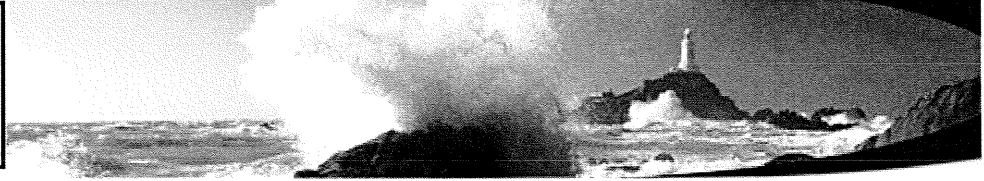


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Income Support (Special Payments) (Cold Weather Payments) (Jersey) Regulations 2008 - amendment. (MD-S-2008-0052)

Introduction A decision made (01/09/2008) regarding: Income Support (Special Payments) (Cold Weather Payments) (Jersey) Regulations 2008 - amendment.

Decision

Decision Reference: MD-S-2008-0052

Decision Summary Title (File Name):	DS - Income Support (Special Payments) (Cold Weather Payments) (Jersey) Regulations 2008 - amendment	Date of Decision:	29 August 2008
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Decision Summary Author:	Sue Duhamel Policy and Strategy Director	Decision Summary:	Public
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(State clauses

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Type of Report:

Written

Person Giving

Oral or Written?

Oral Report:

Written Report

Income Support (Special Payments) (Cold Weather Payments) (Jersey) Regulations 2008 - amendment

Date of Written Report: 29 August 2008

Title (File Name):

Written Report :

Written Report Author:

Sue Duhamel
Policy and Strategy Director

Public or Exempt? Public

(State clauses from Code of Practice booklet)

Subject: Income Support (Special Payments) (Cold Weather Payments) (Jersey) Regulations 2008 - amendment

Decision(s): The Minister decided to amend the Income Support (Special Payments) (Cold Weather Payments) (Jersey) Regulations 2008 to increase the value of the cold weather payment by approximately 20% and to link future cold weather payments to the fuel and light element of the Retail Price Index and accordingly requested the Law Draftsman to prepare the necessary draft legislation.

Reason(s) for Decision: The increase in cold weather payments is included as one of a number of proposals designed to mitigate the unusual rise in local fuel prices for low income households included in an amendment to the Annual Business Plan to be lodged by the Council of Ministers.

Resource Implications: There are no manpower implications. The additional cost is provided for in the budget allocation of £150,000 made in the amendment to the Business Plan.

Action required: Instruct the Law Draftsman to amend the Income Support (Special Payments) (Cold Weather Payments) (Jersey) Regulations 2008

Signature:

Position:

Date Signed:

Date of Decision (If different from Date Signed):

A full report is available for MD-S-2008-0052.

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STATES OF JERSEY

r

DRAFT INCOME SUPPORT (SPECIAL PAYMENTS) (COLD WEATHER PAYMENTS) (AMENDMENT) (JERSEY) REGULATIONS 200-

**Lodged au Greffe on 9th September 2008
by the Minister for Social Security**

STATES GREFFE



DRAFT INCOME SUPPORT (SPECIAL PAYMENTS) (COLD WEATHER PAYMENTS) (AMENDMENT) (JERSEY) REGULATIONS 200-

REPORT

Introduction

In the fourth amendment to the Annual Business Plan (P.113/2008 Amd.(4)), the Council of Ministers propose an increase in Cold Weather Payments, as follows –

“In recognition of the significant increases in the cost of fuel, the Council of Ministers are proposing that the Winter Fuel Allowance be increased by 20% with effect from the payment in January 2009 (which is based on the weather for December 2008). This increase is in addition to the 6.8% increase already approved through increases to the Income Support components during 2008.

The Winter Fuel Allowance is paid to families on Income Support with either –

- An adult over 65;
- A child under 3; or
- A child or adult with a significant disability.

Last winter it was paid to approximately 2,250 families per month and the additional cost of the proposed increase would be £150,000 in 2009.”

