

# **Income Support Policy Guidelines**

Summary and explanation of key concepts in Jersey's Income Support benefit.  
Further information is available online at [www.gov.je/incomesupport](http://www.gov.je/incomesupport) and by  
contacting the Employment, Social Security and Housing Department

**Version 6**

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**This document will give you general information about Jersey's Income Support benefit. It has been written to present the key concepts of Income Support clearly and plainly, but in enough detail to help you understand this benefit.**

**This does mean that this document should not be treated as a statement of the Law. If you need to know more about Income Support you should always ask for advice from an officer at Employment, Social Security and Housing.**

**Where examples of benefit rates are given, these may use older rates.**

**Up-to-date benefit rates can always be found online at**

**[www.gov.je/Benefits/IncomeSupport/Pages/Rates.aspx](http://www.gov.je/Benefits/IncomeSupport/Pages/Rates.aspx)**

**or you can contact the Employment, Social Security and Housing Department on 01534 444444**

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# 1. Introduction and background

## 1.1 What is Income Support?

Income Support is a single, means-tested benefit that was brought in to replace many benefits that were previously paid through Jersey's States Departments, and the former Parish Welfare system. It also replaced all of the support towards the costs of private and social housing rents.

"Means-tested" means that Income Support looks at the income and assets of your household before deciding whether or not you need help to meet your living costs. This gives Income Support the flexibility to respond to a range of needs, and is designed to help top up households who have an income that is not enough to support them. This means that you could still get Income Support if you work, or get a pension, or own your home.

Income Support is in most cases only for people who have been resident in Jersey for at least five years. It works through a system that is designed to be accessible, fair and effective. Income Support uses a single application process to decide how much benefit your household needs to help you meet your everyday costs.

If you meet the conditions for the benefit Income Support can help with the costs of housing, living, health needs and childcare. It also recognises the role of carers for sick or disabled people.

Income Support is designed so that people who get Income Support and work will always get a financial benefit from working. It does this by ignoring some of the income you get from work. However you don't need to pay income tax on money you get from Income Support.

Income Support is normally paid weekly. You may also be able to apply for special one-off payments to help with the cost of major items, and in emergencies.

The cost of the Income Support scheme comes from Jersey's taxes. Local residents have a legal right to claim Income Support if they are eligible and your right to get Income Support is not connected to whether you have paid tax or Social Security contributions.

You can apply for Income Support at the Employment, Social Security and Housing Department, and online at [www.gov.je/incomesupport](http://www.gov.je/incomesupport) . If you can't access Employment, Social Security and Housing for health or mobility reasons, or if you can't apply online, please contact us and we will be happy to help you apply for Income Support.

## 1.2 The history of Income Support in Jersey

The idea of an Income Support system was developed by the Social Security Department, with help from other States departments, during the late 1990s. Early proposals were approved by a States of Jersey vote in May 2000. The Social Security Department then did detailed research and prepared for the introduction of an Income Support system. The Income Support Law was approved by the States in 2006 and Income Support was launched on 28 January 2008. The laws and policies of Income Support are updated regularly.

### 1.3 The legislation that governs Income Support

The main Income Support Law sets out the overall principles of the benefit. Extra detail is then included in other legal documents known as Regulations and Orders. They can all be found on the Jersey law website at [www.jerseylaw.je/laws/current](http://www.jerseylaw.je/laws/current)

The **Income Support Regulations** give details of the working and job-seeking rules for Income Support and set out the various components and the benefit rates.

The **Income Support Special Payments Regulations** explain a range of one-off payments.

The **Income Support General Provisions Order** sets out

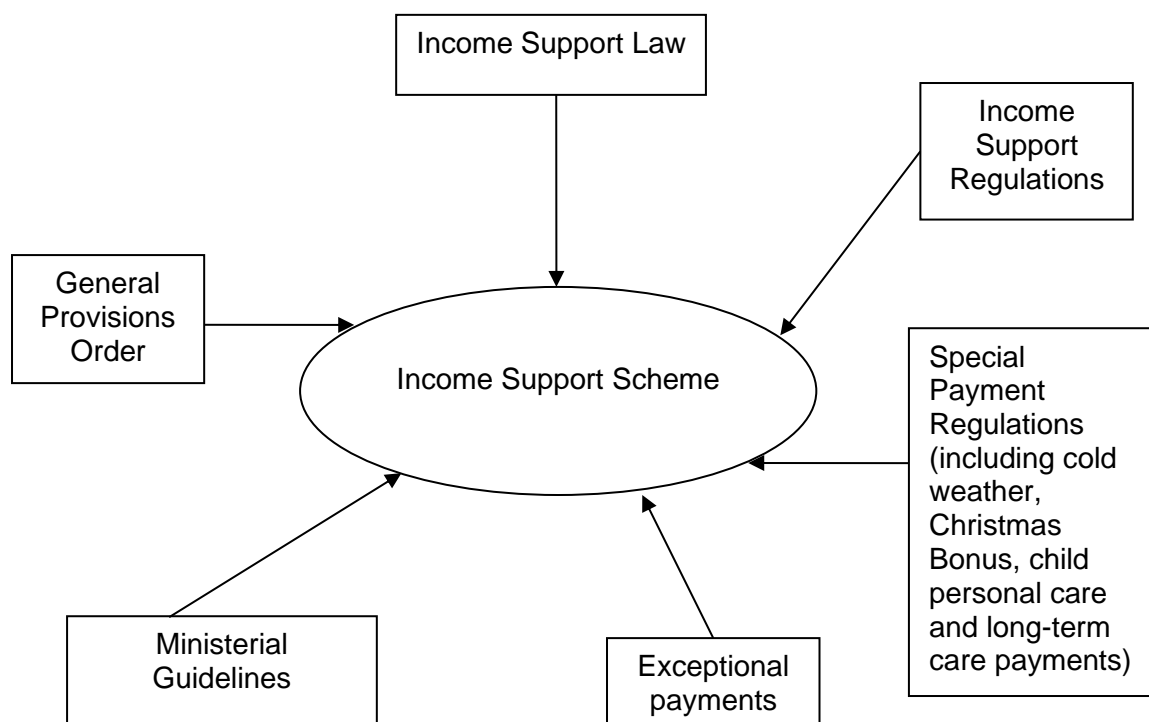
- details of the residence conditions of Income Support
- who is included in a single household for Income Support purposes
- details of how applications are made and decisions are taken
- details of how income is calculated; and
- how appeals are made.

Separate Regulations set out details of Cold Weather Payments and Child Personal Care payments. These are explained later in this document. The main Law also includes the power for the Social Security Minister to make special or exceptional payments. This is also explained later on.

A summary of changes made to the Income Support Law since it was first approved (including the Regulations and General Provisions) can be found in an appendix at the end of this document.

The Minister also sets the detail of some policies directly. One way this is done is through Ministerial Guidelines. This document is the Ministerial Guideline that sets the detail for many parts of Income Support.





## 1.4 How this document helps you understand Income Support

This document gives a summary of the main policies of Income Support. It has been written to present the key concepts of this benefit clearly and plainly.

This document provides summarised information to help people understand Income Support. You should not treat it as a statement of the Law. The law may have changed in the time since this document was published. It is also possible that you may be reading an older version of this document. Even if this document is up-to-date it might only summarise an area of the law where you might need more detail to be fully informed. You must be careful if you use translation software to understand this document as legal concepts don't always translate perfectly with software.

If you need to know more about Income Support you should always ask for advice from an officer at Employment, Social Security and Housing. You can also get independent advice from Citizen's Advice Jersey. Citizen's Advice Jersey may be able to offer legal advice and will have a list of other organisations who might be able to help you understand the rules of specialist parts of Income Support, such as disability.

Copies of this guideline are available online at [www.gov.je/incomesupport](http://www.gov.je/incomesupport). Copies of the main Law, as well as the Regulations and Orders, are available on the [www.jerseylaw.je](http://www.jerseylaw.je) site.

## 1.5 Pensions and other benefits available in Jersey

Other benefits are also available in Jersey as well as Income Support. It is possible to qualify for these benefits and Income Support at the same time, depending on your circumstances.

At the time this document was prepared, these benefits include

- **Old Age Pension** a benefit paid out of the Social Security Fund to people who have reached pension age
- **Survivor's Benefits** are paid out of the Social Security Fund to working age people whose partner has died
- **Home Carer's Allowance** is paid out of the Social Security Fund to working age people who have had to give up full-time work to care for a very sick or disabled person
- **Jersey Television Licence Scheme** supports elderly people with a free TV licence
- **Long-Term Care Scheme** supports people with the costs of care either in their home or in a care home
- **Parental benefits** are paid out of the Social Security Fund to parents who are looking after a new child
- **Short-Term Incapacity Allowance** is paid out of the Social Security Fund to people who can't work at all because they are sick
- **Long-Term Incapacity Allowance** is paid out of the Social Security Fund to people who have long-term illnesses or disabilities
- **Incapacity pensions** are paid out of the Social Security Fund to working age people who will never work again because of an illness or disability
- **Pension Plus** helps lower-income pensioners with medical costs
- **Jersey Dental Fitness Scheme** helps towards the cost of routine dental treatment for young people between the ages of 11 and 21 in full time education
- **Invalidity Benefit** is an older benefit that is still paid to some people with long-term illnesses or disabilities. You can't apply for this benefit any longer
- **Disablement Benefit** is an older benefit that is still paid to some people with long-term illnesses or disabilities. You can't apply for this benefit any longer

There are also three benefits that are available to some households who do not receive Income Support but have a relatively low total income.

The **Community Costs Bonus** is available to some households that do not receive Income Support and pay little or no income tax.

Some Income Support households get cold weather payments or a Christmas bonus or both. The **Cold Weather Bonus** is also available to some households that do not pay tax and also include somebody aged above state pension age. A **Christmas Bonus** is also available to lower-income pensioners.

## 2 Who is included on a claim to Income Support?

Income Support is paid to households who pass three separate tests. These are explained in detail in the following sections

- **Residence test** – has at least one adult in the household lived in Jersey long enough?
- **Work test** – if adults in the household can work, are they in work or doing enough to look for work?
- **Income test** – is the household's income low enough that it needs help from Income Support?

### 2.1 What is an Income Support Household?

Income Support is designed to support single people but also people who live together in family groups. This can include single parents and families in marriages, civil partnerships, or other long-term relationships. Income Support will also support their dependent children and some young adults.

Within families it is expected that adults care for children and that partners will support each other when necessary. However, people often live together in extended family groups and so Income Support uses a legal concept called the "Income Support Household" to set out which family groups are treated as a single household for Income Support purposes.

In plain English, this means that Income Support has rules about which people are expected to share income, assets and the costs of a home. They set out who will be included on a single weekly payment of Income Support. People in the same Income Support Household are included on the same Income Support benefit claim.

An Income Support Household can be one person, a couple or a family living together. Couples can be married, in a civil partnership or unmarried - this includes same-sex relationships. There can be more than one Income Support Household living in the same property, and in some cases a couple will be included in the same Income Support Household even if they don't live together all of the time. For example, if you have a partner who stays with you but still has an address somewhere else.

#### Example

Emma and Lee own a two-bedroom flat. Emma's mother, June, moves in with them because she is becoming frail. June's only income is a small widow's pension. June can apply for Income Support in her own right. The income and circumstances of Emma and Lee are not considered as part of June's application for Income Support.

Who is included on a claim to Income Support?

## 2.2 Couples, spouses and partners - When Income Support treats somebody as your partner

If you have a husband, wife, civil partner or other partner you will be expected to support each other financially. Your income, assets, savings and expenses will be looked at together to decide whether you can get Income Support.

Income Support will look to see if you have a husband, wife or civil partner, and will also look to see if you have any other kind of partner. This might include a partner who doesn't live with you all of the time. A partner is defined in the Income Support law using the concept of an "interdependent relationship." This is a concept that means a person such as a boyfriend or girlfriend who other people would see as being similar in status to your wife, husband or civil partner.

**It is very important to understand what this means.** If you have any doubt about this, please seek appropriate advice. If you get Income Support but are treated as single, but think this guidance might apply to you and your partner, you should contact Income Support for further advice.

If somebody becomes your partner, it is important to tell Income Support straight away. If a new partner joins your household their income will be included on the claim.

Not telling Income Support about a partner could cause you to be overpaid benefit, which you'll have to pay back. This is because their income is included in the calculation of your income support entitlement. If you fail to tell Income Support about a partner you have committed a crime.

The general principle in Income Support legislation is that all couples should be treated in a similar way. This includes couples who are married, who are in a civil partnership, or neither. It includes same sex couples. It includes couples who exclusively share the same home and those who don't. If there is a reasonable expectation that two people are partners and can rely on each other, the couple is treated as one household for Income Support purposes. To establish whether two people are living as partners Income Support refers to guidelines and case law established over many years in similar benefit systems.

Income Support officers look at a series of factors set out in the Income Support legislation to decide if two people are partners. The legal definition is

*A relationship, including (but not limited to) marriage or civil partnership, in which two persons are emotionally committed to one another and lead their lives as an economic and domestic unit.*

When deciding whether two people are partners for Income Support purposes, officers will consider the following factors (amongst others):

1. Whether they are married to or in a civil partnership with each other
2. Whether the relationship is committed/exclusive

Who is included on a claim to Income Support?

3. Whether they share household activities and living arrangements
4. Whether they share finances or support each other with money (or other items or expenses which have a value)
5. The care and support of any children
6. The ownership, or joint use, of any property or properties for the purposes of the relationship
7. Whether other people see them as having a shared financial or emotional relationship

No one factor outweighs the other. You can't, for example, say that somebody is not your partner simply because you don't have a joint bank account. You can't say that somebody is not your partner because they don't stay over every night.

If you choose not to declare a partner's income this can lead to significant overpayment of benefit. You might be taken to court and this can result in a large fine or even a prison sentence.

### **Example**

Karen and Dean are in a relationship. Karen gets Income Support and lives in social housing, Dean doesn't qualify for benefit because of his wages. They are not married but have been together long enough that their friends and family see them as partners and they are committed to each other. Although Dean stays at Karen's flat regularly, is a parental figure to her children and contributes towards the bills and housework, he has maintained his own flat and Karen has chosen not to include him on her claim to Income Support.

Income Support considers all of the factors and an officer decides that Dean is Karen's partner and should be included in her household for Income Support purposes. Dean's wages will cause Karen's benefit entitlement to go down. The officer will now decide when Karen should have told Income Support about her relationship with Dean. It is likely that Karen will have to repay some benefit to Income Support. She might be taken to court.

Karen has the right to ask for a second officer to review this decision, and can make an independent appeal if she doesn't agree with that second decision.

## **2.3 Children and young adults**

Children are always included in the Income Support Household of the adult who is responsible for them. This is normally a parent or guardian but the adult could be another family member such as a grandparent or older brother or sister.

Somebody is a child up to "compulsory school leaving age" which is reached on 30 June in the school year in which the young person has their 16<sup>th</sup> birthday. As the school year runs from 1 September to 31 August, some young people reach school leaving age before their 16<sup>th</sup> birthday.

Who is included on a claim to Income Support?

- **Young adults who remain in full time education** (school, college or university) after school leaving age, up to the age of 25, are also included in the Income Support Household of the adult responsible for them
- **A young adult who is a jobseeker** is included in the Income Support Household of the adult responsible for them up to the age of 25
- **A young adult over compulsory school leaving age who lives with their parents and has a full-time job** is not included in the Income Support Household of the adult that they live with. This is to stop their earnings from causing their parent's Income Support to decrease.

## 2.4 Support for young adults with disabilities

Parents often continue to care for children with disabilities throughout their adult lives. Income Support will help by giving a separate claim to a young person over compulsory school leaving age who has a disability or serious long-term health condition. This means people who qualify for a personal care component of level 2 or above, or who get a Long-Term Care package (for those older than 18). Personal care components, Long-Term Care, and other forms of support are explained further in this document.

Giving the young adult their own claim to Income Support helps them because they are then assessed on their own income and assets, independent of the parents' circumstances. It applies whether they stay in full time education, get a job, or do anything else on-Island. This means that a young adult with a disability or serious long-term medical condition can receive Income Support even if their parents have too much money to qualify.

### Example

Trevor and Judy have a son, Matt. Matt is 17 years old and has learning difficulties. He attends Highlands College as a full-time student. Matt has been assessed to receive a personal care component at level 2 (see section 6). Although he is a full-time student aged under 25, he is treated as a separate Income Support Household and gets his own claim to Income Support.

## 2.5 When parents are separated

A child can only be a member of one Income Support Household at a time.

If the parents have separated and the child lives with one parent most or all of the time, the child is part of the Income Support Household of that parent. The full Income Support for the child will be paid to the parent.

Who is included on a claim to Income Support?

If the child spends equal amounts of time with both parents, then the child is included in the Income Support Household of the parent who would get the most Income Support benefit. This is to make sure that the child is supported as much as possible.

It is not possible to split the components for the child, even in situations where each parent has them half of the time. Parents in the situation sometimes make an informal agreement that one parent will give part of the child's Income Support components to the other. Income Support cannot give you advice about this kind of arrangement, partly because that advice would not be legally binding on the other parent.

## 2.6 Other family members who share a home

An Income Support household will be an adult, any partner and any dependent children or young adults. Other family members living at the same address can make separate claims to Income Support and will be separate Income Support Households. These might include:

- An older relative who lives with a son/daughter and their family
- A young adult with a disability who continues to live at home with his/her parents
- A young adult (aged 25 or older) who continues to live at home with their parents
- Two adult siblings sharing a house

## 2.7 More than one household sharing a property

Two people who share a house or flat are not necessarily in the same Income Support Household. Income Support rules are used to decide if they are partners. This is explained in detail in other sections of this document. Paying a share of the rent, or splitting some living expenses such as utility bills, does not necessarily mean that two people are a couple and should be treated as one Income Support Household.

A large extended family living together will be treated as separate households, using the rules above.

**For example:** a married couple with two young children sharing a house with the wife's parents, and the husband's brother and sister-in-law, would be assessed as follows:

- a) The married couple and their two children will be one Income Support Household;
- b) the wife's parents will be a separate Income Support Household; and
- c) the husband's brother and his wife will be a third Income Support Household.

Who is included on a claim to Income Support?

Each household would make its own application for Income Support and each would need to pass the tests (such as income or time spent in Jersey) for Income Support.

Sometimes a married or civil partner couple will separate but both will remain living in the same property. It might be that one person lives upstairs and one downstairs. This situation is quite unusual, so if they want to be treated as separate Income Support Households they must have a signed separation agreement and this agreement must be witnessed by an Advocate, Solicitor or Notary Public.

## **2.8 Lodgers**

A lodger is a single Income Support Household. A lodger is defined as somebody (not a family member) who lives in a property in which the owner also lives. They might live in one room or in multiple rooms that are still part of the owner's home. A lodger can also be somebody who lives in a lodging house. People who live in a house or flat with somebody who is not the landlord or owner are not lodgers. Those people are living in a house share.

### **Example:**

Layla lives with Bob, who owns his home. She rents a single room from him and uses the upstairs bathroom. Layla is a lodger and can apply for Income Support.

### **Example:**

Muriel lives with the McLaren family in their five bedroom home. Muriel has a bedroom and has access to another room that she uses as a living area. She has a bathroom that only she uses. Muriel is still treated as a lodger, because her rooms are not a separate flat, they are part of the McLarens' home.

### **Example:**

Ramon lives with the Le Sueur family, in a room above their garage. He has his own bathroom, cooking facilities and a separate entrance behind the garage. Ramon is treated as renting a bedsit because he lives in a separate property to the family.



## 3 Income Support rules about residency in Jersey

### 3.1 Introduction - eligibility

We have said that Income Support is paid to households who pass three separate tests. These are explained in detail in this section and those that follow

- **Residence test** – has at least one adult in the household lived in Jersey long enough?
- **Work test** – if adults in the household can work, are they in work or doing enough to look for work?
- **Income test** – is the household's income low enough that it needs help from Income Support?

### 3.2 The residence test

At least one adult in your Income Support Household must pass the residence test for your household to get any payment from Income Support at all.

However, if your Income Support Household contains an adult who does not pass the residence test themselves, this adult will not be eligible for some payments made through Income Support. In plain English, if a household has an adult who hasn't lived in Jersey long enough, the household will get less money from Income Support. This might be a partner, but it might also be an older child who has only been in Jersey a short while. See section 5 for further details.

An adult must meet one of the following conditions to pass the Income Support Residence Test. These use a legal concept called "ordinary residence" which is explained in the next section. In plain English, you are "ordinarily resident" in the place where you make your home.

To pass the residence test each adult must be able to prove

1. They have lived in Jersey, without any breaks, for the past five years; or
2. They have lived in Jersey without any breaks for at least five years at a time in the past. They are allowed to have moved away since that time, but it must be for less than 5 years. They then they must have returned for Jersey for longer than the period spent away; or

## 2. Eligibility for Income Support

3. They have lived in Jersey for at least 10 years at any time in the past, without any breaks; or
4. Jersey-born adults only – they have lived in Jersey for a total of at least 10 years at any time in the past. The 10 years can be made up of a number of separate periods living in Jersey, with gaps in between; or
5. Adult child of a parent with 'entitled' residential status – they have lived in Jersey for a total of at least ten years at any time in the past (the adult must have moved to Jersey before the age of 20 and the parent must have 'entitled' status under the Control of Housing and Work Law. The ten years can be made up of a number of separate periods living in Jersey, with gaps in between.

### 3.3 The meaning of “ordinary residence”

The term “ordinarily resident” is used in many laws (including the Income Support Law) but it does not have a single, legal definition. In plain English, you are ordinarily resident in the place where your home is, and where your life goes on. You don't stop being ordinarily resident in a place because you leave to go on holiday, but you might do if you go to another place to work, or return to a previous place of residence for an extended period of time.

You might be treated as having left a place even if you don't have a definite place to relocate to, or a new job to go to. This might be because you've cut ties with the place by doing things like giving up your home and/or getting rid of your personal property.

If there is any doubt that someone is “ordinarily resident” the Department's officers refer to previous legal decisions to help them decide. To be “ordinarily resident” someone must have made a decision to stay permanently in Jersey and must have somewhere to live locally.

### 3.4 Seasonal workers

Seasonal workers who come to Jersey each year to work in seasonal jobs (mainly farming and tourism) are not “ordinarily resident” because they return to their home country on a regular basis – they are in Jersey to undertake work for a limited time and they have not chosen to live here permanently.

### 3.5 Overseas travel

On the other hand, someone who owns or rents a property in Jersey and decides to spend a few months travelling around the world, is still “ordinarily resident” in Jersey because they have somewhere to come back to and they have not settled in any other country. However, you need to be present in Jersey to receive Income Support benefit.

## 2. Eligibility for Income Support

A person who leaves a job to travel or go on holiday may also be affected if they return to Jersey and claim Income Support. See section 3 for details on the financial penalties for leaving a job.

### 3.6 Returning to Jersey

Someone who has lived continuously in Jersey for between 5 and 10 years before moving away will need to be back in Jersey for the same length of time they were away (up to a maximum of 5 years) before they can make a claim for Income Support.

#### **Example 1**

Jack lives in Jersey for six years. He then spends two years in France. On his return to Jersey, he will need to be here for another two years before he can claim Income Support.

#### **Example 2**

Peggy lives in Jersey for six years. She then spends seven years in France. On her return to Jersey, she will need to be here for a further five years before she can claim Income Support.

### 3.7 Time spent in prison

Time spent in prison (as part of a sentence) cannot help a person qualify for Income Support.

The period of time in prison is ignored, meaning that a person cannot develop entitlement to get Income Support simply by spending time in Jersey whilst sentenced to a term in prison. Someone who has already been living in Jersey for 5 years or more immediately before they are sent to prison can apply for Income Support as soon as they are released.

#### **Example 1**

Jennifer has been in Jersey for 4 years when she is sent to prison for 2 years. After her release, she will need to be here for another 1 year before she can apply for Income Support.

#### **Example 2**

Brian has been in Jersey for 6 years when he is sent to prison for 2 years. After his release, he can apply for Income Support immediately.

#### **Example 3**

## 2. Eligibility for Income Support

Alice has been in Jersey for 4 years 6 months when she is remanded in custody awaiting trial. She spends 6 months in prison before her trial. She is then found not guilty and released. As the time spent in prison was not part of a sentence, it will count towards her ordinary residence requirement. After her release, she will have been in Jersey continuously for 5 years and can apply for Income Support immediately.

