

22.11.01

**4 Deputy C.D. Curtis of St. Helier Central of the Minister for Social Security regarding teaching assistants (OQ.103/2022):**

Will the Minister advise whether she is aware of the difficulties faced by teaching assistants in schools whose contracts of employment are for less than 35 hours per week and who are, therefore, unable to claim income support (should it become necessary) while they remain in post; and, if so, is she prepared to consider introducing an exemption under the income support scheme for these essential workers?

**Deputy E. Millar of St. John, St. Lawrence and Trinity (The Minister for Social Security):**

I thank the Deputy for her question. I can reassure Members that it is simply not the case that teaching assistants are unable to claim income support because their contracts are for less than 35 hours a week. The income support system supports people who are both out of work and in work, including those who are working part-time. One of the basic conditions of our income support system is that working-age claimants who can and are able to work should have a job working full-time hours, if they can, or be actively looking for work. The income support scheme already has rules for people who are not expected to work full-time because of a health condition or their caring responsibilities. It allows individual circumstances to be taken into account and I do not currently have plans to change the work requirements under the scheme. In particular, I have no plans to create special rules for teaching assistants because there may be many other similar roles who would demand similar exemptions. I do believe, having discussed with the Minister for Education, that there is some considerable misunderstanding around the role of teaching assistants and the availability of income support. I have asked for a briefing to be given to the Population and Skills Ministerial Group in early course so that this can be properly understood and any actions necessary taken.

**4.4.1 Deputy C.D. Curtis:**

Is the Minister aware that headteachers in schools around the Island are complaining that they are losing teaching assistants because the teaching assistants cannot claim income support due to their termly contracts and for working less than 35 hours a week? This is brought up to us frequently. There are 42 teaching assistant vacancies at the moment; it is a serious problem. If there is a misunderstanding here, would the Minister undertake to write to each school explaining the situation in detail to clear up this misunderstanding?

**Deputy E. Millar:**

The Back to Work team have gone directly to headteachers and offered them a direct contact with a senior manager in Back to Work. Headteachers are already aware that they can raise any issue where this is an issue. I believe there have been very few cases raised with the team. I would also suggest it is a matter for the teaching assistant to discuss their own position with Customer and Local Services. As I understand it, some teaching assistants may be asked to work more hours typically as their children are older and they are able to work. There are guidelines but each case is considered individually. I believe that out of hundreds of teaching assistants a small percentage are getting income support and within that a small number are affected by the requirement to look for more hours of work. The requirement to look for more hours typically will arise during the summer holiday period. We do not ask teaching assistants to look for additional work during Christmas and Easter but they will be expected, where they can and taking their own caring responsibilities into account, to do additional work during the summer holidays where they can. They will be asked to

meet with employment advisers, they may be offered training. There is usually a lot of work available for teaching assistants during the summer holidays with the Youth Service or with after schools and activity clubs. This requirement does not prevent people receiving income support, which continues to be payable.

#### **4.4.2 Deputy G.P. Southern:**

Yes, this is workable if the rules say it is workable. That is the attitude that seems to be taken by the Minister for Social Security. A far simpler solution is just take the pressure off. There are teaching assistants out there worried because they are rushing around trying to find a second job ...

#### **Deputy M.R. Scott of St. Brelade:**

Point of order, Sir. This does not seem to be a question.

#### **The Bailiff:**

A point of order has been raised, Deputy Southern. The Deputy is entitled to raise a point of order. What is your point of order?

#### **Deputy M.R. Scott:**

It does not seem to be a supplementary question that we are hearing. We are hearing a statement.

#### **The Bailiff:**

Quite often for a question to be intelligible certain prefatory remarks need to be made, and it is a matter for judgment from the Chair as to whether or not there are sufficient prefatory remarks or not. But you are quite right to observe that this is a time for questions and not for statements. Sometimes statements need to be made in order to pose the appropriate question. But you are right in principle.

#### **Deputy M. Tadier:**

May I raise a point of order? This kind of thing will happen time and time again. At what point, because we are an Assembly of philosophers it seems, does a question become a question? I know it cannot be answered now but maybe P.P.C. (Privileges and Procedures Committee) could look at that. It may not be until the very last word that you know whether something is a question and it may be a very good question for all we know.

