

STATES OF JERSEY



DRAFT INCOME SUPPORT (SPECIAL PAYMENTS) (COLD WEATHER PAYMENTS) (AMENDMENT No. 2) (JERSEY) REGULATIONS 201-

**Lodged au Greffe on 20th May 2014
by the Minister for Social Security**

STATES GREFFE



Jersey

**DRAFT INCOME SUPPORT (SPECIAL
PAYMENTS) (COLD WEATHER PAYMENTS)
(AMENDMENT No. 2) (JERSEY)
REGULATIONS 201-**

REPORT

1. Summary

These amendments to the Income Support (Special Payments) (Cold Weather Payments) (Jersey) Regulations 2008 are necessary to facilitate changes to be made by the Income Support (Special Payments) (Child Personal Care) (Jersey) Regulations 201- (*see* P.90/2014), and related amendments to the Income Support (Jersey) Regulations 2007 (*see* P.91/2014).

The proposed Income Support (Special Payments) (Child Personal Care) (Jersey) Regulations 201- create a mechanism whereby the parents of children that meet the requirements for the highest level of the Income Support personal care impairment award can always receive a payment in respect of the care needs of the child, independently of parental income.

These Regulations support that change by allowing families who receive Income Support to continue to receive the separate cold weather payments if the family includes a child who formerly met the qualification for the Personal care level 3 element of the Income Support impairment component, and instead meets the qualifications of the new Income Support (Special Payments) (Child Personal Care) (Jersey) Regulations 201-.

These amendments also allow the cold weather payments to be made in respect of adults qualifying for Personal Care level 3 if they share a dwelling with a separate income support household in which an accommodation component is payable. At present, the cold weather payments are only available to the owner or tenant, meaning that payments are often not available to severely ill/disabled young people who have their own claims but share a property with parents or other family members who also receive Income Support.

2. Cold weather payments criteria

The Income Support (Special Payments) (Cold Weather Payments) (Jersey) Regulations 2008 create payments that are made automatically to eligible households in which a member of that household satisfies the following criteria for the entirety of a given ‘cold weather’ month’ –

- (a) is under the age of 3 years;
- (b) is over the age of 65 years; or

(c) meets the criteria to receive Personal care level 3.

In addition, that household is required to occupy a dwelling other than a hostel or lodgings.

The proposed Regulations insert an additional criterion which allows for these payments to also be available when the household contains a child who meets the criteria in Regulation 2 of the Income Support (Special Payments) (Child Personal Care) (Jersey) Regulations 201-.

In the case of adults who qualify for Personal Care level 3 and who are sharing a dwelling with a family member, it has become clear that there are situations where the existing criteria can prevent some individuals from accessing this payment, when the policy intent was for a payment to be made. This can occur when 2 Income Support households physically occupy the same dwelling, and each household satisfies one, but not both, of the conditions.

The amended Regulation 2 addresses this situation by allowing for the cold weather payments to be allocated where a dwelling is shared with another Income Support household that qualifies for the accommodation component.

3. Financial and manpower implications

There are no manpower implications for these changes. The children who will qualify for the new award are already being paid either as part of an Income Support claim or as a Ministerial exceptional payment. There will be a small additional cost in respect of children in which the family entitlement to income Support is less than the value of Personal Care level 3. This cost is estimated to be approximately £22,000 per annum, which is available as part of the overall project to create savings of £3 million from the Income Support budget for 2014, as announced by the Minister in his statement made on 21st January 2014.

Explanatory Note

These Regulations amend the Income Support (Special Payments) (Cold Weather Payments) (Jersey) Regulations 2008 (the “2008 Regulations”).

Regulation 1 makes provision for the substitution of Regulation 2(1)(c) of the 2008 Regulations with 2 new clauses which have the effect of (a) making a household in which a member was a child who met the criteria in Regulation 2 of the Income Support (Special Payments) (Child Personal Care) (Jersey) Regulations 201- eligible to receive the special payment and (b) deleting a redundant reference to paragraph 6(3)(d) of Schedule 1 to the Income Support (Jersey) Regulations 2007 which no longer exists.

Regulation 1 also amends Regulation 2(2)(b) of the 2008 Regulations to add, as an alternative to the condition that a household was entitled to a special component under Article 5(3)(a) of the Income Support (Jersey) Law 2007, the condition that a household resided in the same dwelling as another household that was entitled to a special component under Article 5(3)(a) of that Law.

Regulation 2 sets out the title of the Regulations and provides that they will come into force on the same day as the Income Support (Special Payments) (Child Personal Care) (Jersey) Regulations 201-.



Jersey

DRAFT INCOME SUPPORT (SPECIAL PAYMENTS) (COLD WEATHER PAYMENTS) (AMENDMENT No. 2) (JERSEY) REGULATIONS 201-

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 2007¹, have made the following Regulations –

1 Income Support (Special Payments) (Cold Weather Payments) (Jersey) Regulations 2008 amended

In Regulation 2 of the Income Support (Special Payments) (Cold Weather Payments) (Jersey) Regulations 2008² –

- (a) in paragraph (1)(b) the word “or” shall be deleted;
- (b) for paragraph (1)(c) there shall be substituted the following paragraphs –
 - “(c) met the criteria for the rate payable in respect of the personal care element of the impairment component under paragraph 6(3)(c) of Schedule 1 to the Income Support (Jersey) Regulations 2007³; or
 - (d) was a child who met the criteria in Regulation 2 of the Income Support (Special Payments) (Child Personal Care) (Jersey) Regulations 201-⁴.”;
- (c) in paragraph (2)(b) after the word “Law” there shall be inserted the words “or resided in the same dwelling as another household that was entitled to a special component under Article 5(3)(a) of the Law”.

2 Citation and commencement

These Regulations may be cited as the Income Support (Special Payments) (Cold Weather Payments) (Amendment No. 2) (Jersey) Regulations 201- and shall come into force 7 days after they are made.

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- ¹ *chapter 26.550*
 - ² *chapter 26.550.65*
 - ³ *chapter 26.550.30*
 - ⁴ *P.90/2014*