Proposed amendments to Cold Weather Payment Regulations

Subject to the States’ approval of the Council of Ministers’ amendment, these Regulations make 2 amendments to the manner in which the Cold Weather Payment is calculated.

- The value of the Payment for the months of January to April 2009 is increased by 20% above its current level – this increase means that Payments for January to April 2009 will be set 28% above the equivalent Payments in 2008, compared to a 26% increase in fuel prices experienced during the last year.
- The value of the Payment will be reset in October 2009 and annually thereafter in line with the fuel and light element of the Jersey RPI as at June of that year – this will ensure that recipients automatically receive Payments that take account of fuel inflation in future years.

Calculation of Base Value

Under the original Regulation, the Payment was based on the adult component of Income Support multiplied by a factor of 1.16.

The original value of the adult component was £83.58 per week, giving a base value of £96.95, applicable to the months January to April 2008.

Without this change to the Regulation, the rate would have increased in line with the increase in the adult component, which will be set at £89.32 from 1st October 2008. The base value would be increased to £103.61.

Subject to States’ approval of the Council of Ministers’ amendment of the Annual Business Plan, this figure will be increased by a further 20% to give a new base value of £124.33.

This base value is 28.2% above the original value used between January and April 2008. It will be reviewed again in October 2009, in line with the change in the fuel and light element of the Jersey RPI for the 12 months up to June 2009.

Financial/manpower implications

There are no manpower implications. The additional cost is provided for in the budget allocation of £150,000



DRAFT INCOME SUPPORT (SPECIAL PAYMENTS) (COLD WEATHER PAYMENTS) (AMENDMENT) (JERSEY) REGULATIONS 200-

Made

[date to be inserted]

Coming into force

[date to be inserted]

THE STATES, in pursuance of Articles 8 and 18 of the Income Support (Jersey) Law 2007^[1], have made the following Regulations –

1 Amendment of provisions on cold weather payments

(1) Regulation 2 of the Income Support (Special Payments) (Cold Weather Payments) (Jersey) Regulations 2008^[2] is amended as follows.

(2) For paragraph (3) there is substituted the following paragraph –

“(3) The amount of a special payment under this Regulation shall be calculated according to the formula –

$$C \times \frac{T - 90}{450}$$

where –

C is calculated according to paragraph (4); and

T is the aggregate, up to a maximum of 540, of the amount by which the average daily temperature of each day in that month falls below 15.5 degrees Celsius.”.

(3) For paragraph (4) there is substituted the following paragraph –

“(4) C is –

(a) for each cold weather month from January to April 2009 inclusive, £124.33;

(b) for each subsequent cold weather month, the figure produced by increasing or decreasing the figure for the previous April by the same percentage as that of the rise or fall in the fuel element of the Jersey Retail Prices Index published by the States of Jersey Statistics Unit for the 12 months ending in the previous June.”.

(4) After paragraph (6) there is added the following paragraph –

“(7) The product of each formula in this Regulation shall be rounded up to the next whole penny.”.

2 Citation and commencement

These Regulations may be cited as the Income Support (Special Payments) (Cold Weather Payments) (Amendment) (Jersey) Regulations 200- and come into force on 1st January 2009.

**WRITTEN QUESTION TO THE MINISTER FOR SOCIAL SECURITY BY DEPUTY G.P.
SOUTHERN OF ST. HELIER**

ANSWER TO BE TABLED ON TUESDAY 3rd FEBRUARY 2009

Question

In the light of the Minister's commitment to "working closely with scrutiny" (speech to members 11th December 2008) will the Minister assure the Assembly that he will co-operate with the Chairman of the Income Support Scrutiny Sub-Panel to establish a "like-for-like" comparison of benefit systems requested of his predecessor on 1st July 2008 and, if so, will he undertake to do so in a timely manner so that the impact of the new system on claimants can be understood before the cuts in benefits take place in October of this year?

Answer

I can assure Members that I am fully committed to working with Scrutiny. I am appearing before the Scrutiny panel on Monday 2nd February to discuss the departmental business plan for 2009 and at officer level, I can confirm that a meeting has already been held and information requested and provided.