#### **The Bailiff:**

I am sorry, but you knew perfectly well that that was not a point of order. That is an abuse of process to stand up and simply make a point and then say it should be referred to P.P.C. A point of order is an order for a decision by the Chair and not a decision by P.P.C., as I am sure you know. So the answer is that was not a valid point of order. Deputy Southern, if you would like to carry on but perhaps we could get to a question.

#### **Deputy G.P. Southern:**

My next breath indeed, were it not knocked out of Minister for the Environment by the knife in my back, was to do exactly that. Who are running around looking for second incomes and who are worried about the ability to look after their children and to do a job who are doing, all right, less than 35 hours a week, why does the Minister not just take the pressure off on this?

[10:15]

It is 40-odd teaching assistants who are driven wild by the fact that they are treated one way by Social Security and another by Education. Will she please take the pressure off?

**The Bailiff:**

That was the question.

**Deputy E. Millar:**

I have just said that I have asked for a briefing to be given to the Population and Skills Ministerial Group to consider this very issue. I can only suggest that if there are teaching assistants in that level of stress that they talk to the Back to Work team at C.L.S. (Customer and Local Services) to explain the situation. We are not forcing people into work who simply cannot work. If people have younger children they will not be forced into work if they are caring for young children. If the child is 15 or 16 and it is during the summer holidays, then I think it is a reasonable expectation on the taxpayer who are funding the benefits that they will be asked to produce extra hours if their contract is such that they are not paid during that time.

**Deputy G.P. Southern:**

I think that answer is unsatisfactory. The fact is that many workers feel that they are being bullied back into doing more work than they comfortably can.

**The Bailiff:**

No, I am sorry, Deputy, that is a statement; that is not a question. I am sorry, Deputy Tadier, this is not a general discussion forum, this is something that is directed through the Chair on all occasions and perhaps Members could remember ...

**Deputy M. Tadier:**

I have just come back from a conference on the abuse and the suppression of parliamentarians to be able to speak freely in their own Assembly. If Deputy Southern puts: "Does the Minister not agree?" at the end of that, as he well knows, that is the question.

**The Bailiff:**

I beg your pardon? Was that a speech, Deputy? Was that a question? Was that a point of order? What part of Standing Orders did that fit in? I can assure you it fits within none, and this is an abuse of your position as a Deputy simply to stand up and express your views and interject in an improper way. Please refrain from doing so.

**Deputy M. Tadier:**

I will raise a point of order and the point of order is, at what point does it become an oppression of States Members' privileges to be able to do their jobs that they are in here to do if we do not wait a few seconds ... we have wasted more time with these interruptions than we have with a basic courtesy of letting Members finish their questions.

**The Bailiff:**

What is the point of order you wish a ruling from the Chair on?

**Deputy M. Tadier:**

My point of order is: at what point do we decide when we do not allow questions? Because often I have heard the Chair call on somebody and say very politely: "The question is?" or: "Does the Minister agree?" You have done that on many occasions.

**The Bailiff:**

I have.

**Deputy M. Tadier:**

I was trying to do that subtly to my colleague saying: "That is the question" and I just want to try and get this back to some semblance of ...

**The Bailiff:**

What is the point of order on which you wish a ruling from the Chair?

**Deputy M. Tadier:**

The point of order is, it was a question from Deputy Southern, was it not? He just forgot to put the: "Does the Minister not agree" at the end.

**The Bailiff:**

It was not a question, in my judgment. If he had put those words, it might have been, but these interjections are not helpful and they are not the way an Assembly should proceed. They should proceed in accordance with Standing Orders because it is by abiding by Standing Orders that everyone gets a fair opportunity to participate in questions, answers and debate. If we just decide to go off on a course of our own ignoring Standing Orders, then there will be chaos in the Assembly, and that is simply to be avoided. So let us try and keep Standing Orders in mind, please. Deputy, I will give you the opportunity to pose that question.

**Deputy G.P. Southern:**

I am perfectly content to obey your ruling, thank you.

**The Bailiff:**

Thank you very much indeed.

**4.4.3 Deputy R.J. Ward:**

Does the Minister understand that teaching assistants working full-time in term time are doing an incredibly stressful job, and without the holiday breaks they are burning out? That is one of the reasons T.A.s (Teaching Assistants) are leaving the profession.