### 3.8 Detached workers

A detached worker is someone who is employed by a company outside Jersey and is temporarily working in Jersey on secondment or as a visitor. They will continue to be paid in their home country, pay social security contributions (or equivalent) in that country etc. This often applies to bank employees and has also been known in the construction and care industries. Time spent as a detached worker in Jersey cannot be used as part of the residence qualification period for Income Support.

## 4 Income Support rules about work - people who are expected to work, or to look for work

### 4.1 Introduction

We have said that Income Support is paid to households who pass three separate tests. These are explained in detail in this section and those that follow

- Residence test – has at least one adult in the household lived in Jersey long enough?
- Work test – if adults in the household can work, are they in work or doing enough to look for work?
- Income test – is the household's income low enough that it needs help from Income Support?

The Income Support scheme is a financial safety net for those in need, but it is designed to encourage people to support themselves as much as they can. This will often involve helping people find work.

The Income Support Law includes a requirement for all eligible adults to be in full-time work. Full-time work is defined in the law as 35 hours per week. If they aren't in full-time work they are expected to make regular effort to look for full-time work. Some adults are not expected to work or to look for work.

### 4.2 People who aren't expected to work full-time to get Income Support

The following people can get Income Support whether or not they are working:

1. Anyone who has reached pensionable age. This is defined as 65 for men and women born before 1<sup>st</sup> January 1955, older for those born after this date<sup>1</sup>

2. Anyone looking after a very young child. This applies until the 1<sup>st</sup> September that is or is before the child's 4<sup>th</sup> birthday. This means that a parent must start looking for work, or preparing to look for work, in the year before their child's first year of primary school. This is because a free nursery place is available then.

Only one adult in an Income Support Household can be completely exempt from work on the basis that they look after a very young child.

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<sup>1</sup> "Pensionable age" is legally defined in Article 1A of and Schedule 1AA to the Social Security (Jersey) Law 1974

### 3. Working

Some adults may not need to work full-time. An officer will look at their individual circumstances and can decide how many hours they will be expected to work on a part-time basis. There is no legal definition of what “part-time” work may mean, the Income Support officer has the power to decide what is reasonable based on a person’s circumstances.

The following people can get Income Support as long as they work or look for employment for a number of hours that has been agreed by an officer:

1. A person who is looking after a child who will have their 4<sup>th</sup> birthday on or before the 1<sup>st</sup> of September. In plain English, this means that as soon as a child reaches the age of 4 their parent might be expected to start looking for work in September. This rule is based around school and nursery term times. (This can only be applied to one adult in an Income Support Household)
2. Parents sharing the care of a very young child between them
3. Having a health condition or disability that limits the person’s ability to work
4. Undertaking approved education or training
5. Caring for someone with a serious health condition – including people who are also getting a paid care package through Flexible Personal Care or the Long-Term Care scheme<sup>2</sup>

All of these conditions are explained in the following sections. If you are in any doubt about the rules for getting Income Support and working, you should speak to Back to Work.

#### 4.3 People in custody (prisoners)

Prisoners are not expected to work or to look for work - although some prisoners work whilst in prison and may also have work outside prison through day release schemes. The other members of the Income Support Household can continue to claim Income Support as the work requirement will be suspended for the person who is in custody.

#### 4.4 Looking after a child

Anyone looking after a very young child is exempt from the requirement to look for work. This means children who haven’t reached their 4<sup>th</sup> birthday. Once that age is reached the parent is likely to be asked to start having conversations about work in September. Parents who are returning to work will get special help from Back to Work, and this can include parents who want to return to work earlier.

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<sup>2</sup> There are separate rules about working for people who get the Home Carer’s Allowance benefit

### 3. Working

The rules for older children are as follows

- A parent with a child who is old enough to take up the free nursery place offered by the Education Department (available in the year before the child's first year of primary school) will be expected to prove they are looking for a job that provides up to 15 hours work a week.
- A parent with a child at primary school will be expected to prove they are looking for a job that provides up to 25 hours work a week.
- A parent with a child at secondary school will be expected to prove they are looking for a job that provides up to 35 hours work a week. They are expected to be looking for full-time work

In some cases, the work requirement can be overridden by other caring responsibilities. For example, an adult who is caring for an elderly relative, or a child with a disability.

Back to Work will consider situations where somebody works below their required hours, but earns more money than if they were to switch to a job that provided more hours.

#### **Childcare during school holidays**

Term-time only jobs are hard to find in Jersey. This means that parents of a child old enough to attend school will usually be asked to look for year-round work. If they only find a term-time only job, they will be expected to find other work during the school holidays.

If this is the case, Income Support may be able to help with the cost of childcare. This will consider the need for help around school hours and school holidays.

### **4.5 Having a health condition that limits a person's capacity to work**

A person who is signed off sick is not expected to work or to look for work. "Signed off sick" means when they have a valid Short Term Incapacity Allowance (STIA) certificate from a doctor. Officers will also consider any other evidence of total inability to work due to illness or disability.

Support is available to help people who are on STIA but who want to do some work to help them in moving back to full-time hours. This is optional and is provided through the WorkWell service, who are the only people who can give permission for somebody to work when they are on STIA. WorkWell can also help in signposting people to other Government Departments.

STIA certificates are normally provided by GPs, but an officer of the Employment, Social Security and Housing Department still has the power to decide whether they are valid or not. This means that the Department can ask anyone with an STIA

### 3. Working

certificate from their GP to provide further supporting information, or to attend a medical board, to confirm that they are “completely incapable” of work.

This means that people who are expected to look for work may be challenged if it looks like they have asked their doctor for an STIA certificate in order to avoid or reduce their requirements to look for work or engage with jobseeking services.

The Income Support system includes a separate assessment for people with long-term health conditions or disabilities that last 6 months or longer (see section 6). This is known as personal care and the rules for this are set out in the Income Support Regulations.

The level of personal care is decided by a Determining Officer, based on the available evidence, including medical reports or assessments. It generates a score, and anyone with a score of 24 or above is not required to be in work or seeking work to qualify for Income Support. If someone with a score of 24 or above still wants to work there is nothing stopping them in the Income Support rules. Officers would encourage and support them in looking for suitable work and they can also access supporting services such as the Jersey Employment Trust.

Someone with a health condition but with an assessed score of less than 24 on the personal care assessment is expected to be in work or seeking work to qualify for Income Support. This is decided by an officer and they will carefully consider any barriers that the person has which might prevent them from being in full-time work. This means that an officer may decide that some people with health conditions are exempt from any work condition at all, or may only be required to seek part-time work. This would be at a number of hours that an officer feels is appropriate to their particular circumstances. They will make this decision based on evidence that looks at the nature of the health condition, and other barriers to work, and the person’s job skills and experience.

#### **Example**

Jim is an experienced office worker, aged 40. Following an accident he suffers from an upper limb injury resulting in a paralysed left arm. As a result of this injury, Jim has a level one personal care score of 21. Jim is right-handed. With the help of an occupational therapist, Jim returns to work.

## **4.6 Undertaking approved education or training**

Most people who are in education or training are not expected to look for work. However, this doesn’t apply to everybody. Income Support uses a concept called “approved education”. It is usually related to the student’s age and the type of school or course where they are studying. Older students will generally be expected to look for work during their longer holidays.



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- Anyone aged under 19 who is studying full-time in the sixth form of a school in Jersey is in approved education. This includes Highlands College.
- Anyone who is studying a degree level course and is receiving a grant from the Education Department is in approved education, as long as they started the course before their 22<sup>nd</sup> birthday.
- Education might be approved for students on courses the Minister decides are 'critical skills' for the Island. This can be for students of all ages.
- Education might also be approved for people who are either care leavers or who have otherwise experienced severe disruption to their secondary education. They need to be aged under 25 at the start of their course.

Other courses may be approved following discussion with an officer at Employment, Social Security and Housing.

People over pension age and those with the main care of a child under nursery age do not need to work to qualify for Income Support. See section 3.2 for a definition of pension age. However, if these people choose to do a training or education course, they will not normally be able to claim any additional financial help with education. This means in most cases they won't get an Income Support childcare component. People with children may be eligible for help with the cost of skills courses or with distance learning.

**Anyone who is claiming or intends to claim Income Support, and is considering starting a full-time course, should always seek advice from an officer in Income Support or Back to Work, before agreeing to join the course. If you don't do this you might be expected to look for work as part of the conditions of Income Support. Choosing to do education or training isn't a good reason not to look for work, and you might get a financial penalty.**

Income Support is not funded to provide general support for mature students. However, jobseekers are always encouraged to undertake work-related education and training courses. This is only if the course does not interfere with their ability to look for work. Studying must not prevent them from accepting any suitable work that is offered to them.

#### **Critical skills courses**

The Minister has decided that some courses train people with "critical skills" needed in the Island's job market. People who study on these courses can ask for help from Income Support even if they would normally be expected to look for work. This is an exception to the rules of Income Support, which does not normally support people to study full-time once they are above a certain age.

To decide whether a course meets this need in Jersey's job market, the Minister asks the officer in charge of Back To Work to make a decision. This is the Head of the Work and Family Hub in Employment, Social Security and Housing, who has regular discussions with Skills Jersey about what courses are available. Officers in

### 3. Working

Skills Jersey support the Minister for Education and Lifelong Learning and will also work closely with course providers. They will get advice from employers about which skills are needed in Jersey's job market, and whether people can retrain to get these skills.

If you are accepted onto one of these courses you might be able to get Income Support even if you need to stop work to join the course. This means that the courses are mostly full-time courses based around a specific job and will have a strong possibility of work at the end. There may also be a working requirement outside term-time. Many of them are degree or postgraduate courses which respond to specific job vacancies such as teachers, nurses or social workers. Officers will also consider whether people can get support to do shorter courses that might enable them to earn more or to change into a higher-paying job. Some of these will be funded through the Get Ahead scheme.

If you think this might apply to you, you should speak with an employment Advisor in Back to Work, or Get Ahead, or an officer working for Skills Jersey. They will know which courses are available and will give you advice about whether the course is right for you.

If you are allowed to be a student you must make sure you attend the course and any work placements. If you fail to attend the course or any work placement you will be treated as a failed jobseeker.

## 4.7 Caring for someone with a serious health condition

Full-time, informal carers for people with serious health conditions or disabilities are not normally expected to work in addition to their caring responsibilities. They won't be expected to look for work. This includes periods when the cared-for person is receiving respite care. For Income Support purposes, only one person can be recognised as the carer of someone needing care. The separate Home Carer's Allowance benefit has its own rules about the amount of work a person can do whilst caring full-time.

## 4.8 Full time work

In the Income Support law, full-time work means at least 35 hours a week. If someone works hours that vary from week to week, the hours are averaged out over a longer period.

### **Example**

David works a shift pattern in which he works 50 hours one week and 20 hours the following week on a regular pattern. He is working 70 hours over two weeks and this would be accepted as 35 hours a week and therefore full-time work.

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#### 4.9 Seasonal working

Many seasonal workers are not ordinarily resident in Jersey and will not qualify for Income Support. However, there are also local residents who work in seasonal industries such as agriculture and tourism, some of which are only employed during the season. In these cases the working hours are decided by looking at the contract of employment and considering the normal working practices within the industry. Working hours can only be averaged over periods of work – it is not possible to average out a period of long working hours with a subsequent period of no work at all.

##### **Example**

Mary claims Income Support, works during the summer in a café in Jersey and does not work in the winter. Mary cannot claim that because she worked 70 hours a week all through the summer, she does not need to look for work in the winter.

#### 4.10 Reasonable excuses for being absent from work

Someone who is normally working at least 35 hours a week may have some weeks in which they work less than this, or do not work at all. Anyone who is

1. On leave of absence from work (holiday, sick or personal leave); **or**
2. Taking part in a strike, or involved in an employment dispute

is treated as working their normal hours for their normal pay. In most cases, workers are expected to obtain leave of absence from their employer (holidays, jury service, family emergency etc.). In the event of a civil emergency, full-time workers are still treated as working their normal hours for Income Support purposes.

#### 4.11 Remunerative work

The Income Support Law requires people who are working (either part time or full time) to be in “remunerative work”. This is defined in the Regulations as being work paid at or above the hourly minimum wage. Under the Employment Law, employers must pay employees at least the minimum wage, including the relevant trainee rate for apprentices. The minimum wage goes up every year; the latest value is available at

[www.gov.je/Working/EmploymentRelations/Pages/MinimumWage.aspx](http://www.gov.je/Working/EmploymentRelations/Pages/MinimumWage.aspx)

If someone is self-employed, Income Support has a test to check they are in “remunerative work.” This is done by seeing if their net profit is at least as much as the minimum wage rate (calculated at an hourly rate). Some small business owners

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will work many more than 35 hours a week. In this case, the test is that the net profit is at least the minimum wage calculated for a 35 hour week. If the self-employed person runs their own business, the officer might also refer them to Jersey Business for support.

#### **Example 1**

Sid has a small business. He works 35 hours a week and has an average weekly net profit of £280. This is equivalent to £8 per hour and so he meets the test for “remunerative work”

#### **Example 2**

Jolene also has a small business. She works 70 hours a week and has an average weekly net profit of £295.

This is equivalent to £4.21 per hour based on 70 hours a week. This would be below the minimum wage rate if she were an employee.

But, using a 35 hour week, her profit is £8.43 per hour and so she also meets the test for “remunerative work”, measured against the minimum wage rate set in April 2017.

## **4.12 Jobseekers**

If the Income Support Law does not set out a reason why a person doesn't have to work, they are expected to be in work, or to look for work. The number of hours of work they are expected to do is decided by a specialist determining officer. The officer will decide what is appropriate for that person and their circumstances.

There is a considerable body of evidence supporting the view that work is good for individual health and self-esteem. Encouraging people to be financially independent is a central aim of Income Support, and work is the best way to achieve this. Most people regardless of their circumstances would rather work than not, but the nature of the job market or their specific skills might mean that work options are limited. Employment, Social Security and Housing staff will try and help them.

Many jobseekers find work without needing help, but there are always some people who need help or support to take the steps required to get work.

## **4.13 Specific jobseeking requirements**

Before an Income Support claim can go into payment, people who will be looking for work will need to sign a document agreeing how they will do this. It will briefly set out their responsibilities and requirements. Soon afterwards, the jobseeker will need to attend a meeting or meetings with an advisor, job coach, mentor or other member of staff. It is a legal requirement to attend this meeting and Income Support can be

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stopped if they don't attend.

The jobseeker will have the opportunity to discuss what they need in order to find work. They will get advice from the officer who will be supporting them. A record will be taken of

- the type of work that the person is looking for,
- the hours that they need to work; and
- the actions that they will take to find work.

The process of looking for work can include training, work placements and limited periods of voluntary work to help the jobseeker get experience. The discussion will also cover any reasons that the jobseeker might not be able to take up certain kinds of work.

Officers will arrange to meet the jobseeker regularly to support their job search. In these meetings they can discuss any changes to their circumstances and record their progress against agreed targets. The jobseeker's progress will be monitored at regular intervals, giving staff the opportunity to provide further advice and assistance and wherever possible improve the chance of finding a job.

The officer can also decide that the specific jobseeking requirements for a person will change. This might be as a result of the state of the labour market, the circumstances, past efforts and behaviour of the client, and the actions identified to help them find a suitable job.

#### 4.14 Suitable work

The Income Support Law defines the term "suitable work" as

*"work that is appropriate to a person's skills, qualifications and abilities..."*

This means that when someone starts to look for a job they can choose to look for "suitable work". This would allow a trained carpenter to look for work as a carpenter, for example. The definition also includes a time limit. This means that after someone has been out of work for some time, they must start to look more widely and must consider jobs which do not make full use of their training or experience. The definition of "suitable work" includes work that the person might reasonably be expected to undertake when taking into account the length of time that they have been looking for work. For example, a carpenter may need to take work as a labourer if they cannot find a job as a carpenter.

The length of time that an individual is allowed to restrict their jobseeking activities to "suitable work" ranges from 4 weeks up to 13 weeks depending on the type of work they are looking for. It will also consider the state of the labour market at the time and the time of year. This is relevant to seasonal work.

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#### 4.15 Actively looking for work

For people that are not working, but who are required to work according to the Income Support rules, there are a number of activities that can show that they are actively looking for work. Jobseekers who fail to take part in these activities may lose their ability to get Income Support.

##### **Taking reasonable steps to obtain work**

Following a discussion with the jobseeker, a set of Actively Seeking Work tasks will be drawn up. These must be done regularly. They might include

- Applying for jobs
- Preparing and sending out CVs
- Attending appointments with an officer, or careers advisor
- Attending Job Club
- Getting references from previous employers
- Doing appropriate, work-related training. The jobseeker must take part in that training to the best of their ability
- Attending interviews with possible employers
- Getting work-related experience by doing appropriate voluntary work and taking part to the best of their ability
- Being present on the Island so that they can look for work and take any work that is available

##### **The jobseeker must be present on the Island**

If a jobseeker is outside Jersey without good reason, they are not actively looking for work. Leaving Jersey to go on holiday is not allowed if the person needs to be on the Island to look for work.

Any planned absence from the Island must be discussed with the jobseeker's advisor, job coach or mentor in advance. Where a person is a jobseeker, it is not sufficient if they only tell Income Support about a planned absence.

##### **The jobseeker is willing and able to take up suitable work (available for work)**

The jobseeker must be available to start work as soon as is reasonable. It is recognised that there will be, on occasion, circumstances that can make it harder for a jobseeker to be available immediately. This might be

- They have to work their notice period on a part-time job in order to take up a full-time job
- They need to making arrangements for childcare or other caring responsibilities

##### **Not turning down any offer of suitable work**

### 3. Working

The jobseeker needs to tell officers about anything which would prevent them from taking an offer of suitable work. They must communicate this at the beginning of the jobseeking process, and should update officers of any change of circumstance that could affect their ability to take up suitable work.

#### **Attending every interview, appointment or training session arranged by the Department**

Someone who did not show up for an appointment with an officer (including a work placement or training) needs to show a good reason as to why they were unable to attend. This would include situations where the person is late. Failing to show a good reason could affect their ability to get Income Support.

### **4.16 Failing to seek work – financial penalties**

Income Support has the power to give financial penalties to any person who is required to look for work and does not do so. These are referred to as “sanctions”. There are also separate penalties for people who leave or give up work without a good reason – this includes losing a job through misconduct. A person who repeatedly fails to do enough to find work can lose all entitlement to Income Support for a set period of time.

Jobseekers who fail to find work through no fault of their own will face no penalty. However, some jobseekers may fail to engage with work-related activities and not make sufficient attempts to find work.

As with all other areas of Income Support, the jobseeker has the right to request that any decision by an officer of the Department is looked at again. This request must be made within a set period of time. After the decision has been looked at again, if the jobseeker still doesn't agree they have the right to appeal to an independent tribunal. This is covered in more detail in section 9.

#### **Procedure for financial penalties**

1. If an officer decides that a jobseeker has failed to do enough to look for work, the person is given a formal written warning. This explains that if jobseeking actions are not completed then their status as “actively seeking work” will be lost. The warning doesn't cause them to lose any of their Income Support benefit.
2. At this point, the jobseeker's job coach, advisor or mentor will tell them what they must do in order to avoid a financial penalty. If they then go on to do everything that is needed to look for work they won't face any financial penalties.
3. The formal written warning stays in force for a year. If a warning is in force, then any time a person fails to do enough to look for work they have “breached” the warning. The breach will result in a financial penalty which will reduce the amount of Income Support they get.

### 3. Working

4. If a jobseeker gets a financial penalty, an officer will tell them what they have to do in order to return to the full rate of benefit. They are likely to be asked to more jobseeking activities. If they do this the financial penalty will end after a set period of time.
5. If the jobseeker fails to look for work again whilst a warning is in force, they will get more severe financial penalties for each further breach of the warning. The period that the warning stays in force will also be extended.
6. If the warning is breached for a third (or subsequent) time it will cause the loss of Income Support benefit for all members of the household. No benefit will be paid, including rent.

This is rare, and officers of the Department will do everything they can to stop somebody from reaching this point. A jobseeker who reaches the third or subsequent breach of a warning will be required to demonstrate a period of 42 days where they meet any and all jobseeking requirements before they can make a fresh claim. If they don't do this (i.e. don't demonstrate they have been looking for work during the 42 days) they are unable to apply for Income Support until they have demonstrated 42 days of complying with the rules.

Fail to actively seek work	Written Notice served	Sanction applied	Length of warning
<b>First occasion</b>	Written warning	None	Remains in place for 1 year from date of receipt
<b>Second occasion</b>	1 <sup>st</sup> breach of warning	Adult component removed for 2 weeks	1 year from receipt of 1 <sup>st</sup> breach letter
<b>Third occasion</b>	2 <sup>nd</sup> breach of warning	Adult component removed for 4 further weeks	1 year from receipt of 2 <sup>nd</sup> breach letter
<b>Fourth occasion</b>	3 <sup>rd</sup> breach of warning	All Income Support payments cease for 6 weeks	1 year from receipt of 3 <sup>rd</sup> breach letter
<b>Subsequent occasions</b>	Subsequent breach	All Income Support payments cease for 6 weeks	1 year from receipt of subsequent breach letter
<b>Leaving work without good reason</b>	Leaving work letter	Adult component removed for 13 weeks	

References to the adult component throughout this section also include any higher component paid to a lone parent.

#### 4.17 Leaving work without a good reason



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A person who leaves paid work without any good reason will also get a financial penalty. The penalty is the equivalent of the adult component of Income Support for 13 weeks. The 13 week period will be extended if the person fails to look for work during that time. The penalty will apply both to people on Income Support and anybody who claims Income Support after they have left their job.

The penalty will also be applied where somebody is self-employed, or only works part-time, and gives up work without a good reason. People who have multiple part-time jobs and give up one of them may be treated as if they have left work without a good reason.

Choosing to leave work to retire before pension age (this will be 65 or older, see section 3.2) is not a reasonable excuse even if a person is claiming a Social Security pension. This is because the Income Support law says that people only become exempt from the requirement to be in work when they reach pensionable age. So, a person who can take their pension early might still be expected to stay in work or be a jobseeker. People who retire before pensionable age may however be exempt from needing to be in work for other reasons, such as ill health.

People who are made redundant (compulsory redundancy) or who stop work for some other good reason will not be penalised by Income Support. Anybody who has no reasonable excuse for being dismissed from work, or for giving up work, will face a financial penalty.

The date on which the individual left work may have occurred before the individual claimed Income Support. In these cases, the 13 week period in which they are required to seek work (before becoming eligible to receive the adult component of Income Support) can start to run before the date they approach the Department to claim benefit. This is only possible when the individual has clear evidence to show that they were actively looking for work consistently throughout that time.

**Anyone considering leaving their job should always seek advice from Employment, Social Security and Housing before making a decision. This includes anybody who plans to retire before pensionable age.**

#### **4.18 What is a 'good reason' for failing to look for work and how is it proved?**

It is not possible to list examples of all of the different situations where a person might be considered to have a good reason for failing to actively seek work or for leaving work. The decision-making process used by Determining Officers is explained in more detail in section 9. If in doubt, a person should always speak with Employment, Social Security and Housing before taking a decision to leave their job.

#### **4.19 Voluntary work**

### 3. Working

When a person is not in paid work and looking for a job, volunteering can be a useful way to help with work experience, build confidence and get closer to paid work. For some jobseekers, volunteering will be suggested by Employment, Social Security and Housing to help develop skills; it can enhance skills, competencies, confidence and provide for structure in a person's day. However, volunteering does not in itself satisfy the legal requirement to be in or look for paid work. This means that any commitments as a volunteer must not stop a person from being available to seek paid work, or to engage in work-related training or development programmes, if these are arranged by Employment, Social Security and Housing. Any decision to carry out unpaid voluntary work must be considered in the wider context of looking for work and in following discussion with a job coach or other officer at ESSH.

#### 4.20 Guidelines for unpaid voluntary work placements

Anybody who is thinking of volunteering for unpaid work should first discuss this with their job coach or other officer. The officer must be satisfied that the unpaid voluntary work placement will have a positive outcome on the person's ability to secure paid work.

