

**WRITTEN QUESTION TO THE MINISTER FOR SOCIAL SECURITY  
BY DEPUTY G.P. SOUTHERN OF ST. HELIER  
ANSWER TO BE TABLED ON TUESDAY 4th MARCH 2014**

**Question**

Can the Minister confirm that the net result of R&O75/2012 and R&O47/2011 is to maintain the top-up sum required by Article 6(1) of the Income Support transitional provisions for a household previously in receipt of attendance allowance for a child at 100% from 1st July 2012 and to reduce the TUS for a household previously in receipt of Child Disability Allowance (CDA) (but not attendance allowance) to 40%.

Will he state how many of the 55 households with children claiming Personal Care (PC) components level 3 do so because of the child's disability and how many of those are in receipt of carer's component? How many of those on PC level 3 because of the child's disability were previously on attendance allowance/CDA and how many are getting the equivalent through discretionary payments from the Minister? Are these discretionary payments counted here or elsewhere?

How many of 82 on PC level 1 and 36 on level 2 are claiming because of the child's disability? How many of those were on CDA previously and subject to reductions in TUS above?

Will the Minister give his rationale for reductions in the level of benefits for these households with a child with disability?

**Answer**

Following question 8028, tabled on Tuesday 10th December 2013, I am pleased to confirm that, as suggested in my answer at that time, my Department's 2014 business plan contains an objective to reform the way that benefits are paid in respect of children with very high personal care needs. A detailed brief for law drafting has been submitted to the Law Draftsman's Department and my proposals will be lodged as soon as the law drafting process is complete.

The effect of various amendments to the Income Support Transitional Order made by myself, and previous Social Security Ministers, has been to extend 100% transition protection for all groups for nearly two years beyond the original timetable, and to further extend 100% protection for claimants previously receiving disability benefits for an additional year. As per my answer to question 8028, I can confirm that R&O.75/2012 maintained the sum payable for a child with a severe disability who was in receipt of Attendance Allowance prior to the introduction of the Income Support scheme in January 2008. In summary, transitional payments for Attendance Allowance in respect of children are now being fully maintained at 100% until the child reaches school leaving age, at which point they can make a claim for Income Support in their own right. I can confirm that previous claimants of Child Disability Allowance, who do not otherwise qualify for Income Support, are currently receiving a transitional payment which is now equivalent to 40% of the value of the historic benefit.

The detailed figures quoted in the question relate to Table 38 in the 2012 Social Security Annual Report. In some instances these represent the number of individuals, not claims. The figures quoted only relate to Income Support households that include children. The report referred to 52 households claiming a total of 55 Personal Care level 3 components. Of these there were 40 claims (and 43 children) that included a Personal Care level 3 component in respect of a child. 36 of these claims were also in receipt of the carer's component.

Of those children in receipt of Personal Care level 3, 28 were either in receipt of Attendance Allowance or Child Disability Allowance before 2008. 9 further claims, in respect of children who were not in receipt of either benefit before 2008, are paid as exceptional payments from the Minister. These are in addition to those counted above.

In terms of other households including a child with lower levels of personal care needs, there were 34 claims (and 36 children) qualifying for the award of Personal Care level 1; 21 claims (and 21 children) qualified for the award of Personal Care level 2. 21 of the total 57 children were formerly in receipt of Child Disability Allowance. There was no direct equivalent to Personal Care level 1 in the previous benefit system and these children may not have qualified for any financial assistance before the introduction of Income Support. Child Disability Allowance was only available to children with a disability, rather than an illness. There is no such distinction in the current system where the actual care needs of the child are considered, rather than the cause of those needs.

The TUS referred to in the question relates to the transitional payments that are made to claimants who were entitled to compensatory “protected” benefit payments at the start of Income Support in 2008 as their entitlement to Income Support was lower than the total of their benefit entitlement under the various previous benefit systems. In almost all cases the reduced entitlement was due to the level of household income. Claims where there was no household entitlement to Income Support in 2008 only received the TUS payments and these payments are now being reduced in the case of previous claimants of Child Disability Allowance. There were 7 claims remaining in this category at the time of the data extract.

The changes in policy and legislation culminating in the current Income Support system have been endorsed several times by the States Assembly and have been subject to extensive scrutiny and public debate since the year 2000. The previous situation of a range of uncoordinated, separate benefits, each with its own entitlement conditions and application process, has been replaced with a single Income Support scheme based on household income. The range and value of support available to families that include a child with a long term illness or disability has been extended, a consistent assessment process has been introduced and a single method established for determining household income. As Income Support is designed to target support at families with lower incomes, some higher income families who would have received benefits under one of the previous benefits available are no longer eligible for financial assistance due to the level of their household income.

However, as noted above, in the case of children with the highest level of personal care needs due to a severe disability or very serious long term illness, support has continued to be provided, irrespective of the financial circumstances of the family. Regulations to formalise this arrangement will be debated in the next few months.