My predecessor gave a commitment to provide raw data to the Scrutiny panel in order for the "like-for-like" comparison of benefit systems to be undertaken. I can confirm that this data was provided to the panel's advisor last year. I will co-operate with the Chairman to provide any additional information the Panel may require in order for them to complete their investigations.

The question refers to "cuts in benefit" and I would like to reassure Members and Income Support claimants that there is no cut in Income Support benefit planned for October 2009. When Income Support was introduced, claimants were assessed under the Income Support benefit criteria. If the value of their Income Support benefit was greater than their previous benefit entitlement they transferred to Income Support at the new, higher rate from day one. If their previous entitlement was greater than their income support entitlement, then they received their income support benefit plus an additional sum (a "protected payment" or transitional benefit) so that their total benefit matched their previous benefit level.

These protected payment benefits have been paid at the full rate since the end of January 2008. They are funded separately from Income Support benefits and are designed to be withdrawn over a number of years. Additional funding provided in the 2009 Business Plan has extended the period of 100% protection until October 2009. The first reduction in protected payments will then take place. The rate at which the protection is reduced is shown in the table below and depends on the characteristics of the household at the date of the introduction of Income Support. The percentage reduction refers only to the value of the protected payment and not to the total amount of benefit received. Protected benefits will be fully withdrawn by October 2014.

Period	Household previously receiving a disability benefit*	Household with high legacy benefit	Household with high income	Household including someone aged 65 + or previously receiving DTA**	hc
From 1st October 2009 to 30th September 2010	100	80	0	75	
From 1st October 2010 to 30th September 2011	80	60	0	50	

From 1st October 2011 to 30th September 2012	60	40	0	25
From 1st October 2012 to 30th September 2013	40	20	0	0
From 1st October 2013 to 30th September 2014	20	0	0	0

* Attendance Allowance, Adult Disablement Allowance, Child Disablement Allowance

** Disabled Transport Allowance

1240/5(4216)

**WRITTEN QUESTION TO THE MINISTER FOR SOCIAL SECURITY BY DEPUTY G.P.
SOUTHERN OF ST. HELIER**

ANSWER TO BE TABLED ON TUESDAY 3rd FEBRUARY 2009

Question

Will the Minister inform members what steps, if any, have been taken to prevent those in receipt of Income Support having to repay the costs of additional GP visits, such as a recent case where a claimant was advised by Social Security staff that she would have to pay back to the department the cost of additional visits to and from her GP, totalling over £300?

In particular what steps will the Minister take to ensure that –

- (a) all staff are fully trained in handling such matters; and,
- (b) both GPs and Income Support recipients are fully informed what funding arrangements are in place to deliver full and flexible GP access?

Will he further inform members what guidelines, if any, are now in place to ensure that those who find or return to work are not charged for overpayment for the time taken by the Department to calculate the new level of benefit? In his answer will he indicate for members what targets, if any, are in place for addressing changes in claimants' circumstances promptly?

Answer

GP Costs

To help cope with the cost of GP visits, Household Medical Accounts (HMA) are available to some Income Support households. In particular, the great majority of those who previously had HIE status were set up with an HMA at the start of Income Support.

Each week, a small proportion of their Income Support benefit is set aside in the HMA. The value of 4 visits per year per person is deducted on a weekly basis from the basic living component. For individuals receiving clinical cost components, the full value of that component is also included in the amount to be saved. Anyone previously with HIE status is allocated at least an additional 4 visits per year (through Clinical Cost level 1), and some have been allocated an additional 8 visits per year (through Clinical Cost level 2).

When a member of the Income Support Unit visits their GP, the Department provides a medical benefit (£15 at present) towards the cost of the visit. This payment is made under the Health Insurance Law, which is not part of the Income Support system.

The remainder of the cost is deducted from the HMA.

The HMA allows the Income Support Unit to budget for GP visits steadily, throughout the year, regardless of when the visits actually take place. If the Income Support Unit does not have an HMA, the full (co-payment) cost of the GP visit must be paid by the person at the time of the visit.

