether they are of opinion -

- (a) to agree, in principle, that the customary law obligation of children to contribute to the support of parents who are genuinely no longer able to care for themselves should be removed for the purposes of assessing Parish Welfare; and
- (b) to charge the Employment and Social Security Committee, in conjunction with the Comité des Connétables, to bring forward for approval detailed proposals on the most appropriate manner to give effect to the change.

EMPLOYMENT AND SOCIAL SECURITY COMMITTEE

REPORT

1. Introduction

Under Jersey customary law, an obligation exists for children to contribute to the support of parents who are no longer able to care for themselves.

The Comité des Connétables and Employment and Social Security Committee are seeking an in-principle decision of the States to remove this obligation.

2. History

This customary law appears to relate to two cases in the late 1880s, well before any benefit or social protection systems were developed. In recent times, the application of the law in the context of the Welfare Grants system has diminished.

3. Views of the Comité and Employment and Social Security Committee

In discussions with the Comité, it was agreed, in principle, that the obligation for children to contribute to the support of parents is difficult to justify and enforce in a modern context. It is now generally accepted that people will be responsible for their own upkeep and will do all they can to insure themselves, through the contributory social security system for interruptions to employment and through taxes and rates, sharing the burden fairly across society, to help in times of need. In the same way as parents are not required to support their adult children, so too, should there be no obligation for children to support their parents.

Practically, it was recognised, with the advice of the Attorney General, that it would be very difficult to make a financial assessment of the size of the contribution, particularly with sibling families, and could be divisive in a modern family setting. It would be very complex to apply fairly and enforce if children were not prepared or able, to make a contribution towards the parents' day to day welfare. Clearly, where children are able, they will often support their parents in many other ways.

The Comité had concerns about any deliberate transfer of assets from the parents to the children in order to qualify for welfare. This is equally unacceptable and will need to be clarified in any new law.

The Employment and Social Security Committee, in proposing a modern low income support system based on individuals and their dependants (and not on any extended family need), is of the view that this obligation has no place in such a system. Indeed, it has never been a requirement under any of the means-tested benefits administered by that Committee, be it family allowance, health insurance exemption or subsidised milk. Similarly, in relation to housing benefits and other subsidies which will also be a component of the new system, there has never been an obligation for children to contribute to their parents' housing costs.

4. Conclusion

Society has changed greatly since the late 1880s and so too have social protection systems. Young people are no longer expected to leave school early to help support the rest of the family nor do without to support elderly parents, no one need die of starvation or overwork or end up living in the Poor House. Social protection systems have been developed to encourage individuals to work and be self-sufficient wherever possible but receive support in times of need. The requirement under Jersey customary law for children to contribute to the financial support of parents is out of step with modern day life.

5. Financial/manpower implications

This proposition has no implications for the financial or manpower resources of the States.