Typically, the following benefits should be identified:

- The unpaid voluntary work placement should increase the chance of getting paid work
- Volunteering will enhance the person's skills and competencies
- These skills and competencies are transferable to paid work
- The placement will increase the person's motivation and confidence to gain paid work
- The placement should provide a structured work routine
- The placement must not detract from a person's ability to continue their job seeking activities

Whilst voluntary work is going on

- The person will still be required to attend the Department to provide evidence that they are looking for paid work
- They must still attend any training or development programmes that an officer of the Department considers are appropriate to help them get paid work
- They must still continue to demonstrate that they are continuing to search for the required hours of paid work
- No reasonable offer of paid work can be turned down. It is not allowed to turn down a paid work opportunity simply because it would mean giving up an existing unpaid voluntary placement. If this happens the person will be treated as a failed jobseeker

#### 4.21 Duration of unpaid voluntary work

### 3. Working

Unpaid voluntary work placements may last for up to 3 months. However, during this time ESSH officers will continue to review the ongoing benefits of the voluntary role.

Requests to extend the voluntary work role will be considered on a case-by-case basis. The timescale of 3 months can be extended if it can be demonstrated that there are continued and ongoing benefits, and providing it would not prevent the person from looking for and taking up paid work.

There are no restrictions to the number of hours or days per week a jobseeker can volunteer for an unpaid work placement. It is always taken alongside the ongoing requirement for them to be able to demonstrate that they are continuing to search for paid work, and complying with the rules set out above.

#### **4.22 Expenses incurred while in a voluntary role**

Genuine expenses which are incurred solely in relation to the unpaid voluntary work placement (and which are paid back by the employer) are treated as income but are fully disregarded from any Income Support calculation. This means that these sums would not lead to reduced Income Support payments. For example, if the person is given money towards lunch or transport, this won't cause Income Support payments to go down.

#### **4.23 Students returning from study off-Island**

Under the Income Support legislation, a university student who returns to the Island during their holidays is required to look for work as a condition under the benefit. However, it is recognised that this is unlikely to be practical during the shorter breaks. In practice students are not required to engage with Back to Work during the Easter and Christmas holidays. During the summer break, which can be up to three months, a student is expected to look for work. Each case is looked at separately and any student who wanted to undertake relevant work such as an internship would be supported to do so. This would include unpaid internships, if appropriate to their studies.

## 5 Income Support rules about your income

### 5.1 Introduction

Income Support is paid to households who pass three separate tests. These are explained in detail in this section and also earlier in this document. Summarised these are

- 1) **The residence test** – has at least one adult in the household lived in Jersey long enough?
- 2) **The work test** – if adults in the household can work, are they in work or doing enough to look for work?
- 3) **The income test** – is the household's income low enough that it needs help from Income Support?

If the household meets the tests for income and work, the final test to qualify for an Income Support benefit is that the household's income is low enough that they need to get topped up by Income Support. This is calculated by looking at their income according to the rules set out in the Income Support law. The law has special rules to let some kinds of income be ignored partly or fully by Income Support. For example, Income Support ignores a percentage of income from working.

A household's income is added together and any amounts that are partly or fully ignored are taken into account. This produces a weekly amount. This weekly amount of income is then compared to the maximum value of all of the parts of Income Support (components) that a household can get. The value of each of these components is explained in the next section.

The calculated income of the Income Support Household must be less than the total of the assessed components of the Income Support Household. If this is the case Income Support will be paid.

**Example:** Micky and Jane apply for Income Support after Jane loses her job. An officer looks at their weekly income, which is now only from Micky's wages. All of the components they would get are then added up, including money for Micky and Jane and for their rent. They will get Income Support, which will top up the money from Micky's wages.

This section explains how income is calculated. This is more technical than other parts of this document, as Income Support is designed to be fair to as wide a range of households as possible. This means that it has many rules for different kinds of income, and different kinds of household.

## 5.2 The meaning of income and the concept of a “disregard”

The Income Support scheme uses a wide definition of “income” - it includes any household income from any source. It applies a system called disregards, or tapers, to some forms of income. The word “disregard” or “taper” is a concept in benefit design that means that a proportion of certain income is not taken fully into account. In plain English – an example would be that for every one pound the household earns will reduce benefit by less than one pound.

This means the household is always better off by getting income through paid work or some other kinds of income. In Income Support these payments include old age pensions or maintenance income. There are also rules to ignore part of the value of capital to encourage self-sufficiency and to encourage people to save money. “Capital” means things like savings, investments, some kinds of property and any non-essential items that hold their value.

Paid work, old age pensions and maintenance income all get a disregard. All other forms of income are taken off Income Support pound for pound.

**In plain English, to “disregard” some of your income means that we treat you as if you earn less than you really do.**

**If your Income Support calculation disregards 26% of your earnings, this means that for every £100 you earn Income Support treats you as only earning £74. If Income Support disregards £10,000 of your savings, this means that if you have £9000 in the bank it treats you as having no savings at all.**

**This is all done automatically by the computer system – but you must tell us how much income or savings you actually have.**

## 5.3 Disregards for earned income

One of the aims of Income Support is to encourage people to be self-sufficient. One way of doing this is to allow people to keep part of their earnings without it reducing their Income Support payments. This will mean that as they work more and their earned income increases, their total household income increases. They get more wages and less Income Support, but the amount of Income Support goes down more slowly than the rate at which their wages go up. This is achieved using the concept of a “disregard” or “taper”. This document will use the word “disregard” as it is used widely in the Income Support law.

There are two disregards within Income Support for all earned income.

1. A person’s Social Security contributions (6%) are deducted from their earnings before they are calculated for Income Support
2. 26% of the gross earned income from the household is also disregarded from the income calculation. This is to provide an incentive to work

## 4. Working

### Example

Peter lives on his own and claims Income Support. He has a disability and is only able to work part-time. He earns £250 per week. The income taken into account in the Income Support calculation will be

£250

*less £15 (Social Security contributions)*

*less £62.50 (25% disregard)*

= Peter's earnings of £250 will cause his Income Support to go down by £172.50.

## 5.4 Disregard when you are responsible for paying maintenance

If somebody needs Income Support, and is paying regular maintenance payments towards a child or previous partner, then the value of the maintenance payments is allowed as a disregard – it is treated as an expense that the person must pay. This means that Income Support would recognise that you have less overall income because you are required to pay some of it out to an ex-partner.

The maximum amount of this disregard is set at the value of the basic component for a child or adult. For example, if you are paying maintenance of £200 a week towards a child, only £99.61 of this would be treated as an expense by Income Support. In this situation you might need to try and reduce your maintenance payments so that you have enough to live on.

## 5.5 Calculation of earned income – average income

If an adult is in paid work, the Income Support law requires officers to consider their average income from wages so that they get the right amount of benefit. This is important because many working people don't get paid a regular amount weekly or monthly.

The earned income used in the Income Support calculations will be

- the average of the last five weekly payments, or
- the last two monthly payments; or
- a period which will most accurately reflect the average earnings – whether this is weekly or monthly.

The Determining Officer has the power to decide what period gives the most realistic average. If the employee receives a monthly bonus or some other regular extra payment, then their income is calculated as an average including this extra amount too. Regular tips, overtime or other payments are also taken into account.

#### 4. Working

Earnings are included in the calculation of Income Support from the day on which they are due to be paid. An unemployed person who starts a full-time job with a monthly salary will continue to get Income Support at the same level until the end of their first month of work. At that point Income Support will change to reflect their higher income. As long as they provide information about their job to Income Support, the Income Support calculation will be set up to change as soon as they receive their first wage payment.

Likewise, someone who leaves a job will be expected to use their final wage payment to cover the period it represents. This might be a week, a fortnight or a whole month.

*For example, someone who finishes a weekly paid job on 30 September will have their Income Support benefit adjusted from 7 October, as the last wage covers the period from 30 September to 6 October.*

Earned income includes most payments from working, even if they don't form part of a contract. These would include:

- overtime payments
- tips
- bonuses
- commission
- holiday pay
- retainers

It also includes payments made by the employer to cover expenses that are not directly connected with the work (e.g. health insurance premiums or company car payments) as well as vouchers such as lunch vouchers or childcare vouchers. Being repaid for expenses which are essential to the job (e.g. cost of a uniform which must be worn) are not treated as an income.

If the employee receives goods or services as part of their employment (this is called "payment in kind") the value of the goods or services is included as earned income. For example, if a person works in a supermarket and gets a weekly amount of free food as an agreed part of their job, this will be treated as an income.

Money received as part of compulsory redundancy is treated as capital (i.e. savings) instead of income. This is because the person has no control over their employer making them redundant. Compulsory redundancy is defined in the Employment law.

Outside situations where there is a compulsory redundancy, all other payments received at the end of employment, including those that might be payment for unpaid wages, or holiday pay or payment in lieu of notice, are treated as earnings. This will be calculated for a period that corresponds to their value when compared to the average weekly or monthly earnings. This includes money received as severance pay, voluntary redundancy or under a compromise agreement.

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*For example: Stuart normally earns £600 a week. He accepts a redundancy offer from his job and is paid his last week's wages. His employer also makes a payment of £1500 which reflects his holiday pay and payment in lieu of notice. Income Support would treat the £1500 as two and a half week's wages.*

### 5.6 Nominal earnings

The concept of “nominal” or “notional” income means that if there is an income that a person chooses not to take, Income Support will treat them as if they have it.

If someone is working but is being paid substantially below the “going rate” for the work that they do, they may be assessed on the basis what the officer considers a reasonable rate for the work that they are doing. This is to encourage people to find paid work, but also to avoid situations where a person deliberately makes it look like they earn less in order to get more Income Support. This is important because it covers situations where a person arranges to be paid in cash in order to avoid their correct income being recorded.

### 5.7 Earnings of young people

Any earnings of a young person who is below compulsory school-leaving age (such as a Saturday job) are completely disregarded from the Income Support calculation for their family's claim.

Income Support is designed so that there is a stronger financial benefit to students who choose to work alongside their studies. They get a higher disregard on their earnings than other working people. This is designed to be more generous to encourage them to get relevant work experience and so that students can save money to pay towards their living costs whilst at university.

This means that any earnings received by a full-time student in Jersey, aged over compulsory school leaving age and under 25 years, are disregarded up to the weekly value of the basic adult component. Above a certain level, they may get to keep all of their wages.

A student who earns less than the adult component of £120.89 a week keeps all of their wages. Income Support would apply a disregard only to any amount earned above that. Once they earn more than twice the adult component (i.e. £241.78 a week) they are removed from the parent's claim, the adult component is removed for them and they get to keep all their wages.

As an example, a student working full time at minimum wage (£407.40 for a 35-hour week) would be removed from the parents' claim. They would lose the £120.89 a week adult component, but would keep their full wages. This would be a net benefit of £286.51 a week which equates to an earnings disregard of approximately 70%. This would rise considerably if they secured a better-paying job. Whilst the adult component would no longer be paid in this scenario, the parent continues to get support for a bedroom for them as part of their Income Support claim.



### 5.8 Treatment of self-employed income

If somebody self-employed, their income is likely to vary from week to week. This means that Income Support will normally calculate their average income over a longer period of time than it would for employed people. This can be up to 12 months. Business accounts for the previous year will be used to provide an estimate of what the person's income will be for the year ahead.

Self-employed income is calculated on a "cash flow basis." This is the difference between the gross receipts and the actual expenses a person has paid for.

Payments and subsidies from start-up schemes, government subsidies and compensation are all included as income.

Business expenses can be deducted under some circumstances. If an expense is shared between business and personal use, for example, a van that is used for business during the week and for personal use at the weekends, then the amount of expense is divided so that only the business use counts as a legitimate expense. This applies to expenses such as telephones, vehicle expenses and energy costs.

Business expenses must be appropriate, necessary and not excessive in relation to the business itself. The rules governing what is an acceptable business expense for Income Support purposes are not the same as those used for Income Tax allowances because in Income Support they are designed for businesses where the business owner still requires support from the benefit system to maintain themselves. Acceptable business expenses might include items such as

- Wages of employees
- Cost of stock
- Rent, rates, water rates and building insurance premiums
- Accountancy charges
- Legal charges
- Bank and interest charges
- Advertising costs
- Employer's pension contributions
- Energy costs
- Communication costs
- Transport costs
- Cleaning

Other costs (that may be included in business accounts) are generally not accepted as expenses for Income Support purposes. This includes expenses that might be taken into account for tax purposes, as Income Support has separate rules to tax. These include

- Cost of new equipment
- Cost of depreciation

## 4. Working

- Cost of expanding the business – buying extra equipment etc. cannot be charged as an expense
- Losses from another business
- Business entertaining costs
- Personal expenditure

If a business is seasonal, with most of the income earned during one part of the year, then the assessment will normally be based on the income of the business over 12 months. This is because the individual will be occupied throughout the year in maintaining the business. This might be, for example, where the business is a beach café.

If a business does not have a regular income – for example an electrician who takes on sub-contract work for a few weeks at a time – the assessment period will be decided by Income Support in a way that is long enough to cover periods of different levels of income. Income Support will not be paid to a self-employed person who does not have any income during a short period of time between contracts, if their income during periods of work is sufficient to cover for some periods of inactivity.

Someone who decides to give up their existing job in order to become self-employed may be treated as having given up work without good cause and can face a financial penalty for doing that. A person who is unemployed and starts a new business may be allowed up to three months (depending on the type of business) to prove that the business can provide them with remunerative work. If the person is a jobseeker, they need to discuss this with their employment advisor first.

After the first three months of a new business, during the first year of trading, the income of the business is calculated using interim figures. It is important that the self-employed person keeps good records so that this can be done accurately.

## 5.9 Other income: income from pensions and benefits

Most pensions and benefits from Jersey and other countries are treated as an income for Income Support purposes. This includes other Social Security benefits.

Old age pensions have some of that income disregarded, but other benefits are taken off Income Support entitlement at 100%. This means that for every pound of benefit received, Income Support goes down by a pound.

The current Jersey benefits that are treated as an income are

- Old Age Pension
- Survivor's Benefits
- Home Carer's Allowance
- Parental Benefits
- Short-term Incapacity Allowance
- Long-term Incapacity Allowance
- Incapacity Pension

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There are also some older benefits which have been ended but are still paid to some people. These are also treated as an income.

- Invalidity Benefit
- Disablement Benefit

One-off grants such as Parental grants, Adoptive Parent grants and Death grants are not counted as income.

### 5.10 Disregard for pensions

26% of any weekly income from a pension or annuity is not included in the calculation of income. This is only for people above Jersey's state pension age (see section 3). People who choose to take their old age pension early don't get the disregard.

Pensioners who were receiving Income Support and a pension before 1<sup>st</sup> January 2016 may decide to continue receiving the previous fixed value pension disregard if this benefits them financially. For most pensioners the 26% disregard will be more generous as the fixed value disregard is mainly helpful to pensioners who were getting a pension that is smaller than the average pension.

If a pensioner also has earned income, then they can still get a 26% disregard on their earnings, as with working-age employed people.

### 5.11 Treatment of Long-Term Incapacity Allowance lump sum awards

Long-Term Incapacity Allowance will sometimes be paid as a lump sum rather than an ongoing weekly benefit. This is only available for smaller awards of this benefit. Please note that this guide does not go into detail about LTIA – any questions should be made to Employment, Social Security and Housing.

If a claimant is awarded an LTIA percentage award of 5%, 10% or 15%, this will be paid as a lump sum under the LTIA legislation. It is calculated to reflect the equivalent of a weekly payment that would have been made over a specified period, e.g. 10% for 2 years = £204.69 x 10% x 104 weeks = £2128.78

For Income Support purposes, the income will be treated as a weekly household income over the period of the award. It will not be treated as capital. This policy is in place so that all LTIA awards are treated fairly under Income Support and there is not a financial benefit from taking a lump sum award when compared to weekly payment of LTIA.

### 5.12 Regular Income received from insurance policies

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Regular income from an insurance policy is taken into account and will reduce the amount of Income Support that a household can get.

### 5.13 Income from lodgers

If an Income Support Household takes in one or more lodgers the income received is counted as income for the Income Support Household. Reasonable expenses can be deducted from the gross income received.

Family members sharing the same dwelling are not considered as lodgers and any rent or board received from them is not included as income.

A person is normally only treated as a lodger if they stay with a household that owns its own dwelling. When the property is shared with other people who are on the lease this is treated as a house share.

**If there is any doubt whether your household may have a lodger or might be living in a house share situation, you should discuss this with Income Support as it can have a significant effect on the way your entitlement to the accommodation component is calculated.**

### 5.14 Honorary service, volunteering and work experience

Charity volunteers, or people undertaking honorary service with a parish, might sometimes receive reasonable payments from those organisations to cover their expenses. These might be payments towards petrol, or insurance, or an allowance to cover meals.

These payments are completely disregarded from the income calculation as they will generally be much less than an equivalent income. In some situations, Income Support will check the person's hours or activities to make sure they aren't in a situation where they should actually be treated as being employed.

### 5.15 Other income not included in the income calculation

There are several other kinds of income that are not included in the Income Support calculation. These include

1. Any payment received from a charity
2. Payments received under the Pension Plus Health Scheme, 75+ Television Licence scheme, Christmas Bonus
3. Fostering allowances and a set amount of income paid to professional foster parents

## 4. Working

4. Any income from assets such as savings, property or investments. Income from assets is only included in the Income Support calculation if the value of the capital asset is being disregarded itself (see section 4). However, income that could be received but is chosen not to (“deemed” or “notional” income) will be taken into account (see section 4.)

### Example

Peggy and Jack are pensioners. They have investments worth £40,000. They receive quarterly dividends on the shares and interest on their deposit account. Last year they received £1,250 in total. This income is **not** included in the Income Support calculations. Instead, a small weekly income based on the Income Support policy about the value of their capital investments is included in the calculation of income. This is explained below.

## 5.16 Maintenance income

If you claiming Income Support you are required to pursue any maintenance that is due to you. Maintenance income is mostly considered for children, but if a person has the right to claim any other form of income or capital from their former partner this is also taken into account. This might be a share of a property or business income.

Maintenance payments from your former partner are treated as income and 26% of the value of these payments is disregarded in the Income Support calculation.

Some parents agree 50/50 shared care of their children. In these cases proof is required that both parents are contributing fairly towards the child’s upbringing. If the care or living arrangements are not split equally between both parents, proof will be required that maintenance is being paid to the parent with the responsibility for the majority of the costs. If not, proof will be required that maintenance is being actively pursued or that there is a valid reason why it cannot be pursued.

If maintenance is not being paid, and there is no proof it is being pursued, Income Support will reduce the amount of benefit that can be paid. This is to ensure that people pursue maintenance. This is done by adding a notional income in respect of the maintenance to the Income Support calculation. A “notional income” is when an Income Support household is treated as having a certain income and its entitlement is reduced. This is normally used to represent an income that the household has chosen not to have, and so it functions as a financial penalty.

In the case of maintenance the value of this notional maintenance income is the basic child component rate for each child for whom maintenance is not being pursued.

Payments made by an ex-partner for non-essential expenses such as school fees, holidays or music lessons are not considered to represent an adequate replacement for cash maintenance. In these cases, if regular support is not also provided for basic living expenses, a notional income will be added until maintenance is pursued.

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For details of how maintenance paid out to another household is treated, see section 4.3.

### 5.17 Income that is not being claimed

If someone has the right to an income that they have not claimed, then this is still counted as income. This includes transferring an income to someone else, for example assigning an occupational pension to a relative.

### 5.18 Reduction in income due to repayment of debt

If income from a benefit has been reduced to recover an overpayment of another benefit the full amount of the benefit will still be included in the Income Support calculation. This also applies to a restraint on a person's wages or situations such as a recovery of unpaid ITIS.

### 5.19 Capital – savings, investments or things that could be converted into money

Capital is a term used to refer to assets that either are money or could be converted into money. The value of these can affect your household entitlement to Income Support, although Income Support will ignore an amount of savings or assets for each household type. This is discussed in more detail in the sections that follow this one.

Capital assets include (but are not limited to)

- money held in cash, including in foreign currencies
- bank and building society accounts in Jersey and abroad
- savings schemes, stocks and shares held anywhere in the world, including in online platform accounts
- property and items bought as investments, in Jersey and abroad
- cryptocurrency or other non-cash investment items such as credit on online platforms such as eBay, Vinted, Etsy, Amazon, Shopify etc.
- money held as credit in betting accounts

The full range of assets that can be included in an Income Support calculation are not listed in this summary document. If you are in doubt, you must let Income Support know about anything that could count as an asset under the Income Support calculation.

Capital assets do not normally include the value of the Income Support Household's home, providing it is appropriate to the needs of the household.

If the capital isn't in the form of money its value is calculated as the market value the asset, or its "surrender value." This will make an allowance of 5% if there are costs

#### 4. Working

associated with selling the asset. The calculation on the value of cryptocurrency or other online investments will generally be made based on its maximum value at the time of assessment, but won't be revised downwards if the value of the cryptocurrency falls in future. This is because cryptocurrency is an inherently volatile investment.

Capital assets include money that is owed to a member of the Income Support Household and is due to be repaid. Money received from an income tax refund is treated as capital.

Money received for a statutory redundancy payment (meaning one that must be paid according to the Employment Law) is treated as capital, as is redundancy pay received under a contract. Other payments received at the end of employment, including those that may represent payment for unpaid wages, holiday pay or payment in lieu of notice, are treated as earnings for a period that corresponds to their value when compared to the average weekly or monthly earnings. This includes money received as severance pay or under a compromise agreement.

### **5.20 Excess capital will be treated as an income**

If the Income Support Household has capital assets in excess of the amounts that are allowed for each household type (see section below), then an income is calculated based on the excess amount. This referred to as a "deemed income" and means that Income Support has the power to reduce Income Support payments by a set amount based on the value of the capital.

The level of this deemed income is set under law. It isn't related to the actual income that is received from the asset (for example, it is unrelated to the interest rate paid by the bank on savings) but reflects the idea that a household with capital assets has more financial stability than a similar household with no capital assets. Unlike other Income Support households, a household with money in the bank or other investments could use some of that money to cover their weekly expenses. This means that capital is taken into account when calculating entitlement and so households with significant amounts of capital receive less from Income Support.

"Deemed" income allows the benefit to be gradually withdrawn as the assets of the household increase. If a deemed income is calculated, any actual income from the asset is completely disregarded.

For every £250 of capital above the disregards, an income of £1 per week is included in the Income Support calculation.

### **5.21 Capital disregards**

Although a "deemed income" from capital is included in the calculation of Income Support, this is only calculated using the capital above a certain level. Any capital below this level is ignored and doesn't affect the amount of Income Support.

#### 4. Working

Depending on the type of Income Support Household, a set amount of savings and investments are completely ignored. The rates are

<b>Income Support Household type</b>	<b>Single adult</b>	<b>Couple</b>
All adults are aged under pensionable age	£ 9,137	£15,145
At least one person aged pensionable age or over	£13,706	£22,718
Any member of the IS Household is eligible for a personal care element (health component)	£13,706	£22,718

##### **Example 1**

John is a single pensioner. He has £10,000 in a savings account. This is below the limit for single pensioners and his savings (both capital and income from the capital) are completely disregarded in the Income Support calculations

##### **Example 2**

Peter and Jane are a pensioner couple. They have £25,000 in a savings account. The limit for pensioner couples is £22,718. A deemed income is calculated on the extra capital above the limit.

$$£25,000 - £22,718 = £2,282$$

At £1 per £250, this produces a deemed income of £9.13 per week.

The interest that they receive on their savings accounts is not included in the Income Support calculations.