The HMA account is designed to meet the cost of typical visiting levels. However in some situations, the Income Support claim may need to be adjusted or a special payment made. In particular, an individual who has a short, but serious illness may need extra visits which are covered by special payments. Patients who are terminally ill at home are likely to need extra home visits. This cost is also met through special payments.

Sometimes, the patient's medical condition is slowly deteriorating and they will be reassessed to check whether they now need a higher level of personal care, mobility or clinical cost element.

Regular reviews are undertaken with GPs and, at any time, a GP can inform the Department of a patient whose needs have increased.

If the patient chooses to visit the GP more often than is necessary on clinical grounds, then the patient will be asked to save a higher amount to ensure that the cost of all visits is covered by the HMA.

The question refers to a single instance in which an individual needed extra visits to cope with a specific illness and, as explained above, this is dealt with by a special payment. I have already met with the Deputy and this case has been resolved.

I can assure Members that the Department takes staff training very seriously and managers continually monitor and update training requirements amongst all staff.

The Department is in regular contact with the Primary Care Body, the organisation that represents local GPs, and we provide ongoing support to individual GPs and the profession as a whole to ensure that all local practices are kept well informed of current Social Security benefits and the operation of HMAs. Prior to the introduction of Income Support, Social Security staff visited the great majority of local GPs to explain the new arrangements.

Income Support claimants who transferred from the previous HIE benefit were sent details of the HMA system when it started. New claimants receive advice when their Income Support claim is set up.

Claimants moving into work

Income Support claimants are not charged for overpayments in respect of the internal processing time of their change of circumstance within the Department. All claims are dated on the day that they arrive in the Department and, in most circumstances, benefit is paid or adjusted from that day. The sanction of overpayment is applied if the claimant fails to inform the Department of their new employment and continues to claim benefit at a higher rate, in the knowledge that they have now increased their household income.

As a general rule, earnings are included in the calculation of Income Support from the day on which they are due to be paid. For example, a jobseeker moving into full time paid employment with a monthly salary will continue to receive Income Support until the end of the first month of employment when they receive their first wage payment.

In some situations a 28 day disregard of additional earnings is also applied to people moving into work if the position is a permanent job or a contract position that lasts at least 6 months.

The 28 day disregard is applied to :

- Starting a job with a new employer
- Receiving promotion to a new job with the current employer
- Moving from part-time to full-time work with the same employer (at least 10 additional hours per week).

If the 28 day disregard of additional earnings is applied, the person moving into work will continue to receive Income Support at the previous level for an additional 28 days, after their first pay day. The claimant must inform the Department of the change in earnings when they start work in order to qualify for this additional disregard.

Processing Changes in Circumstances

Following an amendment to the 2009 States Business Plan proposed by the Deputy and accepted (subject to some amendment) by the Minister, the Department has included in its Departmental business plan the following objective:

PR.24	Establish a minimum service level for processing changes of circumstances relating to Income Support households occupying rental accommodation	2009	Service levels established	March 2009
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The amendment only covers households occupying rental accommodation, as specified by the Deputy.

In reality, the Department does not distinguish between tenants and other types of household in applying targets to processing changes in circumstances. The current internal target for dealing with changes in circumstances for all types of claim is 10 working days from receipt of claim accompanied by appropriate evidence.

In the week beginning 19th January, these changes were being dealt with within 5 working days.

516/2/1(1)

States of Jersey Income Support Sub-Panel
Morier House,
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JE1 1DD

47, Christchurch Road
Bradford on Avon
Wiltshire
BA15 1TB

5th February 2007

FAO Charlie Ahier

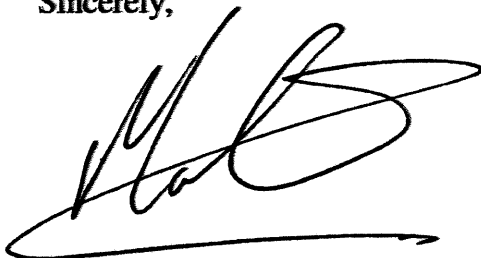
JR

Dear Charlie,

Comments on draft claim forms and guidance notes for Income Support are enclosed. I'm sorry it has taken a couple of weeks to get back to the Sub-Panel on this but the consideration of design issues required some work talking to staff in the Department for Work and Pensions in London and elsewhere. I also contacted the Child Poverty Action Group – who have a long experience on assisting claimants in the UK.

