

**WRITTEN QUESTION TO THE MINISTER FOR SOCIAL SECURITY
BY DEPUTY G.P. SOUTHERN OF ST. HELIER
ANSWER TO BE TABLED ON TUESDAY 19th FEBRUARY 2013**

Question

Will the Minister inform members on what basis entitlement to Income Support for those who are unemployed would be removed or delayed?

Will he also inform members of the powers he already has to withdraw components of Income Support from recipients?

Will he further inform members on what criteria such decisions will be made and by whom?

Will he also state what provisions he will put in place to allow those whose benefit is withdrawn to have access to an independent appeal body in order to make decisions human rights compliant?

Answer

One of the basic principles of the Income Support system is that working aged adults should support themselves as far as possible through their own earnings. That said, the Income Support Law provides exemptions from full time work requirements for certain groups, for example, a parent caring for a child under the age of 5.

Income support is available to those individuals who are able to work but are currently without employment, as long as they are available for and actively seeking work. Definitions of what it means to be "available for" and "actively seeking" work are set out in the Income Support regulations. If an individual fails to meet these requirements, they will be sent a written warning. If they continue to fail these tests, the Income Support benefit is effectively reduced for a period, according to rules set out in the Income Support regulations.

A reduction of 50% of the adult component (e.g. £46.06 for a single adult) is made for the first week. If the individual fulfils their job seeking activities in that week and the following week, their Income Support claim is restored to its full value at the end of the two weeks.

However, if the individual continues to fail the job seeking tests during the first week, the adult component is further reduced to zero. All other components (accommodation, children, household, etc.) remain in payment. The reduction is maintained until the individual has completed two consecutive weeks of job seeking activities.

Income Support components can also be withdrawn in other situations. For example, if an individual is out of the Island, in prison or in hospital the Income Support Law includes time limits after which various components are no longer payable.

All decisions taken under the Income Support Law in respect of the award or withdrawal of components are made by departmental officers and are subject to a formal review and appeal process. In the case of any query, the law provides for an internal review by a second officer. If

this fails to resolve the issue, the matter can be referred to an independent, external Appeal Tribunal. This review and appeal process is a key part of the Income Support Law, and it is human rights compliant.

The timing of this question suggests that it may be linked to recent media coverage of possible changes to the rules in respect of entitlement to Income Support for jobseekers.

Work is under way to prepare additional regulations in this area. These regulations will be subject to States debate, and, if approved, will be included with the existing framework of Income Support legislation including the decision-making process and rights to appeal to an external, independent tribunal as described above.