The following assets are also disregarded:

1. The value of the dwelling occupied by the IS Household – as long as the dwelling is an appropriate size for the household and any family members who continue to share the home with them. If the dwelling is significantly larger than is needed, an allowance is made up to the average market value of a dwelling that would be appropriate to the size of the household. Anything above that is treated as capital.
2. Personal and household possessions (unless they were bought as investments)
3. The value of a motor vehicle or vehicles appropriate to the needs of the household
4. The value of any assets essential to the operation of a business that is run by any member of the Income Support Household



#### 4. Working

5. The capital value of any annuity, or any funds held under an occupational pension scheme or a personal pension scheme
6. The surrender value of a life insurance policy still in force. For the purposes of this disregard a life insurance policy means a policy under which a payment of money is **only** made on the death of the insured.
7. Any lump sum payment made in respect of compensation following a personal injury, criminal judgement or medical malpractice which is not placed in trust is disregarded for up to 5 years.
9. Money deposited with a landlord as a condition of living in a property
10. The value of a property which is acquired by a member of the Income Support Household, which the household is going to occupy within the next three months
11. The capital received by the claimant from the sale of the dwelling previously occupied by the Income Support Household– as long as the claimant is going to use the money to buy somewhere else to live. This disregard lasts up to 6 months, although it can be extended in exceptional circumstances
12. The value of an insurance pay out or other compensation received following loss or damage to the claimant's dwelling or household possessions – as long as the claimant is going to use the money to replace the items damaged or lost. This disregard lasts for up to six months but can be extended in exceptional circumstances
13. The value of any grant, loan or gift provided to repair or improve the claimant's dwelling – as long as the money is provided for that purpose and the claimant is going to use the money to pay for the work. The disregard lasts for up to six months or longer if necessary to complete the work
14. The value of any payment made under the historical abuse compensation scheme is completely disregarded
14. The value of any payments made under the Diffuse Mesothelioma Compensation Scheme and Vaccine Damage scheme are disregarded, subject to any special rules that may be implemented for those schemes

#### Example 3

Dorothy is 70 years old. She owns a small house and has £15,000 in government bonds. She drives a small second-hand car. She has inherited some good quality jewellery from her mother, including a necklace valued at £2,000.

#### 4. Working

Dorothy's house, car and other possessions are disregarded. She receives an allowance of £13,706 against her government bonds. This leaves £1,294 to be included in the Income Support calculation.

£1,294 produces a deemed income of £5.18 per week, which is added to her other income in the Income Support calculation.

### 5.22 Appropriate size of dwelling

If an Income Support Household owns the dwelling that it occupies, the value of the dwelling is disregarded if the dwelling is an appropriate size for the household. If the dwelling is larger than is needed, the value of the disregard will be limited to the average market value of a dwelling that is an appropriate size.

This test is **not** applied if there are reasons why it would not be appropriate for the owner(s) of the dwelling to move. For example, the owner has high personal care needs and the property has been extensively adapted to cope with these needs, or if it would be very difficult for the owner to live somewhere else due to their specific care needs. If it would be difficult or unrealistic for the person to move house the value of the dwelling is also disregarded.

### 5.23 Saving for future care needs

If members of an Income Support Household have assets that are being specifically kept in order to provide future care for a member of the household who has high personal care needs, then these assets are not included in the Income Support calculations. The assets must be held in such a way that they are clearly separated from other household assets and cannot be used for any other purposes. This could be through a trust fund or other similar structure.

### 5.24 Care leavers

If a care leaver inherits money or receives a payment of redress or compensation, this capital can be disregarded for up to 5 years beyond their eighteenth birthday. This is to be fair when compared to situations where a person who is not a care leaver might receive financial assistance from their parents at an age milestone to help towards some large expense such as buying their first home.

Care leavers can have any of these payments disregarded. This will be for up to 5 years from their 18<sup>th</sup> birthday or date of receipt, whichever is later, and this would normally be limited to payments made before the age of 25. This disregard can be extended by an officer in situations where it can be shown that the money is being held back for a specific expense such as the purchase of a home, or where it was paid after their 25<sup>th</sup> birthday for a specific reason.

### **5.25 Business assets**

If a member of the Income Support Household is self-employed and has business assets, the value of the business assets is not included as capital. If the self-employed person becomes ill and is unable to run the business, the assets of the business continue to be disregarded for up to for six months. If the person still cannot run the business after six months, then the assets will be counted as capital.

However, up to 6 months are also allowed for the assets to be sold if the individual decides to sell the business. Similarly, if the self-employed person stops running the business for another reason, a reasonable time is allowed for the assets to be sold.

### **5.26 Reducing the value of capital in order to qualify for benefit**

There is a general principle in Income Support that a household must not give away money or any other capital and then ask for support from a tax-funded benefit. The same principle exists in other means-tested benefits in Jersey – you should think carefully about whether you can afford to give money or property away.

If you give away capital or buy exempt items to reduce the amount of capital you have, then the Income Support claim is based on the amount of capital that you had before you took steps to reduce their capital assets.

However, capital is not left on the claim indefinitely – Income Support will review claims after a period that is appropriate to the amount of capital and its effect on the household's ability to be supported by the benefit.

## 6 How Income Support is calculated - components and support with housing costs

### 6.1 Introduction

Income Support works out how much benefit to give your household by looking at all of the household's needs. Different needs are met by parts of the benefit called "components". These are designed to meet the costs of different aspects of daily life, such as rent, or the costs of disability.

There are basic components which provide fixed amounts of money depending on who is included in your household. There are also special components available depending on your household's circumstances.

The Income Support Law allows the States to change components from time to time. Sometimes new components are created, sometimes components are merged or removed.

Income Support components are set by Regulations and the treatment of income and assets is set by Ministerial Order. These can be changed at any time. If the benefit payable to an Income Support Household changes following any of these reviews, adult members of your household will receive a letter setting out the new benefit amount.

### 6.2 Basic components

For each adult who passes the residence test and each child in the Income Support Household, a basic sum of money is allocated to daily living expenses. This covers costs such as food, clothing, toiletries, transport, etc.

If the Income Support Household rents or owns a property, it is also allocated a set amount to cover general household expenses. This is called the household component, it is the same value regardless of the size of the household. This is because every household will be responsible for these expenses and although things like utilities might be more for a larger household, that larger household will also have multiple basic components to cover things like food. A smaller household must meet all of the same expenses for one person so it is allocated the full household component to make up for this.

General household expenses might include: bills, heating, utilities, contents insurance, telephone line rental, internet service, TV licence, parish rates and basic repairs.

## 5. Income Support components

The household component is not available to people living with relatives or living in a hostel because they do not face the same costs as someone who is responsible for their own home. If a dwelling is shared between two or more households, the household component can be shared between the households.

People who live with family members who don't qualify for Income Support themselves generally won't get a component for rent.

For example, a 27-year-old unemployed person lives with their parents who both work full-time. As their parents don't need Income Support, the 27-year-old won't get a rental component.

At present, the following components are available.

<b>Component</b>		<b>What is for?</b>
<b>Basic: (adult, child, first child)</b>	A fixed amount for every adult and child in the household. The component for the first child is higher.	Everyday expenses such as food, clothing, toiletries, transport, mobile phone contract etc.
<b>Single parent</b>	An extra payment for a single adult with children (under 19 years old)	Reflects higher costs faced by lone parent households
<b>Household</b>	A fixed amount available to tenants and people who own their homes.	Heating, electricity, water, internet, TV licence, Parish rates and other costs related to the home
<b>Housing</b>	Variable amounts based on housing costs for a home that is an appropriate size to the household's needs	Rent in the private rented market, lodgings, social housing or a hostel. Income Support is not available to pay towards a mortgage but homeowners get a smaller amount that goes towards costs such as building insurance.
<b>Impairment (medical component)</b>	A component for people with a significant long-term illness or disability. It has three separate elements depending on how a person needs support. These are personal care, mobility and clinical costs.	Personal care is for extra costs and care needs as a result of a long-term illness or disability. Mobility is for a person who needs help getting around. Clinical costs meets the need of extra GP visits resulting from the illness or disability.
<b>Flexible Personal Care</b>	Helps people who need a formal care package, but not at the level where the Long-Term Care benefit is needed.	Towards the costs of a formal care package approved by a health and social care professional. Replaces any award of personal care.

## 5. Income Support components

<b>Ancillary Home Care Costs</b>	Helps households where a member is getting Long-Term Care	Fixed amount towards the extra costs caused by having a severely disabled person in your home
<b>Childcare</b>	Helps towards the costs of childcare for people who work	Variable hourly rate depending on the age of the child and the number of hours childcare required
<b>Carer</b>	Extra payment for people who care for a family member with a significant long-term illness or disability	Fixed amount available to support people who provide informal care to a person with a significant long-term illness or disability

### How do components lead to the value of the Income Support payment?

For each Income Support Household all the relevant components are added up to give the maximum amount of benefit payable.

Any other income is then taken off that maximum amount to give the actual amount of benefit payable. A percentage of some kinds of income is ignored (“disregarded”). This is explained in detail in the section on income.

Income Support will be paid as long as the value of benefit (i.e. maximum entitlement, less total assessed income) is at least £1 per week. This means that people who work and only need a small amount of assistance can still get help from Income Support.

### Example

Sarah and Andrew lived in a rented flat with their baby. They are entitled to components for

- Two adults
- One child
- Household
- Housing – rented two-bedroom flat.

The components add up to £539.53 (per week)

Their calculated income (weekly earnings, minus earnings disregard) is £300 a week

They receive £539.53 - £300 Income Support benefit = £239.53 a week

## 6.3 Adults who do not pass the Income Support residence test

## 5. Income Support components

The Income Support residence test only needs to be met by one adult in an Income Support Household. This means that Income Support is still available even if one member of a couple is a recent arrival to the Island.

However, in this situation no components are paid to that person until the date at which they meet the residence test themselves.

An adult in this situation is not allocated an adult basic component, and is not eligible for any impairment components or the carer's component. They can claim assistance with childcare in order to work. If they apply for a special payment, this will only be offered in the form of a loan for emergency or essential expenses (see section 7).

### 6.4 Foster children

Foster parents receive financial support for their foster children through the Fostering Service. This service provides a range of allowances to cover all the financial needs of foster children. These allowances do not form part of the Income Support system and so foster children are not taken into account in the calculation of any of the components for an Income Support Household. Foster parents still receive a housing component which recognises the needs of the foster child or children.

### 6.5 People in custody (prison)

Income Support cannot be paid to prisoners.

If a member of an Income Support Household is in custody for the whole of a week, then the basic component for that person is not included in the Income Support calculation for that week. Being in custody includes being on remand and being in youth detention as well as a sentence of imprisonment.

Prisoners on daily work release are still in custody, because they return to prison every night. Prisoners released on Home Detention Curfew or licence are not seen as being in custody for Income Support purposes because they live outside the prison.

Income Support offers special help for people who are leaving prison and need help making a claim. This can include help in finding somewhere to live on release. More information will be available at the Prison Marketplace or via the Critical Support team in ESHH.

### 6.6 People in hospital - and others receiving board and lodging at public expense

When somebody stays overnight in hospital in Jersey, their daily needs (such as food, heating etc) are provided by the hospital. The basic component for that person continues to be included in the Income Support calculations for the first four weeks

## 5. Income Support components

that the person is in hospital. Most people return home from hospital in a much shorter time.

From the fifth week onwards, the Income Support law states that the basic component for that person is no longer available, although payments for accommodation will continue if the person will return to their home. This is because the costs met by the basic component (food etc.) are generally covered by the hospital. Income Support will always work to make sure that a person doesn't lose their home due to a stay in hospital

This rule also applies to any other situation in which someone is provided with board and lodging at public expense. This could include residential treatment or rehab centres, specialist residential educational provision or situations where a person is detained for their own safety.

An exception will generally be made when a person is residing at Silkworth Lodge for the purposes of rehabilitation treatment. In these cases, the adult component will continue to be paid beyond the first four weeks.

In other situations Income Support will always consider whether a person needs to carry on being paid. Each case is considered separately and so it is important that Income Support is notified about any stays in hospital or other situations where board and lodgings are at public expense.

### **6.7 People in hospital (including outpatients) in the UK**

In some situations, the hospital (or other parts of Health and Community Services) will arrange treatment off-Island. This can be on an in-patient basis – which means staying overnight in a bed in a hospital or other healthcare facility. It can also be on an out-patient basis - staying in a hotel, hostel, hospital staff accommodation or guest house and going to the hospital for treatment each day.

Health staff (typically the hospital travel office) don't have authority to contact Income Support or access any information about benefits. They don't know whether somebody is on Income Support and are not allowed to contact Employment, Social Security and Housing. This means it is very important that a member of the household contacts Employment, Social Security and Housing to inform Income Support if any absence is likely to affect benefit entitlement. This is also the case if any special assistance with costs might be needed.

Whilst somebody is off-Island and receiving treatment, Income Support will continue to be paid in full for up to four weeks. After this, if they are an inpatient (i.e. they are staying in hospital overnight), part of the Income Support payment will generally reduce. This is because the adult component (and any health components) will normally be paused after four weeks because the hospital is providing food, care and accommodation. However, the rest of the Income Support claim will continue to be paid to cover the costs of any partner or children in Jersey, or any rent. If the person is an outpatient (i.e. not staying in hospital overnight) the Department will continue to



## 5. Income Support components

pay the Income Support claim in full where the person needs to meet their own living costs while they are in the UK.

### **Accompanying a person to hospital outside the Island**

If a partner chooses to travel to the UK to accompany the person needing treatment, their adult component will normally be paused after a certain period. This is because the Income Support law has rules about a person who has been out of Jersey for more than four weeks over the last 12 months. However, if there is a specific medical reason why the partner is required to accompany a person, an exception can be considered. Where the hospital has arranged travel for an accompanying adult, any days spent out of the Island to support a person having medical treatment are not counted towards that 4 weeks spent off-Island. This rule can be applied for up to an additional 12 weeks in any 12 months.

Income Support also makes an exception where an adult is absent from Jersey to accompany a child for treatment at a hospital outside the Island, providing the adult continues to have living expenses whilst accompanying the child. In these cases the adult component, as well as any accommodation component, can continue to be paid for an additional 12 weeks in any 12 months. In cases where all of the child's needs are met by the hospital, the child component will not be paid after the 5th week.

### **When Income Support stops because a person is away from the Island**

Sometimes, the temporary loss of one or more of these Income Support components will mean that Income Support payments stop completely while a person is out of the Island. This is normally because a household has other kinds of income and the total Income Support payment they were receiving was lower than the value of the components that have stopped being paid. In this example, the person's rent (if appropriate) is being covered by the value of their other income.

In all cases where components are paused, they are always restarted when the individual returns to the Island.

See Section 8 for areas of this policy that are covered by ministerial discretionary payments.

## **6.8 Other absences from Jersey**

The Income Support rules allow people to take short trips away from Jersey, providing that they are not required to be present in Jersey in order to look for work. This will be part of the conditions if they are a jobseeker (see section 3). Anyone in the Income Support Household can be out of the Island for up to four weeks total in any 12 month period. The 12 month period is counted from the anniversary of the date on which the Income Support claim started. If an individual is away for a fifth or subsequent week the basic component for that person will not be available until they return to Jersey.

## 5. Income Support components

If all the adult members of an Income Support Household are out of the Island for more than two months then the Income Support claim ceases and they will need to make a fresh claim for Income Support when they return to the Island.

### 6.9 Childcare component and responsibility for caring for a child

Child care covered by Income Support includes registered day carers, pre-school nurseries, after school clubs, holiday activity clubs and nannies. The care provider must be registered with the Education Department under the Day Care of Children (Jersey) Law 2002 or be a nanny accredited by the Jersey Child Care Trust. Under the law Income Support can only pay the childcare component for children below the age of 12. This is because above this age the care provider is no longer required to be registered and so the component cannot be paid.

Assistance with some forms of non-registered childcare, typically after-school and breakfast clubs, is considered on a case-by-case basis using ministerial discretionary payments.

This section refers to a “parent” looking after a child, but the Income Support Law does not require the person looking after the child to be the child’s biological parent. They can be a step-parent, partner of the parent or adoptive parent.

As Income Support has rules about expecting people to work, one adult in the household will normally be expected to have the main responsibility to care for all children in that household. This means that the other parent might be expected to look for work, and the childcare component would be calculated on that basis. In some circumstances two parents can decide to both work part-time and split the responsibility to look after any children. This will be allowed as long as they both work (or look for work) for a number of hours that a determining officer considers appropriate to their particular circumstances.

A parent can qualify for a childcare component to cover childcare costs if they are

- at work; or
- unable to look after the child because of a health condition; or
- (in some cases) a student

Childcare will be paid only if there are no suitable alternatives for looking after the child. Income Support will look at the whole period where childcare is needed and also at parts of it such as afternoons, evenings or weekends. What this means is - if there are other adults in the household that could care for the child for part of the day, or collect them from school for example, this will be taken into account when calculating childcare support. This would include any other adults who don’t work and are capable of looking after the child. It would include adult siblings who aren’t working.

It is very important that the childcare payments are passed to the provider, even in situations where the child doesn’t attend for a day because of illness. A household

## 5. Income Support components

that receives a childcare component and doesn't use it to pay for childcare is committing an offence.

### Childcare component rules in more detail

#### 1. Parent is working

A childcare component can be allocated to a parent who is employed and needs childcare to cover the time they are at work. Up to an extra hour a day can be allowed for travelling to and from the childcare provider and to work, if necessary. The childcare can also cover a shift worker who needs to sleep during the day.

The gross earnings of the parent must be greater than the cost of the total childcare for all the children in the Income Support Household.

#### 2. Parent has a health condition

If the parent has an illness or disability that prevents them from undertaking usual childcare duties, they may be able to claim a childcare component. The number of hours which can be claimed depends on the nature of their health condition and the effects it has on their ability to carry out the childcare. It is not automatically approved without looking at the effects of their health condition.

#### 3. Parent is a student

If a parent is training or studying (for example, on a critical skills course. (See section 3) then a childcare component may be available to cover childcare costs of a child that is at school while the parent is studying. The parent must be undertaking a course that has been approved according to the criteria outlined in section 3. A parent looking after a child aged under nursery age is not required to work in order to claim Income Support. If a parent in this situation chooses to study, the childcare component is not available unless they are approved by the Department to undertake a "critical skills" course.

### Calculating the value of the childcare component

The childcare component is set at two separate maximum levels depending on the age of the child. These rates change quite regularly so parents are encouraged to look online rather than rely on the examples in this document.

- Children aged 0 - 2 years old – set at £10 per hour as of June 2024
- Children aged 3 and older – set at £8.37 per hour as of June 2024

The total childcare component for the Income Support Household is

1. the actual average weekly cost of the day care provided to the child
  - up to a maximum of the hourly rate for the child's age,

## 5. Income Support components

2. multiplied by the average number of hours a week for which day care is needed.

Some childcare providers charge on the basis of complete sessions (normally full and half days). If it is difficult or impossible for the parent to find childcare that matches working hours, then the childcare component can be provided for full sessions, even if the working or studying hours of the parent do not match this exactly. However the rule still applies that the parent's gross earnings must be greater than the cost of the childcare.

The following example is provided, but parents are strongly encouraged to contact Income Support for advice before making any commitment to a childcare provider.

### **Example**

Ruth has two children, Ben (6) and Josh (8). Ruth works full-time and the children attend an after-school club five days a week. Ruth pays £235 a week for the club and the children are both there for 15 hours a week.

The component for children three and over is £8.37 per hour.

The maximum childcare component for Ruth would be  $£5.30 \times 15 \times 2$  equals £251 per week.

As Ruth pays a lower rate than this, she is entitled to a component of £235 per week

## 6.10 Other components: introduction

Income Support Households in different situations will have different needs. Income Support responds to this by providing a number of special components. These aren't awarded to everybody who gets Income Support.

Special components help the Income Support Household with the cost of housing, health needs, childcare (covered above) and caring responsibilities. Components are also paid for health and disability needs. These are covered in the next section in a lot of detail.

### 6.11 Housing (accommodation) component

Four main types of housing component are available. These can be divided into

1. **Private rented accommodation** – this covers people who rent privately. That might be renting a whole property, a room or sharing a property. Each of these will have a component with a maximum value that Income Support will pay towards.
2. **Social rented accommodation** – this covers people who rent from a social housing provider. These are organisations who are listed in the Income Support law and have a special arrangement with Income Support, meaning that Income Support will recognise any reasonable rent that is charged.
3. **Owner-occupied accommodation** – this is a smaller amount paid to people who own their home. Income Support doesn't pay towards the costs of a mortgage; this component is designed to go towards costs such as building insurance.
4. **Hostel accommodation** – a hostel is a special type of property that typically has specialist staff onsite to help the people who live there. Often a hostel includes extras such as food in how it charges for its accommodation.

If an Income Support Household is renting accommodation or an individual claimant is living as a lodger, then the housing component is based on the rent payable for the accommodation.

The housing component only covers the cost of the accommodation, so if a tenant or lodger is paying for service charges or board, these costs are not included in the calculation of the housing component (they are covered in the basic component).

## 6. Medical (impairment) components

If an Income Support Household is occupying its own property, the housing component helps with the cost of expenses that are only payable by a property owner.

People who are living with friends or relatives do not receive a housing component unless they are in a house-share situation and are equally responsible for paying the rent on the property. They must be on the lease or licence for the property.

### **When the housing component stops being paid**

Under the Income Support law there are situations where the housing component will stop being paid. This occurs when all adult members are absent from the household for one or more of the following reasons:

- They are imprisoned for a continuous period of 5 or more weeks
- They have been provided with board or lodgings at public expense for a continuous period of 4 or more weeks (including hospital stays and respite care)
- They are absent from the Island for more than 4 weeks in a 12-month period

As mentioned in an earlier section, Income Support will always consider whether an exception should be made to prevent somebody from potentially losing their home. This means that people in hospital will not stop getting their housing component after four weeks.

### **6.12 Value of housing component**

The value of the accommodation component of Income Support is set on the principle that households will always be supported into a similar standard of property. This means that they will get a property that is appropriate to their needs and compares to the same kind of property in the social housing sector. When we talk about “appropriate to their needs” we mean the number of bedrooms. It isn’t possible to specifically request a property that has a garden, or will accept pets, or is in a specific location.

There are separate rates for social housing and private sector housing, but the maximum private sector housing rates are still based on the average value of social housing properties of the same type. This means that the maximum accommodation component for a one-bedroom flat in the private sector has been set by looking at the average one-bedroom flat in the Andium Homes stock, and what these flats would fetch on the open market. This is designed so that households renting in the private sector are able to afford a similar standard of property that would be available to them in social housing. The value of the housing component is increased regularly.

The Income Support Regulations list the maximum value of the housing component allocated to each size and type of private sector property. This value acts as a cap on the amount of housing component that can be allocated to a particular Income Support Household.

## 6. Medical (impairment) components

- If the rent paid for the private sector property is less than the maximum, the housing component is set at the actual rent.
- If the rent is more than the maximum, then only the maximum component allowed will be allocated to that Income Support Household.
- The component will always look at how many bedrooms are needed by the household

### Example 1

David lives alone in a one-bedroom flat. He pays £150 a week in rent. The maximum component for a one-bedroom flat is £200.13. David is allocated a housing component of £150 a week.

### Example 2

John and Mary are a couple and live in a two-bedroom flat. The rent is £230 per week. There are no medical or other reasons for separate bedrooms and therefore they are allocated a housing component for a one-bedroom flat of £200.13 per week.

If the household is occupying a social housing property that is an appropriate size to their needs (meaning: the right number of bedrooms), the housing component is set at the actual rent they are charged. This means that the full rent will be recognised in the Income Support calculation. Social housing properties are those owned by:

- Andium Homes
- Jersey Homes Trust
- Les Vaux Housing Trust
- Christians Together in Jersey Housing Trust
- FB Cottages Housing Trust
- Clos de Paradis Housing Trust

## 6.13 Deductions from housing component when services and utilities are included in rent

Income Support pays the “household” component to anybody who owns or is responsible for the rent of their home. It is designed to cover general household expenses. This includes bills, heating, utilities and Parish rates. If these expenses are actually paid by the landlord and included in the terms of the lease, the maximum housing component payable will be adjusted. The value of the item or service included in the lease will be taken off the maximum housing component, because they are already covered by the household component.

If these items are charged as a separate service charge, this is also not included in the housing component. Income Support assesses the value of any service charges, bills or utilities as a separate element to the payment of accommodation.

## 6. Medical (impairment) components

### **Situations where a service is stated as free, but the value is not stated on the lease**

The Income Support Law allows Determining Officers to make a deduction from the maximum housing component for services that are included in the rent. This is typically used to cover situations where the lease is in the format of “Rent £200 a week, includes £20 for heating.” Here the maximum housing component would be limited to £180 a week as the £20 for heating is covered by the household component.

Where an actual figure is not available, but the lease clearly states that a service is included in the rent, officers estimate the value of the service. In these cases, the rates used by Andium Homes are used to help determine a fair amount that should be deducted.

The claimant can dispute this and present their own evidence to show the cost of the services. This will allow the determining officer taking the final decision about what a fair value is.