I also enclose an invoice for the 2 days work in January 2007.

Sincerely,



Dr Martin Evans

Proposed Income Support Claim Forms

I have been asked by the Sub-Panel to look at the proposed claim forms for Income Support (IS.01T and IS.01R) and the accompanying Guidance Notes. There are still many areas of uncertainty about IS that make final comments difficult. Particularly, the detailed design of IS and regulations on treatment of income and assets are still not decided (*Q – are draft regulations out?*) and the details of implementation of the new system alongside the phasing out of Parish Relief are unknown.

1) Some Introductory Basic Points on Claims and Claim Forms.

a) Implementation and Service Delivery need to be aligned with overall aims of IS and SSD mission statement

What are the aims of implementing the new IS benefit? If the roles of IS are to prevent poverty and to promote work then it is important that the aims of ensuring entitlement and empowerment of customers are correctly balanced with the administrative pressures to administer the scheme and to ensure probity and properly account for public spending.

For instance, potential non-take-up is a major concern for means-tested provision. By “non-take-up” I mean the situation where a person is entitled to benefit but does not make a claim. One major reason for non-take-up is being faced with high transaction costs. Long complicated claim forms increased transactions costs and lead to lower take-up. However, the regulations will include many potential instances of income and capital that can influence entitlement and thus lead to many types of data that have to be collected. A claim form is thus a manifestation of a trade-off between the theoretical need for verification and collection of 100% of necessary data and customer and administrator effort.

I would suggest to the Sub-Panel that they attempt to find out more about the underlying aims and objectives for IS delivery. Are there a set of founding principles of public service and probity that set out the organisational culture in which IS will operate? Do these principles or aims include explicit commitments to maximising take-up of entitlement, for instance? How will aims of take-up be reconciled with the need to ensure probity? The setting of such principles and their implementation by senior managers will be one of the most important aspects of the new IS system.

b) A claim form is part of a claiming process.

How will people access IS? Making a claim for IS and the claim form need not be synonymous. Obviously, information given by the claimant has to be confirmed by the claimant and a signature can be required. But this is part of a process and it is possible for a claim to be made through contact with SSD - or an authorised agent - in a number of ways, in writing, by phone or by visit. The act of presenting a need for assistance and expressing the desire to make a claim for IS should be recorded as far as possible so that the claim form becomes part of the process of documenting the

claim. A customer writing to, visiting the office or phoning in should be logged (for many reasons as well as claim purposes) and where this relates to a claim for IS, should trigger the need to obtain information and the forms. One important question for claims and entitlement is the "effective start date" of a claim – and this should not be the date of a completed signed claim form is finalised but should be some actionable date when a claim was made – for instance by telephone or visit.

However, there are customers who can be automatically treated as having made a claim – existing customers of Parish Relief at the point of introduction of IS, existing SSD Pensioners or others who are already customers of SSD. SSD should make clear how the wider claim process will be organised and how claim forms fit into the data collection, data sharing within SSD and data entry procedures. There are two main questions of importance here: First, SSD has data on its existing pensioners (and indeed on those with part-pensions who will have higher likelihood of entitlement to IS) and this data can be used to promote claiming. Second, this data is already held, and it seems pointless asking pensioners to state how much pension they receive, or of others how much disability benefits they receive if the SSD already knows the answer. A move to merely using tick boxes if you receive existing SSD benefits, rather than asking for amounts should be encouraged (computer systems allowing).

The length, complexity and design of public materials and information will influence how claims are made. Faced with a form that they find daunting, many customers will visit, telephone or contact SSD, taking time away from other administration tasks. There is thus a trade off on form design/length and administrative efficiency that should be carefully thought through. A complicated long claim form may just "bounce back" and be largely completed by desk staff at SSD with the claimant present rather than be a real self-completion form. Additionally, a long and complicated form may end up being sent back and forth between customer and SSD on a number of occasions for missing information/signature etc.

