

**STATEMENT TO BE MADE BY THE ASSISTANT CHIEF MINISTER
ON TUESDAY 23rd NOVEMBER 2021**

**Mr. R. Ahmad: Response of the Department to the findings of the States of Jersey
Complaints Board**

Members may be aware of a complaint made earlier this year by Mr. Rizwan Ahmad following a decision not to grant him Entitled for Work status.

Together with my political colleagues on the Housing and Work Advisory Group, we have considered the findings of the States of Jersey Complaints Board – published under R.137/2021 – and have reviewed the decision not to grant Mr. Ahmad Entitled for Work status.

As Chair of the Housing and Work Advisory Group, I have discretion in terms of determining whether there has been a continuous period of ordinary residence in any particular case.

In the case of Mr. Ahmad, this discretion extended to his treatment as a person with Licensed status under Paragraph 65 of the policy guidance; and secondly, in deciding whether he had maintained Jersey as his home during the period of his extended absence to care for his ill mother in Pakistan.

Mr. Ahmad's case highlighted an inconsistency in our policy, which we have addressed.

The need for a person to be absent from the Island to care for a family member should be the same whatever the residential and employment status of the person, and it is that need which should form the basis of assessment as to whether ordinary residency has been maintained.

Paragraph 65 of the policy guidance has therefore been amended in order that the policy will now be applicable across all categories of residential and employment status.

I would like to confirm to Members that this does not mean treatment of Entitled for Work only and Entitled status individuals should be the same as Licenced and Registered individuals in every circumstance under the guidance.

However, in the case of caring for a family member, it is appropriate to treat people equitably and to apply the same treatment across all categories of residential status.

In their report, the States of Jersey Complaints Board raised concern that the policy guidelines are unreasonably restrictive, in that they refer only to caring for a parent or child.

I would like to confirm that Paragraph 65 of the policy guidance does already state that "Absences whilst caring for a person other than a parent or child may be considered on a discretionary basis, subject to the provision of sufficient information regarding the relationship between the person and the other person for whom they intend to care".

We feel that is sufficient to cover the breadth of relationships that may exist between an individual and a person that needs essential care.

Following a meeting between the Housing and Work Advisory Group and Mr. Ahmad, his case was reviewed and it is accepted that he falls within the criteria set out in the revised Paragraph 65 of the policy guidance.

He is, therefore, deemed to have remained continuously ordinarily resident in Jersey from October 2015 to date.

Officers have communicated this decision to Mr. Ahmad, and he has been informed of his eligibility for Entitled for Work Only status.

The Government wishes to ensure that all individuals have a right to care for a spouse, partner, family member or any other person who may be in need of essential care. If that requires an individual to leave the Island for extended periods of time, they should not be penalised in terms of their residential and employment status.