**For example:** Virgil pays £250 a week to rent his home. His landlord includes the value of water, internet and the Parish rates in his lease. The Determining Officer speaks to the landlord, considers some standard charges, and works out that these add up to a value of £35 a week. Virgil’s rent is then included in the Income Support calculation at £215 a week. He continues to get the full household component.

### **6.14 Houses and flats**

There are separate private sector rates for houses and flats. Income Support Households that live in flats are allocated rates that reflect the rental value of flats and Income Support Households that live in houses are allocated rates that reflect the rental value of houses.

A flat means a separate dwelling that forms part of a building and is divided horizontally from some other part of the building. A bedsit is a property where there isn’t a bedroom separate to the person’s living area. This is sometimes referred to as a “studio flat”.

A “maisonette” property is treated the same as a house. A maisonette is a two-storey dwelling with a separate entrance, but one that sits under the same roof as another property.

### **6.15 Support with housing for claimants under 25 years old**

There are two main conditions to get a housing component. One is that the person claiming Income Support is aged at least 25, the second is that they must be the



## 6. Medical (impairment) components

tenant, licensee or owner of the property in which the Income Support Household lives. This means that they must have a written or legal agreement that shows they occupy the property.

The tenant of a property will generally have a written legal document, known as a lease, that sets out the conditions under which they occupy the property. Less often there is only a “licence”, which is a less formal written document that lists the amount of rent paid. This is generally used for lodgers.

There are some exceptions to the age limit of 25:-

- Somebody who has responsibility for a child. This can be the parent/guardian of the child or someone else (example: an elder brother or sister) who has the main responsibility for the child
- A young person that cannot be expected to live in their previous family home because:
  - They have been referred by Social Services as needing to live away from the family home (e.g., someone leaving care or at risk of abuse); or
  - Their parents (or the person that had previously looked after them) are unable to help them – for example: the young person is an orphan, their parents are in prison or occupying unsuitable accommodation; or
  - The young person has been living independently for at least one year and could reasonably have expected to remain independent. They need to claim Income Support because of an unexpected change in circumstance (such illness, unexpected loss of a job etc.); or
  - A manager at the Shelter Trust, Probation Service, Causeway Association, Jersey Association for Youth and Friendship (JAYF), FREEDA (Freedom From Domestic Abuse) or St Mark’s Adolescent Centre has agreed that the young person cannot return to their previous family home and has no other friends or family members with whom they can stay

### **Special rule for somebody living with a foster family**

An exception is made for a young person who lives with a foster family who are not themselves getting Income Support. The foster child (or care leaver) can claim Income Support in their own right, even if they are a jobseeker, as they are not treated as living with their parents.

This definition of a foster family is where adults have been officially charged (through a Court Order or formal care placement) with looking after a child before the child’s 18th birthday. This might also be their elder siblings or grandparents. In this situation

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the child is not treated as living with relatives and can claim the housing component of Income Support if they are paying rent to the foster family. This is paid at the hostel rate or the value of the rent paid (if charged rent), whichever is lower. No household component is payable.

### **6.16 Appropriate size of property for an Income Support Household**

The value of the housing component depends on the number of people in the Income Support Household. It is set by the type of property (house or flat) and the number of bedrooms.

One bedroom is allowed for an adult or an adult couple and up to one bedroom is allowed for each child, depending on the ages of the children.

Below 5 years old, two children are expected to share a bedroom. No more than two children would be expected to share one bedroom, regardless of age or gender

Children of different genders are allowed separate bedrooms once the eldest reaches the age of 5 years. Children of the same gender are allowed separate bedrooms where there is a 5 years or more gap in their ages. A separate bedroom is available for a foster child or a child living in the household as a result of a court order or formal care placement.

If there are established health or disability reasons why an additional bedroom is required that can be taken into account. This could include situations where a child is so sick or disabled that they cannot share a bedroom, or where an extra bedroom is needed for medical or sensory care. This is considered very carefully in order to be fair to other Income Support households where children are expected to share a bedroom.

An extra bedroom is available if children from a previous relationship stay over as part of an agreement between separated parents. If the Income Support Household includes a parent who has a child or children who normally live in another household, and that parent is responsible for the child(ren) on a regular basis, one additional bedroom can be allocated to the Income Support Household. A maximum of one extra bedroom is allocated, regardless of the number of children. This may also include situations where a grandparent needs an additional bedroom to help care for a grandchild who has additional care needs.

A single person under pension age will only be supported to occupy a bedsit, unless they were already occupying a one-bedroom flat or house.

However, young people leaving care, people with a disability and people referred via the Supported Housing Group can be allocated a housing component up to the value of a rented one-bedroom flat rate in certain circumstances. This can be used to pay for a larger bedsit in the private market – meaning that the rate for a one-bedroom flat is used instead of the rate for a bedsit.

### 6.17 Sharing a property

Income Support can help people who share a rented property. This will look at whether people are sharing with family members, and whether the property is social housing or privately-rented.

If there is more than one Income Support Household sharing the same property, then the housing component is calculated by looking at all the people in all of the Income Support Households. It is then paid to the tenant or owner of the property.

It is very important to understand the rules for sharing a property, as this could affect how much support you get towards the cost of your rent. If you are in doubt you should speak to Income Support before agreeing to share a property.

It is also very important to understand how your Income Support could change if you have a spare room in your property, or if you have somebody living with you who is not included in your Income Support household.

#### **Example**

Mary lives with a son aged 12 and a daughter aged 10. Her mother Doris is becoming frail and has moved in with Mary. Mary and her children are one Income Support Household and Doris is a separate Income Support Household. Mary will be allowed a housing component in respect of a four- bedroom house, three bedrooms for herself and her two children and an extra bedroom for Doris. Doris will not be allowed a separate housing or household component.

There will also be times when an Income Support Household shares a property with other people who are not receiving Income Support and are not part of their family unit.

The housing component available towards the rent of an Income Support Household living in shared accommodation is capped at a proportion of the maximum rate that would be paid for that entire property. For example, a single person renting one room in a three-bedroom flat would receive a third of the total amount available towards a three-bedroom flat. The household component is also split along the same lines, so in this example they would get a third of the household component.

#### **Example**

John rents a two-bedroom flat which he shares with his son Peter. John is receiving Income Support. Peter works full-time and earns enough to not get Income Support. John's Income Support claim will include a housing component for up to 50% of the rent of a two-bedroom flat. Peter will be expected to contribute his share of the rent to John to enable John to pay the rent for the two-bedroom flat. The amount that Peter pays John is not counted as part of John's income for Income Support purposes.

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It is strongly advised to ask Income Support for advice if a household is considering sharing a property.

### **6.18** Occupying a property that is larger than your household needs - under-occupying

Income Support will reduce the amount of the housing component if a household lives in a property that is larger than the household needs. This is usually decided by looking at the number of bedrooms. A household is always given a reasonable amount of time to look for a new property before Income Support is reduced.

For families in social housing, parents will normally be moved into smaller accommodation as their children grow up and leave home. This is an important way of making sure that larger social housing homes are available for families who need them. There may be a delay between the children leaving home and the parents being offered a smaller home. The housing component for the larger property can be paid for up to 12 months whilst the parents are waiting to downsize, providing that no reasonable offer of a new home is refused.

For families in private rented homes, a reasonable time (up to a maximum of 12 months) is allowed when the number of people in the household has changed and the home becomes too big for them. This could be following an adult child leaving the family home, or the break-up of the family unit. It is designed to give the remaining family members time to locate and move to a smaller property. The 12-month period is only allowed if the family can prove they are taking reasonable steps to find a new home.

Sometimes elderly people will remain in a large family property after children have grown up or partners have died. If household members are elderly and have lived in the property for a very long time, or there are other valid reasons why it would be inappropriate to ask them to move, the housing component can be set for the size of the larger property even though it is under-occupied. This will be looked at on a case-by-case basis that is fair to other households who have been asked to downsize.

Some social housing properties have been built as “1.5 bedroom” homes and will be let as lifelong homes. Although the Income Support law has no definition of this specific property type, it has been agreed by the Minister that, providing the rent is set by the social landlord on the basis of a one bed unit (i.e. the rent does not take any account of the extra half bedroom, or the extra floor area), these will be treated as 1 bedroom properties and the extra half bedroom will be ignored. This means that a single person or couple aged 55 or above allocated a 1.5 bed property by a social housing landlord will have the full value of their rent recognised by Income Support.

### **6.19** Homeowners

The rules described above for tenants apply to homeowners as well. The rates for housing components for owner occupiers are lower and are designed to help

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towards the cost of building insurance and Parish rates. Income Support does not help towards the cost of paying a mortgage.

## 7 Rules about telling Income Support when something in your household has changed (changes of circumstances)

### 7.1 Introduction

The Income Support benefit is based on support for your current circumstances. If anything changes you are required by law to tell Income Support immediately, whether this would affect your level of benefit or not.

The calculation of the Income Support benefit for your household depends on many different factors – the number of people in the household, where you are living, how much people in your household earn and so on. If the household circumstances change, an adult within the Income Support Household must inform Income Support immediately. This legal duty applies to every adult member of the household.

If a change is planned in advance (e.g. moving house), Income Support can record the information before the change actually happens so that benefit can be adjusted from the date of the change. If the change is unplanned or Income Support is notified after the change, your benefit will be adjusted at that time you will need to repay any overpayment of benefit.

This section will set out the main areas where the law requires you to tell Income Support about a change. If you are in any doubt, contact Income Support. You mustn't rely on another service or part of Government contacting Income Support as this is not always possible. Sometimes you can give somebody written permission to contact Income Support on your behalf.

If you are getting Income Support you are required by law to immediately notify Income Support of any change in household circumstances which would affect the level of benefit being paid. Whenever a change is notified to Income Support, the whole Income Support claim is reviewed, and the level of benefit recalculated. You'll then get a letter explaining the calculation. There are examples of the Income Support award letter towards the end of this document.

### 7.2 The law requires you to notify Income Support of a change

If you don't tell Income Support about a change in circumstances, you might be paid too much benefit. You will need to pay it back. If the change would let you get more benefit, forgetting to tell Income Support about the change might affect your ability to get that extra benefit backdated.

Not telling Income Support about a change in circumstances can be treated as a criminal offence. This can result in you being taken to court, fined or even being imprisoned. If in doubt, you should always contact Income Support for advice.

### 7.3 Summary of changes within the Income Support Household

If you get Income Support, you have to let Income Support know about any change that affects the people in your household. This might affect

- **Who is in your household or where you live** – including adults, partners, children and other people who stay with you such as lodgers. This usually includes situations where any of these people leave Jersey, even temporarily, or if anybody is born or dies. **Where you live** – includes your address or the address of other people in your household, but also changes to your rent
- **What people in your household do** – this includes getting or ending a job, being students or becoming carers
- **The income that people in your household get** – this includes wages, but also any other regular payment from any source at all, including maintenance, informal income, non-Jersey benefits such as pensions
- **The savings, assets, properties or other valuable things people in your household have** – this includes anything that is not essential and could reasonably be converted into money you could live off. It includes things like cryptocurrency, foreign assets, inheritances, vehicles
- **The care or healthcare needs of anybody in your household** – this includes health, disability and a person needing specialist health or hospital care, but also things like childcare

This is a summary and not a full list. If you are in any doubt that something is a change of circumstances for Income Support purposes, you can ask Income Support for advice.

### 7.4 Changes in who is in your household or where you live

When a person leaves or joins a household (partner moving in, child leaving home, etc.) this must be notified to Income Support immediately. Someone joining a household may be included in the claim for the Income Support Household or may be able to claim in their own right. Any change of address must also be reported immediately. This can affect the amount of the housing component.

This could include

1. The Income Support Household moving to new accommodation
2. The rent paid by the Income Support Household changing
3. Anyone moving into or out of the home, including lodgers and subtenants
4. The death of anyone in the Income Support Household

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5. Any of the children leaving school, leaving home or going into care
6. The Income Support Household becoming a host family for language students or having students staying with it
7. Anyone in the Income Support Household is going to be away from home for more than 4 weeks (including time spent in hospital)

It is important to tell Income Support about times when somebody has a temporary absence from your home. This might include going into hospital, a nursing home, prison or youth custody.

### **Death of a member of the Income Support Household**

Following the death of an adult, the surviving partner will receive the component(s) for the deceased adult for a further two weeks.

In the event of the death of a child, the parents receive the deceased child's component(s) for a further four weeks. The housing component will be reviewed at an appropriate time.

## **7.5 Changes in employment or somebody becoming a student**

It is very important that you tell Income Support about any changes to your job, such as a change in wages or other payments, or if you lose your job. This means that you need to let Income Support know if anybody in your household starts or finishes work, including starting a new business. If any working adult is considering giving up their job, you should contact Income Support before deciding to do this.

If you get support with the costs of childcare, you must also tell Income Support if your childcare provider changes or the number of hours of childcare changes.

You must tell Income Support if anyone in your Income Support Household becomes a student or leaves school. If any adult in your household is considering returning to full-time education, they must contact Income Support before any commitment is made. There are special rules for adults being in education if they might normally be expected to look for work.

## **7.6 Changes in your income – including other benefits**

If you get Income Support, you are required by the law to notify Income Support about any change in income for anybody in your household. You must do this even if you think the income might not affect the amount of Income Support you get. This includes wages and benefits, but also any changes to trust or maintenance payments received, maintenance payments paid out, trust income or charitable income.



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You must tell Income Support about any changes to benefits & pensions received. You don't need to notify Income Support about any benefits paid by the Jersey Social Security Department, but payments such as UK pension won't be notified automatically to Jersey. It is your responsibility to make sure these are accurately recorded on your Income Support claim.

### 7.7 How Income Support deal with changes to your earned income

Many households experience small changes in earnings from week to week. There will be times when somebody's regular wages might vary slightly for a short period, for example working a few hours overtime to cover a colleague's illness or to undertake a specific task at short notice. Income Support is designed to allow for short term fluctuations in earned income.

If the change will last for 28 days or less, and the increase in earnings is below £40 per week, the person's earnings are not changed on the Income Support claim. However any increase in earnings must still be notified to Income Support to make sure an accurate record is kept.

Changes that last for longer than 28 days or are worth more will result in a change to the Income Support calculation. This might include getting a permanent increase in salary, getting a promotion or taking on an additional regular shift.

- If the change is to last for 28 days or less or the increase in earnings is £40 per week or above, then the earnings are adjusted on the Income Support claim from the first pay date at the new salary.
- If the change is to last for more than 28 days regardless of whether the increase in earnings is above or below £40 per week the earnings are, adjusted on the Income Support claim from the first pay date at the new salary.

### 7.8 Changes to your assets – savings, investments, properties and other valuable items

You must tell Income Support about anything you have or receive that is worth enough money to potentially change the amount of Income Support you get. It isn't possible to list every circumstance where this would apply, so if you think you have any asset that is worth money you must tell Income Support.

This would include anyone in the Income Support Household receiving an inheritance, including children.

It includes anyone in the Income Support Household selling, purchasing or inheriting property in Jersey or worldwide.

## 7.9 Changes in health or care needs

You must tell Income Support if there is a change in the health condition of anybody in your household who gets a care or disability component. This is important as this change might result in your Income Support increasing. However, if a person is getting a health, disability or care component and something else changes, your Income Support can also go down.

This might be because a person gets better, goes into care, or gets support from another person or Government Department.

## 7.10 When Income Support needs to ask you for information to check you are getting the right level of benefit

To make sure that Income Support claims are being paid at the correct rate, the officers who manage Income Support can ask for additional information at any time if it is relevant to your Income Support claim. They have the legal power to do this and you cannot refuse to supply this information.

This can be in the form, of information, documents, summaries, certificates or any proof that is needed to verify or change the way your Income Support claim has been calculated.

This might include information needed to confirm existing details held on the Department's computer system. Sometimes you will be sent a full application form to complete. This will happen if you have a new partner on your claim.

Medical assessments for the health component (personal care, mobility, and clinical cost) can also be requested at any time although they are normally timed depending on the nature of the condition. Members of the Income Support Household must notify the Department of any change to medical conditions that attract an impairment award.

**It is important to understand that it is the responsibility of every adult member of an Income Support household to make sure their claim is accurate.** You must not assume that Income Support will know about changes and ask you for information. You must not assume that another member of your household has given information to Income Support.

## 8 Health (impairment) components: help from Income Support towards the costs of a long-term illness or disability

### 8.1 Introduction

Income Support has extra payments to help people with illnesses and disabilities. There are three kinds of health component - personal care, mobility and clinical cost. A person can qualify for one or more of these components depending on their needs. The components are sometimes described as “impairment” components – this is how they are referred to in the Income Support law.

These components help people who have a long-term illness or disability. They are available for conditions that are expected to last for at least six months. This can be before or after person applied for the components. They are also available to people who are terminally ill.

There is a section of the Income Support application form that deals with long-term illnesses and disabilities. If the person completing the form fills this section in, they will be sent a separate form to apply for the health components. This form is a “self-reporting form” which means that it is designed to help a person describe the daily effects of their illness or disability in terms that they understand. A person who gets Income Support can also ask for one of these forms at any time. There is a special, shorter form for people who are only applying for certain elements of the health component.

To apply for the health component, the person (or someone acting on their behalf) completes the self-reporting form. They can describe the details of their condition and how it affects their day-to-day life. They can also say which doctor or health professional is responsible for treating this condition. The details on the form will then be checked with that doctor or health professional, with the person’s permission. If the medical condition is unusual or complicated, Income Support might need to ask for additional specialist reports. The person might also be asked to attend an assessment with a healthcare professional arranged by Income Support. This is normally a doctor, a nurse or an occupational therapist.

Once there is enough information, a specialist officer will make a decision about whether any of the health components should be paid. It can sometimes take time for medical evidence to be collected, so any award will be paid from the date on which the person first applied for the health component.

As well as the fixed components, there is also a component called Flexible Personal Care. This is a special component for people who need a formal package of care to support their care needs. It is mainly used to support care packages which cost more

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than the standard personal care payments. This type of component is assessed by a social care professional working for the Health and Community Services Department. It replaces any standard Personal Care component.

Health components are not available to adults who do not meet the residence test for Income Support. This might happen if the main claimant meets the residency test, but their partner or adult children do not. In this situation the partner (or adult child) can't apply for a health component.

### Examples of health (impairment) component award

#### Example 1

Rory is born with significant brain damage and has regular fits. He sometimes needs to use an oxygen mask and he gets physiotherapy treatment. Rory's parents look after him at home. They can apply for a health component for him as soon as he is born as his condition will last for more than six months.

#### Example 2

Nigel is 26 and falls off his bicycle and breaks his leg. His leg is in plaster for eight weeks and he is signed off work for this period. Nigel does not qualify for an health component because his condition will not last more than six months.

## 8.2 Personal care

The personal care component is for people who need assistance with activities of daily living. This includes things like washing and dressing, housework, shopping, communicating with other people, eating and cooking. Not every person does all of these activities – the examples are chosen to explain the way that personal care is considered.

There are three levels of personal care component that each pay at set amounts. There is also Flexible Personal Care which has a variable rate depending on the costs of a formal care package. The personal care component can be awarded for physical, sensory and mental impairments. "Physical" means conditions that affect a person's body. "Sensory" means conditions that affect a person's ability to see and hear. "Mental" means conditions that affect a person's mind, mood, brain or ability to think. This is a very broad summary of these areas that is included here to help explain the way these are looked at by Income Support.

People with very high personal care needs can get more support through the Long-Term Care scheme. This would replace and personal care components paid by Income Support but is worth much more money.

It is possible to receive a Long Term Care package as well as Income Support to help meet your living costs in your own home. Officers at Employment, Social Security and Housing will can give you advice on what this means.

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### Examples of personal care

These examples are given to help people understand what the different levels of personal care might be paid for. Every person's situation will be different and a specialist officer will be able to give more detailed advice.

1. **Personal care level 1** – Someone with a slight impairment which affects some aspects of their daily life but who is otherwise healthy. For example, a person with arthritis who needs assistance to carry out a small number of everyday tasks.
2. **Personal care level 2** – Someone with a moderate level of impairment who requires assistance in order to carry out some daily activities. For example, a person with moderate learning difficulties or autism who needs assistance with budgeting and self-care.
3. **Personal care level 3** – Someone who requires a high level of assistance in order to undertake many everyday tasks. People receiving personal care level 3 would be considered to be significantly impaired. For example, somebody who is recovering from a stroke and requires assistance with many daily activities.
4. **Flexible Personal Care** – Someone who requires a paid carer to come in and help them daily or almost every day as part of a care package designed by a Health & Community Services professional.

### 8.3 How health components are assessed – general principles

The personal care and mobility components of Income Support are assessed by asking the person to choose from a list of statements that describe the effect of their illness or disability. The statements are divided into separate areas that describe common aspects of physical, sensory or mental function. This principle is used in many benefit systems and is designed to make sure that all illnesses or disabilities can be fairly assessed. The assessment looks at how the illness or disability limits a person's ability to carry out everyday tasks. The sets of statements do this by looking at specific areas of the body, mind or sensory abilities and asking questions to see how much these areas are affected. Overall, a person who sees the greatest impact from their condition will get a higher award of benefit.

It is very rare for an illness, disability or condition not to be reflected by the statements. This is because they cover all aspects of the human body, sensory organs and mind. In situations where a condition is so rare or unusual that it is not covered by the statements, the Minister for Social Security can consider a special award. This is covered in part 10 of this document.

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### 8.4 list of statements for personal care

The following table sets out the statements that are used to assess the eligibility for the three fixed-rate personal care components. These are agreed as part of the Income Support legislation.

Each statement is weighted – meaning that it has been carefully decided how much it should contribute towards an overall award of the components. The three levels of personal care component are awarded based on the total assessment for the individual.

There are some rules on how the individual statements are chosen. This is to ensure that all awards are fair and that some people don't score twice for the same area of impairment.

- A statement in the areas numbered 1 to 11 in the table can only be chosen to describe the person's physical and sensory abilities
- Activity 12A or 12B apply solely to seizures
- A statement for activities numbered 13 to 18 can only apply to the member of the household's mental and cognitive abilities
- Activities 19 and 20 are only relevant to children under the age of 12
- All other activities will have a minimum age before they start to apply, as children below this age will always have difficulty with the activity. For example, all children aged 1 year old will not understand the value of money and require assistance with getting around.

The assessment takes into account situations where a person normally uses an aid (such as walking stick or hearing aid) or a prosthesis (such as a prosthetic leg). So, where a member of a household is normally fitted with or normally wears a prosthesis, they will be assessed as if they were fitted with or wearing that prosthesis. Where a member of a household normally wears or normally uses any aid or appliance, or could reasonably be expected to normally wear or normally use any aid or appliance, they will be assessed as if they were wearing or using that aid or appliance.