Telephone claiming should be encouraged for both efficiency and effectiveness in delivery and this can mean setting out the claim form in a way that reflects the data entry screens that the administrator will see on the computer so that the form may be gone through together and agreed and then sent in for checking. Alternatively, the data screens on the computer programme can be printed out as a completed claim form after telephone entry and sent to the claimant for signature and return.

Client profiling is important. I have had discussions with officers working for the Department of Work and Pensions in GB and their basic attitude is to treat the information needs of pensioners and working age people differently and separately. For instance, pensioners can be asked if they have children/earnings only and then the minority that do asked for additional information. This partly reflects the split between IS/JSA for working age people and Pension Credit – but also reflects identifying clear customer types with different information needs – a process that may make sense for SSD. Elderly customers may welcome a form that doesn't ask them about childcare for three pages, for instance (Section E pp 9-11 IS.01T).

I am not clear why there are two forms put forward (IS.01R AND IS.01T). However, one form is designed to be a claim for rent assistance under IS. However, the

underlying proposals for administration of this separately from IS are not clear at all and are of some concern.

I suggest that the Sub-Panel make enquiries of SSD into the proposed claim process and reflect further on how far the claim forms are part of this process.

2) Some Observations and Questions on Proposed Claim Forms

The following observations are made after discussion with civil servants working for the Department for Work and Pensions who deal with issues of claim form design. I approached them seeking written guidance on claim form design but found out that it is largely officer experience and consultation that informs the work of the four design teams working on means-tested benefits. I was however able to obtain a copy of the DWP Benefit Fraud Inspectorate (BFI)'s *Designing Claim Forms- A Good Practice Guide*, and which I attach to this brief report, together with model claim form (for housing benefit and council tax benefit) and model guidance notes. Other copies of these can be downloaded from <http://dwp.gov.uk/housingbenefit/model/>.

From my discussion with DWP design staff the following points became apparent and relevant for the Sub-Panel to consider with SSD.

a) *Use of English. & Third Person*

DWP prefer not to use the third person in claim forms – talking directly to the claimant as “you” – “your family” etc rather than “the claimant” in proposed SSD forms. The reasons for this were of both directness and approachability. Both IS.01R and IS.01T have a mix of use on the first page.

The one instance where use of third person is most helpful is where a third party is responsible for filling in a claim form (e.g. acting as administrator, executor, those with power of attorney).

The attached BFI good practice guide also provides good information on use of English that can be incorporated into any redraft. There are some technical words in the forms and guidance notes that should be considered, for instance, surcharge, “school leaving age” – why not 16th birthday or whatever the relevant date is in the regulations, “component” – and others

b) *Routing Through the Claim Form.*

My discussions with DWP suggest that they attempt as far as possible to help the claimant navigate through the claim form. This means for example, that question a) can ask a status question that when answered in one alternative can lead you to missing sections b) c) and d) and thus be routed through to the next relevant section (e). This seems crucial to avoid people feeling overwhelmed with questions that are not appropriate and also helps with telephone-assisted claims. For instance an opening

question – do you live alone Y-N can then route all solitary people past questions about family and co-residents. At the moment, the proposed IS forms have statements to write “none” rather than leave pages blank – this is potentially more confusing than routing via an opening status question that people have to answer.

c) *Layout and Fonts*

My discussions with DWP suggest that they agree with SSD that landscape format is best. They suggest using colour forms with white spaces where information has to be entered by the claimant. However, older customers tend to prefer black and white and forms for pensioners are usually monochrome. Font types and headings – together with the overall design of the proposed IS forms appear to need some consideration and the guidance in the BFI guide should be used in any redraft.