**Deputy E. Millar:**

As I said, I have asked for a briefing to the Population and Skills Ministerial Group where all these points will be considered. Many people work fairly long hours without the advantage of a very long summer break.

**Deputy R.J. Ward:**

Can I ask the Minister ... in fact, no, I do not have a supplementary.

**4.4.4 Deputy R.S. Kovacs of St. Saviour:**

Is the Minister aware that the income support calculates for the term-time employment which addresses mostly to teachers? The salary that way, although it is term time, is spread across the whole year. The Back to Work requires them to find additional work ongoing, not just within the summer or holiday term, and that is where the pressure is. Would the Minister agree to look into that?

**Deputy E. Millar:**

Again, I have asked for this matter to be brought to the Population and Skills Ministerial Group. I will also be conducting a review of benefits which will look at all these aspects. I am not quite sure if the Deputy's question was extending to teachers who are paid over the summer time, or teaching assistants, some of whom I believe are paid for the summer months and some who are not paid for the summer months. So there are clearly a number of issues that need to be properly considered and we will be doing that in due course.

**4.4.5 Deputy R.S. Kovacs:**

Yes, I was mentioning teachers but it is the teaching assistants which are not paid over summer months, but the calculation of the salary is still spread over the full year; their requirement is still along the year, not just for the summer holidays. Obviously when they work full hours within the year they are not able to do so. Does the Minister agree to look into that process?

**Deputy E. Millar:**

I think I have just said that. Thank you.

**4.4.6 Deputy L.V. Feltham:**

From her previous answers, the Minister seems to be suggesting that this is not an issue that can be resolved by her as the Minister for Social Security. With that in mind, and considering that these people are working in a very critical position that are keeping our schools running, does she think it is the role of their employer to perhaps improve their pay and conditions so that they are less reliant on social security?

**Deputy E. Millar:**

No, that is not what I am saying. The social security system supports people who need support with their income. There may be teaching assistants who do not need support because of their personal circumstances; there may be some who do. The income support system is aimed at working fairly. There are numerous people who work part-time who get income support who will also be asked to do more work where they can to make up their hours to full-time. That is fair to everybody who claims income support, and it is fair to the taxpayer who funds it.

**4.4.7 Deputy L.V. Feltham:**

Given the Minister's comments today, would she undertake to meet with some teaching assistants so that she can understand their views and also their workload and why they require their summer break?

**Deputy E. Millar:**

I am very happy to meet with teaching assistants if that would be helpful. However, I am somewhat confused that we are talking about teaching assistants who are working full-time and part-time and the need for summer breaks. But I am very happy to meet with teaching assistants and hear from them if that would be helpful.

#### **4.4.8 Deputy C.S. Alves:**

The Minister has mentioned caring responsibilities, and I am assuming that this includes childcare, and that people in this situation, teaching assistants, would often be asked to look for more hours during the summer break. If they have childcare responsibilities, can the Minister inform us up until what age would this be seen as a responsibility for these individuals working as T.A.s, as often the income support system subsidises childcare. Does the Minister not agree that if these individuals are asked to look for more hours during the summer break, which is often not a break, then income support would then have to subsidise the childcare which negates the whole point and probably makes it more expensive to the system?

#### **Deputy E. Millar:**

I am afraid I do not know the age at which children are considered not to need support from their parents. However, the income support system does take into account caring responsibilities, and where someone's caring responsibilities allows them to work they will be asked to do so where that is feasible. It allows individual circumstances to be taken into account. If someone's circumstances of childcare needs, for example, a child of 16 may not need regular input and care from a parent, a child of 16 with special needs or disabilities may need more assistance from a parent, the income support scheme allows all of these things to be taken into account. I say again, if teaching assistants are struggling with this, then I can only recommend that they talk to the team at Back to Work and Customer and Local Services who will give them the full information of what they can and cannot claim for and what is expected of them.

#### **4.4.9 Deputy C.D. Curtis:**

Does the Minister agree that the system is failing in this case and appreciate the urgency in this situation?

#### **Deputy E. Millar:**

Again, I have asked for a briefing to the Population and Skills Ministerial Group which will happen in November. It is being taken seriously but I believe the information that I have is that in the number of teaching assistants as a whole, we are talking about a very small number of people who have issues with Back to Work and C.L.S. and income support.