STATEMENT	Minimum age	Maximum age
<b>1 Sitting in an upright chair with a back but no arms</b>		
a) cannot sit without severe discomfort	3 years	None
b) cannot sit without severe discomfort for more than 10 minutes	3 years	None
c) cannot sit without severe discomfort for more than 30 minutes	3 years	None
d) cannot sit without severe discomfort for more than 1 hour	3 years	None
e) none of the above	3 years	None
<b>2 Standing without the support of another person</b>		
a) cannot stand without that support	3 years	None
b) cannot stand for more than 10 minutes without that support	3 years	None
c) cannot stand for more than 30 minutes without that support	3 years	None

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STATEMENT	Minimum age	Maximum age
d) none of the above	3 years	None
<b>3 Rising from sitting in an upright chair with a back but no arms without assistance</b>		
a) cannot rise from sitting to standing without the support of another person	3 years	None
b) cannot rise without holding on to something	3 years	None
c) neither of the above	3 years	None
<b>4 Walking</b>		
a) cannot walk at all	3 years	None
b) cannot walk more than a few steps on level ground and/or up and down one stair without having to stop or feeling severe discomfort, even with the support of a handrail	3 years	None
c) cannot walk more than 50 metres on level ground and/or walk up and down a flight of 12 stairs without having to stop or feeling severe discomfort	3 years	None
d) cannot walk more than 200 metres on level ground without having to stop or feeling severe discomfort	3 years	None
e) cannot walk more than 400 metres on level ground without having to stop or feeling severe discomfort	3 years	None
f) none of the above	3 years	None
<b>5 Bending or kneeling from a standing position</b>		
a) cannot bend to touch knees and straighten up again	3 years	None
b) cannot either bend or kneel, or bend and kneel or squat as if to pick up a piece of paper off the floor and straighten up again	3 years	None
c) neither of the above	3 years	None
<b>6 Reaching</b>		
a) cannot raise either arm as if to put something in the breast pocket of a jacket	1 year	None
b) cannot raise either arm as if to put on a hat	1 year	None
c) can only raise one arm as if to put something in the breast pocket of a jacket	1 year	None
d) can only raise one arm as if to put on a hat	1 year	None
e) none of the above	1 year	None
<b>7 Pouring and picking up and transferring to a distance of 60 cm at table-top level</b>		
a) cannot pick up and transfer a full glass of water of 200 ml capacity with either arm	3 years	None
b) cannot pick up and pour from a full saucepan or kettle of 1.5 litre capacity with either arm	8 years	None
c) cannot pick up and transfer a 2.5 kg bag of potatoes with either arm	8 years	None
d) can only pick up and transfer a full glass of water of 200 ml capacity with one arm	3 years	None
e) none of the above	3 years	None
<b>8 Manual dexterity</b>		
a) cannot turn the pages of a book with either hand	3 years	None
b) cannot turn a star-headed sink tap with either hand	3 years	None

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STATEMENT	Minimum age	Maximum age
c) cannot pick up an object up to 2.5 cm in diameter such as a coin with either hand	1 year	None
d) cannot use a spoon with either hand	3 years	None
e) cannot tie a bow in laces or string	8 years	None
f) can only turn a star-headed sink tap with one hand	3 years	None
g) can only pick up an object 2.5 cm in diameter such as a coin with one hand	1 year	None
h) none of the above	1 year	None
<b>9 Vision, including visual acuity and visual fields, in normal daylight or bright electric light</b>		
a) has no light perception	3 years	None
b) cannot see well enough to read 16 point print at a distance of 20 cm	3 years	None
c) has 50% or greater reduction in visual fields	3 years	None
d) cannot see well enough to recognise a friend at a distance of 5 metres	1 year	None
e) has 25% or more but less than 50% reduction of visual fields	1 year	None
f) cannot see well enough to recognise a friend at a distance of 15 metres	1 year	None
e) none of the above	1 year	None
<b>10 Hearing</b>		
a) cannot hear well enough to follow by hearing alone a television or radio programme even with the volume turned up	1 year	None
b) cannot hear well enough to understand by hearing alone a person talking in a loud voice in a quiet room	1 year	None
c) cannot hear well enough to understand by hearing alone a person talking at a normal level of voice in a quiet room	1 year	None
d) none of the above	1 year	None
<b>11 Speech</b>		
a) cannot speak or use language effectively to communicate even with close family or friends	3 years	None
b) speech cannot be understood by strangers	3 years	None
c) speech difficult for strangers to understand	3 years	None
d) none of the above	3 years	None
<b>12A Seizures causing loss of consciousness or altered consciousness: persons aged 12 and over</b>		
a) in the past 6 months has had 6 or more seizures with loss of consciousness or altered consciousness and either (i) was awake when the seizure commenced but had no useful warning of seizure, or (ii) had dangerous post-ictal behaviour	12 years	None
b) in the past 6 months has had 3 or more seizures with loss of consciousness or altered consciousness and either (i) was awake when the seizure commenced but had no useful warning of seizure, or (ii) had dangerous post-ictal behaviour	12 years	None
c) in the past 6 months has had 1 or more seizures with loss of consciousness or altered consciousness and either	12 years	None



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STATEMENT	Minimum age	Maximum age
(i) was awake when the seizure commenced but had no useful warning of seizure, or (ii) had dangerous post-ictal behaviour		
d) none of the above	12 years	None
<b>12B Seizures causing loss of consciousness or altered consciousness: persons aged under 12</b>		
a) at least once a week in the past 6 months has had a seizure with loss of consciousness or altered consciousness and was awake at any time during the seizure	1 year	12 years
b) at least once a month in the past 6 months has had a seizure with loss of consciousness or altered consciousness and was awake at any time during the seizure	1 year	12 years
c) at least once every 2 months in the past 6 months has had a seizure with loss of consciousness or altered consciousness and was awake at any time during the seizure	1 year	12 years
d) none of the above	1 year	12 years
<b>13 Management of personal finance</b>		
a) does not understand the value of money	8 years	None
b) unable to budget for daily and/or weekly needs	8 years	None
c) unable to budget for irregular bills	12 years	None
d) none of the above	8 years	None
<b>14 Maintaining appearance and hygiene</b>		
a) unable to maintain normal standards of appearance and hygiene without daily prompting/supervision from another person	5 years	None
b) unable to maintain normal standards of appearance and hygiene without weekly prompting/supervision from another person	5 years	None
c) neither of the above	5 years	None
<b>15 Management of daily routine</b>		
a) does not rise from bed without prompting and 24 hour cycle constantly out of phase	5 years	None
b) needs daily prompting to ensure rising from and retiring to bed	8 years	None
c) needs daily prompting to ensure rising from or retiring to bed	8 years	None
d) needs intermittent prompting to ensure rising from or retiring to bed	8 years	None
e) none of the above	5 years	None
<b>16 Awareness of danger and consequences of behaviour</b>		
a) is totally unaware of common dangers or the potentially harmful consequences of his or her behaviour	3 years	None
b) needs to be instructed on at least a daily basis about common dangers or the potentially harmful consequences of his or her behaviour	5 years	None
c) is generally aware of common dangers and does not need instructing about the potentially harmful consequences of his or her behaviour, but only when he or she is in a familiar structured environment	8 years	None
d) none of the above	3 years	None
<b>17 Getting around outdoors</b>		
a) unable to cope with leaving the house even if accompanied by another person	5 years	None

## 6. Medical (impairment) components

STATEMENT	Minimum age	Maximum age
b) unable to cope with leaving the house unless accompanied by another person	5 years	None
c) unable to cope with finding his or her way around even in familiar places	8 years	None
d) unable to cope with finding his or her way around only in unfamiliar places	12 years	None
e) none of the above	5 years	None
<b>18 Coping with change</b>		
a) pre-planned changes in routine result in disruptive or potentially harmful behaviour	3 years	None
b) unplanned changes in routine result in disruptive or potentially harmful behaviour	3 years	None
c) neither of the above	3 years	None
<b>19 Need for the help of another person as stipulated by a health care professional to ensure that developmental milestones are achieved as fully as possible</b>		
a) requires help throughout his or her waking hours	None	12 years
b) requires help on a daily basis	None	12 years
c) none of the above	None	12 years
<b>20 Need for help from another person as stipulated by a health care professional due to a medical condition</b>		
a) requires help with a medical therapeutic procedure, monitoring of the condition or the administering of medication at least 3 times a day	None	12 years
b) requires help with a medical therapeutic procedure at least once a day	None	12 years
c) requires help with a medical therapeutic procedure at least twice a week	None	12 years
d) requires help with monitoring the condition or the administering of medication at least twice a day	None	12 years
e) none of the above	None	12 years

## 8.5 Flexible Personal Care

If a household member needs a formal package of care, a flexible personal care component is available. Unlike the fixed level personal care components, this component does not have a fixed value but is set at the value of an agreed care package, up to a maximum level set equal to the lowest level of care supported through the Long Term Care scheme. This component is awarded after an assessment by a social care professional and paid direct to the care provider.

If a household member needs a formal care package to provide ongoing help with activities that are an essential part of daily living then the first step is to request a care needs assessment. They should contact the Single Point of Referral (SPOR) at the Health & Community Services Department.

## 6. Medical (impairment) components

A social care professional will carry out the assessment and discuss the person's care needs with them. This will determine whether they should get help with the cost through flexible personal care or through the separate Long Term Care benefit.

### 8.6 Child Personal Care benefit

If a child qualifies for either of the two higher fixed levels of the personal care component (personal care 2 or 3) this payment can be made outside the means testing calculation for Income Support. It is paid as a separate Child Personal Care benefit. This means that the level of this separate payment is not affected by changes in household income, and can continue to be paid even if the household stops being entitled to Income Support. This only applies where the condition continues to qualify the child for the award of personal care. Children cannot qualify for the flexible personal care component or for the long-term care scheme. Children with significant care needs because of illnesses or disabilities are supported directly by the Health and Community Services Department.

The Minister can also make exceptional payments to children who have short-term health needs that don't qualify them for Child Personal Care. This might be because they need to travel off-Island for a lot of medical treatment. These payments are covered in part 10 of this document.

### 8.7 Mobility

The mobility component is available for those who have an illness or disability which seriously affects their mobility outside their home environment. There is a higher rate paid to people who work to assist with additional costs incurred travelling to and from work. The higher rate is paid as long as the net earned income from the work exceeds the value of the higher rate.

The assessment is done at the same time as the personal care assessment. Children under three years old do not receive the mobility component because all small children need help getting around.

The assessment takes into account situations where a person normally uses an aid (such as walking stick or hearing aid) or a prosthesis (such as a prosthetic leg).

Where a member of a household is normally fitted with or normally wears a prosthesis, they will be assessed as if they were fitted with or wearing that prosthesis. Where a member of a household normally wears or normally uses any aid or appliance, or could reasonably be expected to normally wear or normally use any aid or appliance, they will be assessed as if they were wearing or using that aid or appliance

The following statements are used in the assessment process for the mobility component. The component is awarded if any of these statements are satisfied.

## 6. Medical (impairment) components

A statement in respect of any of the activities numbered 1 to 3 can only be selected in regard to a person's physical and sensory abilities. A statement in respect of any of the activities numbered 4 to 6 can only be selected in regard to a person's mental and cognitive abilities.

### **1 Walking (age 3+)**

- (a) Cannot walk at all.
- (b) Cannot walk more than a few steps on level ground and/or up and down one stair without having to stop or feeling severe discomfort, even with the support of a handrail.
- (c) Cannot walk more than 50 metres on level ground and/or walk up and down a flight of 12 stairs without having to stop or feeling severe discomfort.

### **2 Vision, including visual acuity and visual fields, in normal daylight or bright electric light (age 3+)**

- (a) Has no light perception
- (b) Cannot see well enough to read 16 point print at a distance of 20 cm.
- (c) Has 50% or greater reduction of visual fields.
- (d) Cannot recognise a friend across a room at a distance of 5 metres.

### **3 Seizures causing loss of consciousness or altered consciousness (Age 12+)**

In the past 6 months has had one or more seizures with loss of consciousness or altered consciousness and either –

- (a) was awake when the seizure commenced but had no useful warning of the seizure; or
- (b) had dangerous post-ictal behaviour.

### **4 Management of personal finance (Age 8+)**

Does not understand the value of money.

### **5 Awareness of danger and consequences of behaviour**

- (a) Is totally unaware of common dangers or the potentially harmful consequences of his or her behaviour.
- (b) Needs to be instructed on at least a daily basis about common dangers or the potentially harmful consequences of his or her behaviour. (Age 5+)

### **6 Getting around outdoors (Age 8+)**

- (a) Unable to cope with leaving the house unless accompanied by another person.
- (b) Unable to find his or her way around even in familiar places.

Mobility statements 1, 3 and 5 are progressive, that is, for example if a person can only walk a few steps they must qualify for the mobility element as they cannot walk 50 metres.

However, in 6 “Getting around outdoors”, where in the personal care test the most functional loss is described as unable to leave the house, the mobility element is not awarded as the individual does not actually leave the house.

## 6. Medical (impairment) components

### 8.8 Clinical cost

The basic component for each member of the Income Support Household includes the provision of up to four GP visits per year. The clinical cost component is designed to help people who need to visit their GP more regularly because of a chronic or progressive condition. It is also available for individuals receiving palliative care.

There are two levels of clinical cost element. The first level is designed to pay for an additional four GP visits in a year (a total of 8) and the second level will pay for eight extra visits (a total of 12).

People on Income Support now also benefit from reduced GP costs. The Government and local GPs have worked together to create the Health Access Scheme. Under the scheme most appointments with a doctor or nurse in General Practice will be charged at fixed, low fees.

The Health Access Scheme covers all members of an Income Support household as well as people in receipt of the Pension Plus scheme.

### 8.9 People who are not eligible for health components

The health components are designed to help people meet the extra costs of having a long-term illness or disability in Jersey. If these costs are being met in another way then the Income Support health components are not available as well.

1. If somebody is in prison, their medical and care needs are met by the prison authorities and no components are available.
2. If someone is in hospital, their medical and care needs are being met by the hospital authorities – health components are maintained for four weeks, after which time they stop.
3. If a child is attending a special school in the UK, they continue to receive personal care elements and mobility elements, but they do not receive the clinical cost element because GP care is free in the UK.
4. If an individual is away from Jersey for another reason (for more than four weeks in a 12 month period) the health components for that person will not be available until they return to Jersey.

Foster children do not receive health components because the cost of their medical and care needs are met by the fostering service.

Adults who do not themselves satisfy the residence test for Income Support are not eligible to receive health components.

### **8.10 Carer's component**

The carer's component is available to help people who look after someone who is severely disabled or has a serious health condition. Only one carer's component is allocated to a person, even if they care for two or more people. Only one carer can be allocated in respect of a cared-for person, even if two people are involved in the care of that person.

This component is separate to the Home Carer's Allowance which is also available to some carers. The Home Carer's Allowance is a separate benefit paid outside the Income Support system). The carer's component is available to carers of any age.

For a carer to qualify for the carer's component:

1. The carer must be the person who has the main responsibility for the cared for person and must be regularly involved in caring. The Income Support Law does not set a minimum number of hours that should be spent in caring duties but it is unlikely that anyone would be seen as having the main responsibility for a cared for person unless they were caring for the person on a daily basis.
2. When deciding if someone is the main carer, an officer considers the duties that the carer undertakes and the amount of time and type of duties that other people undertake in helping to care for the cared-for person.
3. The carer must not be claiming a personal care component of level 3 for themselves, or be receiving Long-Term Care.
4. The carer must not be being paid by someone else to provide the care.
5. The cared for person must be ordinarily resident in Jersey – but the cared for person does not need to be a member of the same Income Support Household as the carer. The cared for person does not need to be receiving Income Support.
6. The cared for person must satisfy the criteria for level 3 of the personal care component, although the cared for person does not need to be actually receiving the level 3 component. For example, they might be receiving a flexible personal care component or a Long-Term Care benefit.

If an Income Support Household includes a young carer (someone aged under 16), the Department will refer the family situation to Social Services to ensure that both the carer and the cared for person are receiving appropriate support, before allocating a carer's component.

The carer's component remains available during short periods of respite care, both for regular planned respite and emergency respite.

## 6. Medical (impairment) components

An Income Support Household is not entitled to a carer's component whilst the carer is in prison for the whole of a week or in hospital for more than a continuous period of four weeks. The carer's component is also not available if the carer is out of the Island for more than four weeks in a 12 month period, unless the carer is accompanying the cared for person while s/he is receiving medical treatment outside the Island.

Similar tests apply if the cared for person is in prison for the whole of a week– the carer's component would stop immediately, or in hospital – the carer's component would stop after a continuous period of four weeks.

Adults who do not themselves satisfy the residence test for Income Support are not eligible to receive the carer's component.

## 9 Special payments – one-off payments to help with essential or emergency expenses

### 9.1 Introduction

As well as paying a weekly benefit, Income Support can give you loans and grants to help with urgent and essential expenses.

These one-off payments are designed to help you in a range of circumstances and to cope with emergencies. They are called “special payments” and have their own application process.

You can also get them if you are close to getting Income Support but didn’t qualify because your income is too high. You can apply for some payments on behalf of somebody else even if you don’t get Income Support. This might be because you are arranging a funeral for somebody.

A special payment can be used to meet the cost of

1. A service (such as dental treatment) or
2. An essential item (such as a replacement cooker)

You can only ask for a special payment if you have no other way of meeting the cost of the item or service. This usually means that you are in urgent need of the item or service requested. For example, you need emergency dental treatment to bring you out of pain, or you are moving into a house with no cooker.

To get a special payment you’ll need to prove you that you need it urgently, or have an essential need for the item or service. If you apply for the same item again in a set period of time you might get turned down. Sometimes you might only be offered a loan for an item.

An adult who does not pass the Income Support residence test (see section 2 for details) can only apply for a special payment as a loan even if other people would be given a grant. When a special payment is made as a loan, it will be recovered from future weekly benefit payments at a weekly rate that you can afford.

Income Support also makes special payments to some Income Support Households during periods of cold weather. These payments will be made to you automatically if you qualify for them – because your household contains a young child, an elderly person, or a severely disabled person.



## 7. Special payments

### 9.2 Who can apply for a special payment?

You can apply for a special payment is available if you are:

1. A member of an Income Support Household that gets Income Support; or
2. A member of a household that is just outside the normal Income Support eligibility conditions:
  - (a) Either the household satisfies the income condition and the work condition and there is an adult in the household that has been in Jersey for at least four and a half years **or**
  - (b) The household satisfies the work condition and the residence condition but the income of the household is slightly above the limit for Income Support. This is possible when the Income is up to 10% above the Income Support entitlement

### 9.3 Reasonable means of meeting cost

You can only get a special payment if you have no other reasonable means of meeting the cost. Items with a small cost must be funded from your regular payments of Income Support.

The Income Support legislation allows each Income Support Household to have a set amount of capital before their level of benefit is affected. "Capital" is a broad term that means things like savings, shares, investments and cryptocurrency, but also means items such as properties or valuable vehicles. If you own a property and live in it this doesn't count as capital.

However, even if the capital is below the set limits it is still expected that you use some of your savings for expenses before asking for a special payment. For example, if a single person has £7000 savings this won't affect their Income Support, but they might be asked to use some of it instead of asking for a special payment for a new pair of glasses.

You aren't expected to use up all of your savings before asking for a special payment. Income Support Households won't be asked to use their own capital if this would take them below a certain level. This level is set at 25% of the capital limit for their household type. You would be expected to fund the item or service yourself if

1. Their savings are above that amount and
2. The expense would not reduce the savings below this limit.

If the special payment is in respect of a large cost which would take your household below 25% of the capital limit, then you will be expected to contribute towards the cost.

## 7. Special payments

### Example 1

Peter and Dorothy are pensioners. They have £15,000 savings. This is below the limit for a pensioner couple and it does not affect the amount of Income Support benefit that they receive. Their fridge breaks down and they apply for a special payment to replace it. This is refused because they have sufficient savings to meet the cost (approximately £250) themselves.

### Example 2

Mary and Nigel are a young couple. They have £4,000 in their bank account. This is below the limit for a couple and does not affect the amount of Income Support that they get. They need to find £1,000 to pay the damage deposit for a new property.

Applying the 25% rule to the capital limit of £15,145 for a couple, they should not be expected to reduce their savings below £3,786

In this case Nigel is asked to make a contribution of £232 to the deposit and a special payment is made for the balance of £768.

### Example 3

Morgan is disabled (he gets Personal Care level 3) and lives on his own. He has £3000 in savings. He needs help with a dental bill of £600. Morgan's savings are less than 25% of the limit for a disabled person of £13,706, so he isn't asked to contribute at all.

## 9.4 Special payment categories

These are some of the main costs where you can ask for a Special Payment:

1. Essential furniture and household equipment (white goods)
2. Deposit to rent a property –there must be a valid reason why you need to move. Income Support won't help with a rental deposit if you need to move because you've done something unreasonable, such as antisocial behaviour or damage to your property. This also applies if you've deliberately made yourself homeless.
3. Removal expenses – but there must be a reason that you need to move home
4. Expenses involved in taking up paid work i.e. essential clothing, tools, etc. In most cases Back to Work will help you with these expenses
5. Medical or other healthcare expenses – including treatment with a dentist or new glasses.

## 7. Special payments

You can only ask for one of these special payments if you or a member of your household needs it urgently, or the item or service is essential to your health.

### Example

Walter and Helen are pensioners. They have no savings. Their old cooker breaks down and cannot be repaired. They have recently repainted their living room and the new paint clashes with the carpet in that room. They ask for a special payment to cover the cost of a new cooker and a new carpet. The application for the cooker is agreed. The application for the carpet is turned down because their existing carpet is in a reasonable condition and doesn't need to be replaced.

Other items that may be covered by a special payment are:

6. The cost of work on a property you own that is necessary to prevent a serious risk to health, safety or welfare
7. Funeral expenses for a member of the Income Support Household – including repatriation of their body from abroad
8. Repatriation of the claimant or a member of the Income Support Household from Jersey to another country

## 9.5 Essential furniture and household equipment (white goods)

Essential furniture means items like beds, babies' cribs and mattresses. You can ask for help towards a sofa-bed instead of a bed.

You can generally only ask for help with the costs of a carpet if your home is rented without one. This normally only applies to social housing properties as private rentals generally come with a carpet and it is the landlord's responsibility to provide one and to repair any damage before you move in. You can also ask for help if you live in social housing and your flooring has become unsafe and/or damaged beyond repair. You can also ask for a special payment if you're asked to buy the carpets from a previous tenant. You can ask for a special payment to get carpets professionally cleaned.

Essential household equipment includes items such as:

1. Electric cooker, table top cooker or microwave. An air fryer is available as an alternative cooker
2. Fridge or fridge freezer
3. Electric heater
4. Washing machine

## 7. Special payments

Income Support will buy these items from a supplier and will arrange payment. The supplier will arrange delivery and installation by a qualified technician. The value of the special payment will cover these.

In most cases these items will be offered as a special payment loan, although some exceptions are made. A young person leaving care will generally be offered the items in the form of a grant.

### 9.6 Rental deposit and / or reasonable removal expenses

You must have a good reason for needing to move home. This might be:

1. Your relationship has ended – you have been living with a partner and now need to live on your own
2. Your household size or circumstances have changed. This could be because you've had a baby, an adult child has moved out, or a member of your household has died
3. You are being transferred by a social housing landlord. You can ask for help with removal expenses, although in most cases these will be paid by your landlord. In most cases can't ask for a special payment in addition to support from your landlord
4. You need to move because your home has been assessed as unsuitable. This might be because of health or overcrowding issues. This decision will usually be made after advice from a social worker or other professional
5. You are homeless or living in a hostel, and are being supported to move into your own home
6. You are leaving prison, care, a long-term stay in a health facility or a rehabilitation service

In order to get a special payment, you must discuss your move with Income Support before making any commitment to the new property, such as signing a lease. Your new home has to be an appropriate size for your household.

There is no automatic right to help with a rental deposit. Each case will be assessed individually. In particular you can't get help to move into a property that is unsuitable for your needs.

You won't get help towards a rental deposit if you have made yourself homeless deliberately or if this has happened because of something you have done or failed to do in your existing property. You generally won't get help if you've been evicted because of something you've done.

Rental deposits and removal expenses are only available as loans. You will need to pay them back at a set rate from your weekly payments of Income Support.

## 7. Special payments

### 9.7 Work-related expenses

When you get a new job some employers will ask you to provide your own clothes or equipment. These items are generally available to jobseekers through their Back to Work advisor, but if not you can ask for a special payment for item such as

1. Workwear, formal clothing, uniform or other specialist clothing or boots when starting a new job
2. Tools or accessories required when starting a new job
3. The fee for the “Passport to Safety” or Disclosure and Barring Service (formerly known as Criminal Record Bureau or CRB) certificates

The same rules apply as for other special payments – you must have no other way of meeting this cost and must be in urgent need of the items. In particular, it must be clear that the employer would not normally be expected to provide these items for their employees.

#### **Example 1**

Fiona is offered a job as a chef. She is asked to provide her own set of knives. Although Fiona is an experienced chef, she does not have a set of professional knives as she has not worked for the last 10 years. It is standard practice for individual chefs to provide their own knives and a special payment is allowed.

#### **Example 2**

Caroline is offered a job as a filing clerk, for a local bank. Caroline already has office clothes (skirts and blouses) but she wants to buy a suit, to create a good impression. Her application is refused because her employer is not insisting that she wears a suit and she has other clothes which are perfectly acceptable.

Depending on the type of payment required, the special payment might be offered as a loan or grant.

### 9.8 Medical costs

Weekly Income Support payments (basic components and impairment components) cover most usual medical costs. There will also be times when people will have an urgent need for help with unexpected medical costs. This could include expenses like

- Dentistry
- Chiropody

## 7. Special payments

- Glasses and (eye test)

Support with the following expenses can be considered if this expense is not available as part of the free services from Health and Care Jersey. In many cases these expenses are already free for people on Income Support

- Radiology services, such as X Rays
- Long-acting contraception
- Sterilisation or vasectomy
- Termination of pregnancy

There may be other expenses. Just because an expense isn't set out does not mean it would be automatically turned down. The key is whether it is an urgent or essential medical expense.