d) *Accompanying Guidance Notes*

The combination of the long forms and long guidance notes needs to be reconsidered. The model claim form for HB/CTB developed by the DWP shows how guidance can be incorporated in the claim form – using columns on the left hand side in different fonts. At the moment, the claimant is faced with having to have both guidance and claim form open side by side at all times. This imposes additional time and effort on the claimant that is not necessary. Long guidance notes can be avoided through good design and careful use of English. The aim of guidance notes perhaps could be to point people through the process and not to give details on every aspect of the claim form. The Sub-Panel will see the enclosed “Notes” that accompany the model HB/CTB form from DWP. These are two sides in length but accompany guidance text incorporated into the form. This more closely approximates to the proposed “top tips” form

e) *Verifying Information*

At the moment the claim forms have a separate “Proof of Income” form for completion by employers and by Parish Welfare Board. There is a declaration signed by the claimant in the claim form that already gives SSD permission to access information from employers and Parishes. It is thus not clear when this form “Proof of Income” will be used and perhaps, it should only be sent out by SSD once they have received a form with insufficient or outdated information. This is especially true for employers who should not routinely be asked for information that publicly shows their employee is claiming IS, a fact which the claimant may want to keep as confidential from their employer. This has potential take-up effects – people in work who want to claim towards the cost of rent/childcare etc will be put off claiming and there is a stigma effect alongside the additional costs of information collection passed on to the employer and claimant.

The issue of Parish Welfare Boards is very unclear given that the claimant already gives permission to contact the Parish in their declaration.

f) *Testing & Getting Advice on the Claim Form*

I presume that some customer testing of the claim form has already happened. It is important that its strengths and weaknesses be found out by group both assessment (focus group or other type of group assessment) and by individual potential customers being asked to look at the forms and report on strengths and weaknesses. The Sub-Panel should seek assurances that any final version of the forms has been customer-tested and assessed.

Advice from specialist claim form designers is possible and strongly recommended. I can pass on such requests to contacts in the DWP in Great Britain, if this is needed.

g) *Some Particular Issues that Allude to Regulations*

Self-employment seems not to be clearly addressed in employment status questions – could route through to Section G page 15.

Uncertain why “arrears of rent” question is asked in Section B IS.01T. If it is a private tenant, then this is a matter between landlord and themselves. If it is a Housing Dept tenant then this information is known.

“Benefits in Kind” – question in G. This is too broad given that the terms and conditions of those on low wages who are potential claimants mean that benefits in kind are most likely to have minimal value at the margins. For instance, those working in restaurants and hotels who receive free meals could be ignored as the value will be difficult to assess and/or stipulate fairly (is it the replacement cost – in which case is it a self-made sandwich brought from home or one purchased from a shop).

Social Security number of maintenance payer (page 12). The need for this in routine cases where maintenance is paid is not clear.

Changes of circumstances and overpayments. The guidance notes are not consistent in the description of changes in circumstances – Sections K of each Guidance Notes. This is confusing – both in the requirements to notify (more clearly set out in IS.01R Notes) and in the status of Income Support as rent assistance in the box in IS.01T Notes. There are a number of questions that need consideration

First, what are ‘material facts’ and how often do changes in material facts have to be reported?

Second, what constitutes an overpayment of IS?

Third, what is the test of whether an overpayment is recoverable from the claimant? There are some instances where overpayments will not be recoverable, for instance where administrative error is involved.

Fourth, what is the status of overpaid IS if it is paid directly to a landlord (e.g. as a rebate in Jersey Housing rent account)? My concern from the draft form is that IS overpaid by SSD to Jersey Housing will be recovered from the tenants rent account as a matter of routine accountancy. This should be avoided – any IS payment is made under statutory regulations and thus entitlement and overpayment determined by those regulations. Additionally, the power and *locus standi* to recover overpayments will be defined in regulations. If money to a third party (a landlord) contains an overpayment then can this be treated as a matter of debt between the third party and the claimant?

These issues are essential to clarify in discussion of IS regulations and in their relationship to tenancy contracts and payment of rent.

Capital and deemed income

There questions on capital and Guidance Notes suggest a range of approaches that are not necessarily consistent. A clearer understanding of valuation, disregarded capital and assessment of income from capital is needed. It is not clear why details of income from capital are required in Section H if a deemed income will be calculated from capital values, for instance.

Martin Evans

5th February 2007