Some kinds of medical services which are also available from private businesses (e.g. physiotherapy) are provided free of charge by Health and Community Services where there is a clinical need. Income Support will only consider a special payment for these services if the person provides evidence of the urgent need for the particular service and H&CS are unable to meet that need urgently.

For people under pension age, chiropody costs are only met if you have a chronic condition that has led to the need for special foot care – and if this need can't be fully met by one of the free chiropody clinics run by Health and Community Services. Depending on demand these may be offered by the diabetic service, some day centres and mental health services. Old Age Pensioners can also get help through the separate Pension Plus scheme.

You can get help with the costs of dental treatment which is urgent and/or essential. You can't get help with cosmetic treatment, or work such as braces. There are many kinds of dental treatment but most Jersey dentists will know what can and can't be paid for as a special payment, as the Minister's guidance has been issued through the Jersey Dental Association. It is important that you ask for help before going ahead with any treatment, you will need to get a quote from your dentist. The only exception to that rules is if you need emergency treatment to take you out of pain and Employment, Social Security and Housing is closed. If this happens, you can have treatment (up to £250 to take you out of pain) and must contact Income Support on Monday morning.

You can ask for help with dental costs as a grant. If your dental costs are urgent and/or essential you can get help worth up to £750 (per person) in any two-year period. If you need more than £750 in a two-year period you can ask for extra as a loan. You must repay this from your weekly payments of Income Support.

Some people can have dental treatment that costs more than £750 in a two-year period. People over pensionable age (65+), people receiving a long-term care benefit, a flexible personal care component or in receipt of personal care levels 2 and 3 are exempt from this limit, although if this applies in your case you must still

## 7. Special payments

demonstrate that you cannot meet the cost yourself. The limit may also be waived in cases where you have serious dental problems due to ill health.

People aged 65 or over are encouraged to use the Pension Plus Health Scheme for optical, dental and chiropody costs.

## 9.9 Health, safety and welfare

A special payment can be made to prevent a serious risk to the health, safety or welfare of the Income Support Household. This includes ensuring that your property is in a condition that is fit to live in, i.e. that the property is wind and watertight and secure from intruders. In most situations these payments would only be made to people who own their homes as a landlord is generally responsible for keeping their property safe in this way.

If you need help with the cost of installing a community alarm you can ask for a special payment.

Payments may also be made in exceptional circumstances to meet the immediate short-term needs of your household following an emergency or as a consequence of a disaster that means you cannot occupy your own home.

## 9.10 Funerals

You can ask for help towards the cost of a funeral if somebody in your household dies. All of your household circumstances will be considered, so for example you can still ask for help even if that person dying means you might stop being entitled to Income Support because of your income.

You can also ask for help towards the costs of a funeral in Jersey for a close family member (parent, child, brother or sister) even if they don't live with you. You can ask for help if you are the only relative who would be expected to meet the costs of the funeral.

It is important that you contact Income Support before making arrangements with the funeral director. Funeral directors in Jersey should all know the rules for Income Support special payments towards funeral costs.

In normal circumstances a maximum amount of £3,097.98 (as of January 2025) is available as a special payment towards a funeral. This amount goes up every year to reflect the increase in costs in Jersey (it uses the value of the Retail Price Index, or RIP). If you have also had to pay the ambulance service for collecting the body this can be added onto the maximum value of the special payment. The funeral director must add this to their invoice. As of January 2025 this charge was approximately £175.

## 7. Special payments

The Social Security Department also provides a death grant which is not part of Income Support (as of January 2025 this is currently £1,132.04 ). You can also ask for help towards the cost of moving a body back to or out of Jersey.

In situations where a person has no next of kin who is responsible for their funeral, the duty for organising their funeral falls to the Parish Constable. In most cases this cost will also be paid through a special payment from Income Support. This is covered in section 8.

**Note:** The special payment is always paid directly to the funeral director.

### 9.11 Help leaving Jersey permanently - repatriation

You may be able to ask for a special payment if you want to leave Jersey permanently. This might be because you want to return to your home country or a place you have lived before coming to Jersey. You might be able to get help from Income Support, but in most cases it will be by the cheapest route. For example, a ferry to the UK or France and then help with an onward rail or bus journey. If you later decide to return to Jersey and claim Income Support again, you'll have to repay this money.

### 9.12 Cold weather payments

Income Support also makes special payments to some kinds of Income Support Households during periods of cold weather. These periods are defined in law as what we normally think of as "colder months" so for example a payment would not be made if it snowed unexpectedly in June.

A cold weather month can be October, November, December, January, March and April. In order to be considered cold enough for a payment, the average monthly temperature has to have dropped below a certain level. This is confirmed by the Jersey Meteorological Office once the month is over. The payments are then made automatically to eligible households in the same way they get their other Income Support payments.

To get cold weather payments, you must either own or be renting your home. For that entire month your household must contain:

1. A child under the age of three years; or
2. An adult over the age of 65 years; or
3. A person in receipt of the health component at Personal Care level 3, Flexible Personal Care, Long-Term Care or the Child Personal Care benefit



## 7. Special payments

The payments are also available where the eligible household does not own or is not responsible for the lease of the property, but shares the property with you. It will be paid to you as the person who has the lease or owns the home.

### Example

Bobby and Shelley get Income Support and share a home with their son Leo. Leo is disabled and gets his own Income Support claim separate from his parents. Bobby and Shelley will get a cold weather payment in any cold weather month because Leo shares a home with them.

## 9.13 Christmas Bonus

The Income Support scheme also makes special payments to certain eligible Income Support Households in December each year.

A bonus is paid to any member of an Income Support household who is also

1. An adult over the age of 65 years; or
2. A person in receipt of the health component at Personal Care level 3, Flexible Personal Care or the Child Personal Care benefit; or
3. A person in receipt of the carer's component; or
4. A person in receipt of a long term care benefit

More than one bonus may be paid per household if more than one household member is eligible.

## 9.14 GP costs – special circumstances

Sometimes a member of the Income Support Household will have a health condition that would qualify them for the Clinical Cost element of the health (impairment) component. This is explained in section 6. The component is available for chronic or progressive health conditions.

However, the person might not want to tell other household members about this medical condition. If this is the case the person can ask for a special payment to pay the equivalent of the Clinical Cost component. The payment will be worth the same amount as if they had applied for it in the normal way.

## 10 Exceptional payments made as a decision by the Minister for Social Security

It is impossible to set down every possible situation in which a household may need to ask for help with emergency or essential expenses. Many situations will be unusual or unprecedented.

The Income Support law recognises this and has rules for special payments that go towards the costs of unusual situations not covered by the existing guidance or examples. It can also pay towards situations where a household needs help but would not normally qualify for Income Support or a Special Payment.

These are referred to as “exceptional payments” or “Ministerial special payments”. In most cases the Social Security Minister has to agree them individually. Sometimes, the Minister will agree that a payment will always be made if a very specific situation occurs again.

### 10.1 Introduction

These exceptional payments can be made to anyone ordinarily resident in Jersey<sup>3</sup>. They are very carefully controlled by the Minister for Social Security and are only used in exceptional circumstances. It is important that the Income Support scheme is fair to everybody and consistent, so the Minister will always check whether the payment is for a situation which isn't covered by the existing rules of Income Support. These payments exist so that people in Jersey in genuinely difficult situations can ask for help from Income Support.

The following sections set out the situations in which the Minister has decided that an exceptional payment will always be considered. Some of these are special exceptions for people who already get Income Support, some can be made to people who don't normally qualify to get Income Support

Other exceptional cases that aren't listed here can still be considered by the Minister on a case-by-case basis. The Minister will usually consider cases where officers can show that they genuinely fall outside the scope of the existing rules and legislation of Income Support. This means that if Income Support normally has a rule to cover a situation, the Minister will follow it in order to be fair to other people who get Income Support.

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<sup>3</sup> With the exception of anybody who has a stamp in their passport that specifies “No Recourse to Public Funds”. This is an immigration condition that prevents the person from being able to ask for help from Income Support

## **10.2 Exceptions to the residency condition of Income Support**

The Minister for Social Security has agreed that exceptions can be considered to the residency conditions of Income Support. People who have not reached the point of five years' continuous residency in Jersey can be considered for support through an exceptional payment of Income Support, under the following circumstances:

- the death of an adult where no remaining adult satisfies the Income Support residency conditions
- separation or divorce where no remaining adult satisfies the Income Support residency conditions
- the person has been through a formal referral process for domestic/sexual abuse
- the person has experienced a major health issue

Each situation is considered separately and requires strong supporting evidence. The time period for the exception is in most cases different depending on whether a person is responsible for the care of children. People who are responsible for the care of children can be considered for support with a shorter period of residency.

A person who is responsible for the care of children does not need to have those children live with them all of the time. They must in most cases have parental responsibility for the child or children.

A child for these purposes is somebody up to the age of 18.

## **10.3 Death of a partner where no remaining adult satisfies the Income Support residency conditions**

If a household is claiming Income Support, or would have been eligible to claim Income Support on the grounds of income, but a partner dies and the remaining household:

1. includes children and
2. at least one adult in the household has been on the Island for 12 months or longer

The household can ask to be given exceptional payments.. After this, the surviving adult will meet the residency conditions and can claim Income Support as normal. The value of the exceptional payment is the same as the value of a “normal” payment of Income Support to that household.

If the remaining members of the household do not satisfy both the above conditions, but the household was previously getting Income Support, they can only get exceptional payments for four weeks.

If the household was already getting Income Support, the components for the adult who died will carry on being paid for two weeks.

## 8. Exceptional payments

If another adult joins the Income Support Household while exceptional payments are being made, the situation is reassessed.

### **Example**

John has lived in Jersey all his life. He meets Mary who came to Jersey on holiday and after six months they get married. They have a child. John is killed in a car crash – at that time Mary has been in Jersey for 4 ½ years and the child is three years old. Mary is able to apply for exceptional payments because she will qualify for Income Support in her own right in less than 12 months' time.

## **10.4 Separation or divorce where no remaining adult satisfies the Income Support residency conditions**

If the remaining household:

1. includes children and
2. at least one adult in the household will qualify for Income Support on residency grounds within the next 6 months

the household can apply for discretionary payments for the remainder of that 6 month period until that adult satisfies the residency conditions for a claim to Income Support.

If the remaining household does not satisfy both these conditions, then the household is not entitled to receive exceptional payments.

If another adult joins the Income Support Household while exceptional payments are being made, the situation is reassessed.

### **Example**

Fiona has been living in Jersey for seven years. She marries Peter who has been living in Jersey for two years. They do not have any children. After one year they split up. Peter cannot make a claim for exceptional payments because he has only been in Jersey for three years in total.

## **10.5 Victims of domestic and sexual abuse - short-term payments**

The Minister for Social Security has taken steps to provide financial support through the Income Support benefit to victims of domestic and sexual abuse. Some of these people wouldn't normally qualify for Income Support.

The Minister has agreed that exceptional payments will be available to people in this situation. Although this issue is often discussed based on the experience of women and girls, support is also available to men and boys who are the subject of abuse.

## 8. Exceptional payments

There are two steps to gain support, depending on a person's immigration status.

### **A. In the case of people who are in Jersey on an immigration permission**

A person who is normally prevented from having "recourse to public funds" by a condition in their passport can ask the Customs and Immigration Department to give them a three-month exception to that condition. During this period, the person will be able to apply for a three-month exceptional payment of Income Support. The JCIS team will support the person to make contact with the Safeguarding Team at ESSH.

### **B. Any person from Step A, plus any person who has the right to live in Jersey, but does not meet the residency conditions for Income Support:**

Regardless of the length of time a person has spent in Jersey, if a person in this situation is at risk of domestic abuse they can request an exceptional payment of Income Support for up to 3 months. These payments will not be subject to any terms and conditions such as jobseeking requirements, and income and capital will not be considered.

Anyone in this situation should be supported to speak with Jersey Domestic and Sexual Abuse Support (JDAS) or FREEDA: Free from Domestic Abuse (formerly known as the Women's Refuge).

With support from JDAS or FREEDA, a person can then apply for financial support from ESSH. The agency will complete a simple form confirming that the person has engaged with them and is receiving support.

Applications will be processed via the ESSH Safeguarding Team. The support will cover living and accommodation costs for the applicant and any dependent children in the household, using the usual Income Support rates. The person will not need to complete a means test and will not be required to look for work during the 13-week period.

Within ESSH, these cases should be referred to the Safeguarding Team.

## **10.6 Ongoing residency exemption for people who have been through the referral process for domestic and sexual abuse**

An adult who has been through the referral process described above (via FREEDA, JDAS or other approved support agency) can apply for exceptional payments of Income Support at the end of the 13 week period.

- **Single adults** can be considered for exceptional payments if they can demonstrate three years' continuous residency on the Island
- **People responsible for the care of children** can be considered for exceptional payments if they can demonstrate 12 months' continuous residency on the Island

## 8. Exceptional payments

As with all exceptions to the residency conditions of Income Support, strong supporting evidence will be required for these exceptional payments to be considered.

Households who receive these exceptional payments will be subject to all of the other rules of Income Support, such as requirements to be in work, rules about income and capital. If the household composition changes for any reason, the exceptional payments will be reviewed.

### 10.7 People who have experienced a major illness, accident or disability

A person who has experience a major health problem can ask for exceptional payments of Income Support even if they don't meet the residency conditions of Income Support.

A major health problem would be a serious long-term illness or disability which would qualify them for personal care level 2 or 3. Alternatively, it might be a short-term condition which makes it very difficult to work and support themselves, such as forms of cancer that require invasive or debilitating treatment.

In some cases, exceptional payments might only be available whilst the person is affected by or recovering from the health problem. For example, a person who is recovering from an accident that prevents them from working.

- **Single adults** can be considered for exceptional payments if they can demonstrate three years' continuous residency on the Island
- **People responsible for the care of children** can be considered for exceptional payments if they can demonstrate 12 months' continuous residency on the Island

As with all exceptions to the residency conditions of Income Support, strong supporting evidence will be required for these exceptional payments to be considered.

### 10.8 Children with exceptional health needs

The Minister has agreed to use Income Support to support children and young people who have exceptional health needs by making short-term payments through Income Support. The payments are to support situations where a parent or guardian has to reduce work in order to help care for somebody who has a short-term illness such as cancer, or needs medical treatment off-Island. The payments are equivalent to Child Personal Care.

These payments do not have strict residency rules, but are only available to people who live permanently in Jersey and have done for at least twelve months.

## 8. Exceptional payments

Income Support will first check to see if any support is available through the normal components of Income Support.

### **Meaning of “child” and “parent”**

The payments can be made to children and young people up to the age of 25. The word “parent” includes parents, step-parents, guardians or other adults who have parental responsibility. This might also include a grandparent, sibling or other relative who has assumed the role of the child’s guardian. If a child or young person has recently moved out and doesn’t have a partner to support them, their parent can also get help.

### **Special rules for terminally ill children**

Children who are diagnosed with a terminal illness get special support that can be approved very quickly. If a medical professional thinks that the child’s condition will be terminal within the next twelve months, then a payment will be set up to the equivalent value of Child Personal Care level 3 plus the value of Home Carer’s Allowance. This personal care element of the payment does not look at the financial situation of the parents so is available to households who get Income Support and to those who don’t. As people who get Income Support don’t see any financial benefit from getting HCA, they are instead given the Carer’s Component of Income Support.

Parents who don’t qualify for Income Support, Child Personal Care or Long-Term Care, and where the child is not terminally ill, will be considered for support according to the more detailed criteria set out below.

### **Qualifying for exceptional payments for a sick child or young person**

The payments are for families where the child has a health need that has an impact on the family’s ability to work but who can’t get help from any of the existing benefits available in Jersey. In most cases this will be a longer hospital stay, a series of hospital stays across a period, or a situation where the child is not in hospital but needs an unusual amount of input from their parent when compared to another child of the same age.

Most of Jersey’s benefits are based on a long-term health condition (one that lasts 6 months or more) where the child needs help with their daily personal care needs; they have residency conditions set out in law and require an adult parent to have lived in Jersey for at least five years. Exceptional payments are different and can help families where the illness of the child does not fall into these existing categories. They help with the need for a parent to accompany the child during periods of treatment or to supervise the child in respect of a serious health risk that disrupts the normal family income.

To get these payments at least one of the following will apply:

- a) The child requires frequent parental support to travel off-Island for medical treatment – this means longer hospital stays– for example, cancer patients

## 8. Exceptional payments

- b) The child is being treated on-Island, but is expected to have significant ongoing absence from school due to the nature of the condition, an example might be transplant patients
- c) The child requires an unusual degree of close supervision as a result of the condition. An example might be small children with life-threatening allergies or children at heightened risk of choking

Applying for these payments will often be supported by a charitable organisation that helps children and young people, but it is also possible to apply directly to Income Support for help.

### **10.9 Adult in an Income Support household needing medical treatment outside Jersey**

Sometimes Jersey's Health and Community Services Department will arrange treatment outside Jersey. This is normally at a hospital, but might be at another kind of health facility. If this is needed for somebody who gets Income Support then their full benefit will be paid automatically for four weeks. After this, Income Support will decide whether the person needs to carry on getting their basic adult components. This is because a person who is in hospital will be getting their needs met by the hospital. In most cases Income Support will continue paying a person's rent in Jersey for a longer period, although it is very important that a member of the household notifies Income Support that somebody is having treatment outside Jersey.

If the person is an outpatient (i.e., not staying in hospital overnight) Income Support will continue to pay their benefit in full if the person needs to meet their own living costs while they are in the UK.

Sometimes a member of the household will choose to accompany another adult to medical treatment outside the Island. If this happens their adult component will normally be paused after they have been out of Jersey for more than four weeks over the last 12 months. This is the standard rule for any absence from the Island when you get Income Support. However, if there is a specific medical reason why the person needs somebody to accompany them for their treatment an exception can be made. This will be when Health and Community Services Department has arranged the treatment, as well as travel for the adult and their companion. If this happens Income Support will continue to be paid in full if the companion needs to meet their own living costs while they are in the UK. This can be for an additional 12 weeks in any 12 months and any situation beyond this can be considered by the Minister for an exceptional payment.

### **10.10 When a child in an Income Support household needs medical treatment outside Jersey**

Sometimes an adult will need to accompany a child for medical treatment outside Jersey. If this treatment has been organised by the Health and Community Services



## 8. Exceptional payments

Department that adult's personal components can carry on being paid for up to an additional 12 weeks in addition to the 4 week period allowed for in the Income Support Law.

If this absence means that all adult members of the Income Support Household are absent from the Island, Income Support can also carry on paying the accommodation component for this period. If this extends longer than 12 weeks this can also be considered by the Minister for an exceptional payment.

### **10.11 Temporary help with mortgage interest**

Income Support generally cannot help with the costs of paying a mortgage. This is because the benefit is not funded to help people pay towards an asset which they will eventually own. However, the Minister has recognised that there will be situations where a household needs short-term help with their mortgage. Although most mortgage lenders will try and help people through a short period where they can't pay their mortgage, there will still be situations where this isn't possible.

Mortgage interest can be paid for up to 4 months following an unexpected, significant and sudden drop in income. The might be because of the death of the main wage earner, a major accident or illness, or redundancy where the redundancy payment has not been made or is delayed. Before a special payment is agreed, you will be expected to attempt to negotiate a "payment holiday" with your mortgage provider.

### **10.12 Silkworth Lodge and other rehabilitation facilities**

When somebody is in hospital as a patient, their food and accommodation (board and lodging) is provided free of charge by the hospital. From the fifth week onwards, this means that the basic components for that person are no longer available because the hospital is meeting their everyday costs.

An exception can be made when a person is at Silkworth Lodge (or other rehabilitation facility) for rehabilitation treatment. In these cases, the adult component can continue to be paid beyond the first four weeks. If the sole adult on the claim remains responsible to pay towards the upkeep of children (for example where they are temporarily looked after by a friend or family member) the child components can also continue to be paid. This can only be approved if the adult makes a written agreement with Silkworth management (or the management of another rehabilitation facility) that the income from the child component will be handed over to the person temporarily caring for the children.

### **10.13 The cost of a funeral arranged by the Parish or where somebody has no next of kin who can arrange their funeral**

## 8. Exceptional payments

In situations where a person has no next of kin who is responsible for their funeral, the duty for organising their funeral falls to the Parish Constable. In these cases, the Parish will organise the funeral and the costs will be met as a special payment.

Sometimes a person's friends, carers or family members or family member will take responsibility for arrange the funeral because nobody else is available or capable of doing it. If the person was on Income Support or had no other means to provide for the funeral, any of these people can approach the Parish to ask for help and the Parish will pass the costs onto Income Support.

There is no requirement for these people to qualify for Income Support themselves as the payment is based on the circumstances of the deceased person.

A payment is also available for the reasonable costs of repatriation of a body to a person's home country. This might include people who would not normally qualify for Income Support on the grounds of residency, such as migrant workers.

Income Support can consider cases where the cost of repatriation of a body exceeds the amount normally available for a special payment. This may be the case if special provisions are required for the transport of the body.

## 10.14 Non-contributory death grant

The Social Security Fund provides a contributory death grant to go towards the cost of a person's funeral provided the necessary contributions requirements have been met. A small number of people die each year who do not meet the necessary contributions requirements. For example, people who have moved to live in Jersey as pensioners will not have paid any Social Security contributions during their lifetime and will not be eligible. For anyone that is not eligible for the Social Security death grant, an officer will decide on behalf of the Minister consider whether they are eligible for a non-contributory death grant paid via Income Support.

The intention of this grant is to only help Jersey residents who do not otherwise qualify for the Social Security death grant. It is not intended to help people who may be visiting Jersey and died during their time here.

The eligibility condition for the non-contributory death grant is that the deceased person meets the residence condition for Income Support. The value of the non-contributory death grant is equal to the value of the Social Security contributory death grant.

All the other supporting rules included in the legislation for the Social Security death grant apply to the non-contributory death grant.

## 10.15 Exposure to Asbestos Containing Materials - Diffuse Mesothelioma Special Payments

## 8. Exceptional payments

The Minister will also make exceptional payment to people who are sick because they have been exposed to asbestos. These payments can also be made to a close relative if the person didn't get a payment whilst they were alive. The rules for these payments are set out in an appendix to this document.

# 11 Income Support decisions – the role of the Determining Officer

## 11.1 Introduction

The Income Support law sets out how claims are administered and approved. Most functions of Income Support happen because a “decision” is made by a Determining Officer. This term, and the role of the Determining Officer, are both set out in law. They have a special and specific meaning. The legislation and other Income Support materials also refer to a “claimant”, this normally means the person who applies for Income Support on behalf of the other household members. It is important

Decisions on claims to Income Support are made by Determining Officers who work on behalf of the Minister for Social Security. They are employed by the Employment, Social Security and Housing Department but will also take legal or policy advice from officers who work in other parts of the Government of Jersey. Under the Income Support legislation, these officers must decide whether a claimant is entitled to Income Support and how much they will get. They will decide about a household’s income and capital and any other needs it has. They do this by referring to the Income Support legislation and additional Determining Officer’s guidelines which explain the laws in more detail. A Determining Officer can’t make decisions that sit outside what the legislation tells them to do.

The Income Support legislation requires that every decision that affects a claim to Income Support is notified to the claimant, and any other adults in their Income Support household. This must be done in writing. In most cases this will result in an award letter, which is a letter that sets out all the parts of an Income Support claim. This letter is quite detailed because it must set out all of the components the household qualifies for and the amount of benefit that will be paid. This is so that the household can check that the information used by Income Support is accurate.

Determining Officers might also be required to decide whether a claimant’s actions or circumstances are “reasonable”. This term is used a lot in legislation and is usually taken to mean an action, decision or circumstance that the average person would agree with or understand, given the facts of the case. Determining Officers are specially trained to make sure that this decision is taken fairly and consistently as it is important that everybody who qualifies for Income Support is treated the same way under the law.

As a specific example, the following section sets out the kinds of questions that would be considered for the decision as to whether it is reasonable for a claimant to have failed to do enough to look for work (“failed an actively seeking work task”), or to have left a job.

Similar questions are asked in other areas of Income Support decision making.

## **11.2 Decisions about people who the Income Support legislation expects to either be in work or to be actively looking for work**

Many decisions taken in the Income Support system relate to people who are required to be in work, or to be looking for work, as a condition of Income Support. This section summarises how that works. It also covers the decision that a person was in work but has given up that job, and whether it is reasonable for them to have done that. These decisions can be taken by any Determining Officer, but are normally taken by officers with special training in employment.

When deciding whether or not a person has a good reason for failing to be actively seeking work, or for leaving work, Determining Officers decide whether the action was “reasonable” according to everyday standards and behaviours. They will interview the person and try to get evidence about what has happened. If the person says they had good reason to not look for work, or to give up a job, the Determining officer will consider the available evidence or lack of evidence to decide whether this is true. They will consider if it is more likely than not that an alleged event/incident occurred, or that a statement is true. In each case, they would typically ask some of the following questions.

### **11.2.1 Situations where the person fails to do something that is part of looking for work**

Income Support will often decide whether a person is doing enough to look for work. If they are, they are decided to be “actively seeking work.” This means activities like attending a meeting with an employment advisor, attending job interview, doing work-related training. These activities can be decided by a specialist officer based on a person’s individual employment needs and won’t all be listed here. The Determining Officer might ask:

- Did the person have a good reason for failing to do something?
- Did they present good evidence of their reason for not doing it? This is where evidence would normally be available. Was their response to that situation reasonable?
- Was the work offered to the person “suitable work” as agreed with an Officer, and when compared to typical working conditions within that field of employment?
- If the person was off-Island, was it for a good reason? (for example, funerals of close friends/relatives; medical treatment; approved training)

### **11.2.2 Situations where the person gives up work:**

Income Support has rules against leaving your job. In most cases it is not allowed to quit a job and ask for help from the benefit system. If this happens a financial penalty can be made and this might happen even if you ended your job before claiming Income Support.

## 12. Appendix: list of changes to Income Support legislation

An exception can be made if you have a good reason that you needed to give up your job and can prove that this is the case.

These are some of the questions that Income Support would consider when a person has given up their job

- Was the person placed in a reasonable/typical situation at work? This should take into account comparable situations and typical working conditions within that field of employment
- In turn, was their response to this situation reasonable?
- Did they make reasonable attempts to bring the situation to the employer's attention?
- Were reasonable adaptations to the work environment or duties proposed by the employer?
- Were all reasonable attempts at resolution pursued before work was given up?
- Was the person being asked to carry out activities that the employer would reasonably have understood they could not carry out? - for strong moral, religious, physical or personal reasons that were made clear before the offer of work was given or accepted
- Was the person effectively subject to constructive dismissal?
- Did the person accept voluntary redundancy in the knowledge that they would be made compulsorily redundant?
- Did the person accept another job in good faith, only for it to fall through?
- Would any reasonable person have also given up work in the same situation?
- Would the person normally be a person who is required to Actively Seek Work? Under the legislation, the rules for people giving up work are independent of whether or not the person would be required to be a jobseeker, but consideration to this will be given to people who were in work despite not being expected to work under the Income Support law

### **11.2.3 Situations where the person was dismissed from their job:**

These are some of the questions that might be asked when a person was let go, dismissed or fired from their job.

- Was the person dismissed due to their own unreasonable actions? (incompetence, negligence, dishonesty)
- Was the person dismissed for exercising reasonable employment demands, asserting legal rights or for requesting reasonable and practicable adaptations to their working environment?
- Was the person dismissed for reasonable absence from work – i.e. for essential medical treatment?
- Was the person dismissed for taking reasonable steps to make care arrangements for a dependant?
- Was the person unable to carry out the duties assigned to them, and did they attempt to resolve this with the employer?

### **11.2.4 Employment Tribunal Decisions**

An Employment Tribunal decision will be considered carefully but is not binding on an Income Support Determining Officer's decision to award benefit. This is because the Tribunal is not necessarily looking at the same issues that affect the Determining Officer's decisions. For example, the Tribunal may decide that correct procedures were not followed when a person was dismissed, regardless of whether that person actually deserved to be dismissed or not. However, contact with the Jersey Advisory and Conciliation Service (JACS) on the part of the employee would in many cases be considered to be part of the reasonable response to a genuine situation.

### **11.3 When a decision on the income, capital or health components of a young person affects the value of Income Support**

Sometimes, a young adult might have income or savings that is enough to affect the Income Support claim of their parents or guardians. This is quite unusual.

If the decision about the value of Income Support was made because of any capital or income of a young adult included in the Income Support Household, they will be notified and will be advised of their appeal rights against the decision.

Sometimes the health (impairment) component, but not any capital or income, of a young adult will affect the decision to award benefit to the Income Support Household as a whole. If this happens the young adult will be notified and advised of their reconsideration and appeal rights, but they will not be told details of the income or capital of any other members of their household.

## 12 Understanding the Income Support award letter

When an Income Support claim is processed and there is an entitlement to benefit, the claimant and their spouse/partner (if applicable) and any other participating adult in the Income Support Household will receive a detailed award letter. It is important to check this letter and make sure that it is correct.

This letter will inform the Income Support Household:

- the date on which any entitlement to Income Support begins and the date of payments
- which adults and children have been included in the Income Support Household
- the Income Support components that have been awarded
- whether any Income Support benefit is being paid direct to third parties (such as a landlord)
- whether any Income Support benefit is being withheld to recover a previous debt, and
- the reconsideration and appeal rights against the decision to award a claim to benefit

The Income Support award letter contains a detailed breakdown of the value of the payments that will be made to the Income Support Household. This is sometimes referred to as the “rate of benefit.” This is calculated by adding up all of the components a household can get, then reducing this by any income and the value of any savings or other capital assets.

This breakdown is displayed in a table that lists the following:

- all of the components that make up the maximum amount of Income Support the household can get
- any income that the Income Support Household has – this is taken off the total entitlement
- how much of that income (if any) has been disregarded in the Income Support calculation. This usually means that a percentage of that income is ignored so that the household is better off
- any expenses (such as maintenance being paid out) that will affect the calculation of benefit that the household gets
- whether the amount of Income Support benefit has been reduced due to capital or assets owned by the household

An example of the award table is given on the next page.

If any member of the Income Support Household qualifies for health (impairment) components they will receive a separate award letter which explains how that



## 12. Appendix: list of changes to Income Support legislation

component was decided. This will give them a sperate right to appeal against that decision.

## 12. Appendix: list of changes to Income Support legislation

### 12.1 Example: award letter table 1:

Household consisting of a married couple and a 1 year-old baby. Husband works 40 hours per week at £7.50 per hour. Wife is at home with the baby. They live in a 2 bedroom rented flat.

	Actual Weekly Cost / Value		We include this amount
<b><u>Components</u></b>			
Adults	2 adult(s)		£189.70
Lone Parent	NO		£0.00
Children	1 child		£65.87
Household	YES		£52.85
Impairment (health)	NO		£0.00
Carer	NO		£0.00
Accommodation	£200.00		£200.00
Childcare	£0.00		£0.00
<b><u>Expenses</u></b>			
Total value of: Maintenance paid out / Social Security Contributions	£18.00		£18.00
<b>Total components / expenses</b>			<b>£526.42</b>

	Full weekly value	This amount is not included in your benefit calculation	We include this amount
<b><u>Household Income</u></b>			
Wages	£300.00	£75.00	£225.00
Pensions	£0.00	£0.00	£0.00
Other Benefits	£0.00	£0.00	£0.00
Maintenance Received	£0.00	£0.00	£0.00
Other Income	£0.00	£0.00	£0.00

	Total capital	This amount is not included in your benefit calculation	We include this amount as weekly income
<b><u>Household Capital</u></b>			
	£8,000.00	£8,000.00	£00.00
<b>Total Income Included</b>			<b>£-225.00</b>

**TOTAL WEEKLY INCOME SUPPORT BENEFIT  
(Components and Expenses minus Income)**

**£301.42**

## 12. Appendix: list of changes to Income Support legislation

### 12.2 Example: award letter table 2:

Married couple both aged 75 who own their own home. They receive full-rate marital Jersey Old Age Pension. The husband has had a stroke and now has trouble walking. His wife is his main carer.

	Actual Weekly Cost / Value		We include this amount
<b>Components</b>			
Adults	2 adult(s)		£189.70
Lone Parent	NO		£0.00
Children	0		£0.00
Household	YES		£52.85
Impairment (health)	YES		£173.18
Carer	YES		£48.37
Accommodation	£6.02		£6.58
Childcare	£0.00		£0.00
<b>Expenses</b>			
Total value of: Maintenance paid out / Social Security Contributions	£0.00		£0.00
<b>Total components / expenses</b>			<b>£470.68</b>

	Full weekly value	This amount is not included in your benefit calculation	We include this amount
<b>Household Income</b>			
Wages	£0.00	£0.00	£0.00
Pensions	£332.01	£83.00	£-249.01
Other Benefits	£0.00	£0.00	£0.00
Maintenance Received	£0.00	£0.00	£0.00
Other Income	£0.00	£0.00	£0.00

	Total capital	This amount is not included in your benefit calculation	We include this amount as weekly income
<b>Household Capital</b>			
	£8,000.00	£8,000.00	£00.00
<b>Total Income Included</b>			<b>£-249.01</b>

**TOTAL WEEKLY INCOME SUPPORT BENEFIT**  
(Components and Expenses minus Income)

**£221.67**

### 12.3 When an Income Support claim has been turned down – “Notification of disallowance of Income Support”

## 12. Appendix: list of changes to Income Support legislation

When an Income Support claim is processed and there is no entitlement to benefit, the claimant and their spouse/partner (if applicable) will receive a letter telling them that they can't get Income Support. This decision has a special legal name, which is a "disallowance letter."

This letter will tell the Income Support Household that their claim has been refused (disallowed) and will set out the reason or reasons why. It will set out their rights to ask for a second decision and potentially to appeal to the independent tribunal.

If the decision not to give the household Income Support was made because of any capital or income of a young adult included in the Income Support Household, that young person will be notified and will be advised of their appeal rights against the decision.

Sometimes the health (impairment) component, but not any capital or income, of a young adult will prevent the whole household from getting Income Support. If this happens the young adult will be notified and advised of their reconsideration and appeal rights, but they will not be told details of the income or capital of any other members of their household.

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## 13 Your right to challenge an Income Support decision made by a Determining Officer

The Income Support legislation includes a clear procedure for challenging any decision made by a Determining Officer. In most cases, wherever the law requires the Determining Officer to make a decision, the person or household affected by this decision can ask for it to be looked at a second time. This is referred to using the word “reconsidered” or “reconsideration”.

Obviously there are some limits to this. For example, if the Determining Officer awards a child component because their birth certificate says that a household member is aged 10, it is not possible for the officer to make any other decision. In general it is not possible for a second officer to make a decision that goes against the legislation or the written guidance used by all Determining Officers.

### 13.1 How you can challenge an Income Support decision

If you don’t understand a decision or think you might want it to be challenged, you should contact the Employment, Social Security and Housing Department. Somebody will help you understand what your options are and what you need to do.

To challenge a decision, the first step is for an adult in the household to ask for the decision to be reconsidered by a different officer. The Income Support legislation requires that this request has to be made within 21 days of the date of the letter detailing the first decision is received. There is a shorter period of 7 days when the decision relates to whether or not a person has done enough to be looking for work (“actively seeking work”). The reason there is a time limit on asking for a decision is to enable Income Support to obtain current and reasonable evidence about a decision, and to ensure that Determining Officers can process all claims fairly and consistently. The time limit is shorter when relating to work activities because most people who are looking for work are expected to make regular contact with their employment advisor.

When somebody challenges an Income Support decision, the law requires that they give a reason for why they are asking for the decision to be looked at again. This second decision is often referred to as a “reconsideration”.

#### **Decisions that must be challenged within 7 days**

The following decisions must be challenged within 7 days. This period is shorter as people who are required to be actively seeking work are required to be in the Island and available for work, and should therefore be in regular contact with the Income Support and/or their employment advisor. The list of decisions that must be challenged within 7 days are that a person:

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1. is an adult exempt from seeking work. This means that they aren't required to look for work at all
2. is an adult who is not fully exempt from the requirement to be in full time remunerative work (and the number of hours work required). This means that they are not expected to be in full-time work, but a Determining Officer can decide how many hours of work is appropriate for them
3. is an adult who satisfies the requirements to be actively seeking full time remunerative work . This means that they are (or are not) doing enough to look for work
4. should be issued with a warning notice. This means that they are being warned by their employment advisor (or other Determining Officer) that they haven't done enough to look for work, and are at risk of a financial penalty if this continues
5. is in breach of a warning notice. This means that they have been given a written warning, and have once again not done enough to look for work
6. has given up remunerative work without good cause. This means that they were in employment, and have left their job without a good reason

In each case here the request for a second officer to consider the decision (a "reconsideration") must be made within 7 days of the date that the decision is received.

### **13.2 Following a second decision, the household can ask to appeal to an independent tribunal**

When a household has asked for a second officer to consider a decision on their Income Support claim they have additional rights if they still don't agree with this decision. At this stage, an independent tribunal that is completely separate to the Employment, Social Security and Housing Department can look at their claim. This will only happen after a second decision has been made, and the administration process is handled by the tribunal itself. Every second decision will also give information about how the tribunal process works.

The tribunal is not a court, but it is a formal way of having outside experts look at a case. The tribunal will ask for evidence from Income Support but also from the Income Support household. It will come to a fair decision based on the facts. If you are worried about the tribunal process or feel you need help presenting your case you can ask for another person or agency to support you in the process. You can also ask for a States Member (Deputy or Constable) to support you.

The tribunal process is designed to make it easy for you to make your case and to help you feel your case has been considered fairly.

### **Appeal to the independent tribunal**

If an adult in the Income Support Household is still dissatisfied after the internal review, they have the right to appeal to an independent tribunal. This must be done within 14 days from the date of the letter detailing the reconsidered decision is received. The procedure for making an appeal is detailed in a booklet that is supplied with all reconsidered decisions.

### **No appeals against an exceptional decision by the Minister for Social Security**

One area of Income Support is the direct responsibility of the Social Security Minister. The Minister has the right to make Exceptional Payments which fall outside the main framework of Income Support. These are summarised in section 8 of this document. There is no appeal against these decisions when they are made by the Minister.



## 14 Appendix 1: Diffuse Mesothelioma – special payments

The Minister has decided to accept applications for one-off interest free special payments (loans) from:

- a) an eligible person who has diffuse mesothelioma (DM); and
- b) a close relative of a deceased eligible person, where they did not receive a loan payment during their lifetime.

in the circumstances set out below.

Application for payments will commence on 1<sup>st</sup> October 2019. Employment, Social Security and Housing (ESSH) will administer the payments.

The maximum value of payments are set out in Table 1 (person with DM) and Table 2 (relative of a person with DM) below.

If an eligible person or a relative has received a payment in respect of the DM diagnosis before the Minister's payment is made, the maximum value available is reduced by the value of the payment already received.

### **Interest Free Loan**

Payments to applicants will take the form of a special payment made as an interest free loan, under Article 8(5) of the Income Support Law.

### **Tax and Benefits**

If an eligible person lives or pays tax in Jersey, the payment will not be considered when calculating their Jersey Income Tax or any Jersey social security benefits they may be entitled to. For avoidance of doubt; payments are to be fully disregarded for the purposes of calculating income and capital for the receipt of benefits.

### **Repayments**

Every payment will be made as an interest free loan. The loan is only repayable if the individual subsequently receives a further payment as a result of the diagnosis of DM, normally in respect of a civil claim made against a former employer.

The loan process will be explained to the applicant as part of the application process and the applicant will sign a declaration confirming that the payment is made as a loan and that some or all of the payment will need to be repaid if the applicant receives a subsequent payment as a result of the diagnosis of DM.

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The applicant must inform ESSH if they receive a subsequent payment as a result of the diagnosis of DM. They will be required to repay part or all of the value of their loan back to the Minister:

- a) if the amount of the subsequent payment is less than the amount of the loan payment, the total amount of the subsequent payment must be repaid to the Minister; or
- b) if the amount of the subsequent payment is equal to or greater than the amount of the Loan Payment, the total amount of the loan payment must be repaid to the Minister.

In the case of the death of a person who is required to reimburse the whole or part of a loan payment, the Minister may require it to be reimbursed by the person charged with the administration of the deceased person's personal estate.

### **Application Form**

In order to be considered for a payment an application must be submitted. The Application Form is available from ESSH.

### **Eligibility**

#### Eligible person

A person ("an eligible person") is eligible to apply for a loan payment if they:

- a) are at least 18 years old;
- b) have been ordinarily resident in Jersey for the last 5 years without a break;
- c) have been exposed to asbestos or asbestos products in Jersey; and
- d) have written confirmation from a respiratory consultant working in Jersey that they have DM or there is a high probability that they have DM.

Any eligible person is able to make an application for payment from 1<sup>st</sup> October 2019, regardless of when they received their diagnosis. In cases where the diagnosis was received prior to 1<sup>st</sup> January 2019, application must be made by December 31<sup>st</sup> 2019.

In cases where a diagnosis was given after 1st January 2019 – application must be made within 12 months of the diagnosis.

Exposure to Asbestos Containing Materials (ACMs) in Jersey is based on whether someone was engaged in an activity in Jersey that is likely to have exposed them to ACMs. As far as possible, ESSH will verify this with employment and other records held in the Department. The Minister does not require a decision as to whether it is more likely that the exposure took place in Jersey or somewhere else. In addition,

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there is no basis for which to set an amount of time a person must have been exposed to ACMs – each person responds differently to exposure.

For most people the diagnosis of DM will take place in the UK where specialist health care is available. If the person is unable to travel to the UK, a local specialist consultant can provide a letter confirming that a diagnosis of DM is very likely. The Health & Community Services Department will provide the necessary details direct to ESSH, with the permission of the person.

### **Eligible relative**

A relative of an eligible person (“an eligible relative”) is eligible to apply for a loan payment if they:

- a) Have been ordinarily resident in Jersey for the last 5 years without a break;
- b) is the first relative to be identified in the following list:
  1. a person who, immediately before the eligible person’s death, was the spouse or civil partner of the eligible person;
  2. where there is no person referred to in (1), a child or children of the eligible person;
  3. where there is no person referred to in (1) or (2), a person or persons who –
    - a. was or were at any time married to, or in a civil partnership with, the eligible person, and
    - b. immediately before the eligible person’s death, received qualifying maintenance payments from the eligible person;
  4. where there is no person referred to in (1), (2) or (3), a person who, immediately before the eligible person’s death, would have been treated as being in an interdependent relationship with the eligible person.
  5. where there is no person referred to in (1), (2), (3) or (4), a relative or relatives being a brother, sister, parent, grandparent, son, daughter, step-son, step-daughter or grandchild of the eligible person who was or were wholly or mainly financially dependent on the eligible person immediately before the death of the eligible person.

Only one application will be considered from a relative, in respect of any one person who has passed away.

An application must be made by an eligible relative –

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- a) if the eligible person in respect of whom the application is being made died on or after 1st October 2018 and before 1st January 2019, by 31st December 2019; or
- b) if the eligible person in respect of whom the application is being made died on or after 1st January 2019, by the date occurring 12 months after the date on which the eligible person died.

### Annual review of Loan Payment values

On and from 1st October 2020, the maximum value of a payment for each period of 12 months commencing on 1st October (the “relevant year”) is the amount calculated as follows:

$$\text{New maximum value} = V \times (1+B)$$

where –

- a) V is the maximum value of a payment in the year preceding the relevant year; and
- b) B is the percentage rise, over the period of 12 months ending in March in the year for which the amount is being calculated, in the Jersey All Items Retail Prices Index produced by Statistics Jersey.

If B is nil or a negative amount, the maximum value of a Payment for the relevant year is the same as the maximum value of a Payment in the preceding year.

### MAXIMUM VALUE OF LOAN PAYMENTS

**TABLE 1 - AMOUNT OF LUMP SUM PAYMENT TO ELIGIBLE PERSON**

Age of eligible person at date of diagnosis	Payment (£)
37 and under	92,259
38	90,465
39	88,675
40	86,885
41	85,091
42	83,300
43	82,407
44	81,506
45	80,614
46	79,717
47	78,821
48	76,318
49	73,810

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Age of eligible person at date of diagnosis	Payment (£)
50	71,298
51	68,793
52	66,278
53	64,489
54	62,700
55	60,912
56	59,112
57	57,322
58	52,666
59	48,006
60	43,355
61	38,695
62	34,038
63	31,170
64	28,301
65	25,440
66	22,572
67	19,707
68	19,123
69	18,537
70	17,961
71	17,378
72	16,798
73	16,302
74	15,797
75	15,314
76	14,828
77 and over	14,334

**TABLE 2 – MAXIMUM AMOUNT OF LUMP SUM PAYMENT TO ELIGIBLE RELATIVE**

Age of eligible person at date of death	Payment (£)
37 and under	48,013
38	46,980
39	45,950
40	44,921
41	43,891

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Age of eligible person at date of death	Payment (£)
42	42,861
43	41,875
44	40,881
45	39,902
46	38,917
47	37,934
48	36,725
49	35,512
50	34,306
51	33,100
52	31,892
53	30,901
54	29,919
55	28,934
56	27,942
57	26,960
58	24,233
59	21,497
60	18,768
61	16,034
62	13,299
63	12,518
64	11,743
65	10,949
66	10,167
67 and over	7,949

## 15 Appendix 2: list of changes to Income Support Law, Regulations and General Provisions

AS OF August 2017: This table briefly outlines the major changes that have been made to the Income Support legislation since it was first approved by the States. It does not include changes in component rates and is presented as an illustration only. Up-to-date version of the relevant legislation should be obtained from the [www.jerseylaw.je](http://www.jerseylaw.je) site.

<b>Date in force</b>	<b>Law</b>	<b>Change</b>
23.07.08	IS Law: Income Support (Amendment of Law) (Jersey) Regulations 2008	Change definition/eligibility of lone parent: Redefines article 5 so that the Lone Parent component is still available to the parents of adult children who are under 19 and still in full-time education
01.02.09	Income Support (General Provisions) (Amendment No. 2) (Jersey) Order 2008	Adds a disregard for Long Term Incapacity Allowance, maintenance, pensions received by under 65s
01.08.11	Income Support (Amendment No. 7) (Jersey) Regulations 2011	A person is now considered Actively Seeking Work if they have done everything required to look for work within the last 14 days (formerly 28) ; required compliance period following a written notice reduced from 28 to 7 days.  Written notice now says: If person has not complied for the past 14 days, they will lose entitlement to IS within another 7 days of non-compliance.
01.08.11	Income Support (Special Payments) (Amendment ) (Jersey) Regulations 2011	Increases penalty for broken jobseeker agreement from 25% to 50% of adult rate per week
05.09.11	Income Support (General	Redefines membership of household so that young jobseekers (without relevant personal care award) remain

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Date in force	Law	Change
	Provisions) (Amendment No. 6) (Jersey) Order 2011	on parents' claim up to age 19, or age 25 if they remain in Full Time Education.  100% of child's income/pension is disregarded.  Earned Income/pension of under 25s in education disregarded up to the value of the basic component/.
01.09.12 (01.01.13 for existing claimant)	Income Support (General Provisions) (Amendment No. 8) (Jersey) Order 2012  Income Support (Amendment No. 8) (Jersey) Regulations 2012	Adult and other individual components only available to adults who satisfy IS residence test.
01.10.12	Income Support (General Provisions) (Amendment No. 9) (Jersey) Order 2011	Clarification of appeal rights; Divesting of assets; Definition of couples in capital limits; adult children cannot be notified of the income and capital of other adult members of the IS household as part of an appeal
15.10.13	Income Support (Miscellaneous Provisions) (Jersey) Regulations 2013  Income Support	Changes sanction process for failed jobseekers, introducing formal warnings and progressive sanctions for breaches of those warnings. Penalties for repeated breaches. Introduce new penalty for giving up work or being dismissed without good cause. Remove right to accommodation when all adult members of household absent from Island for longer than 4 weeks. Minor revision of personal care assessment re: epileptic seizures.  Specify powers for Determining Officers to determine whether somebody is actively seeking work, and restrict period under which such a decision can be requested for redetermination – period becomes 7 days.



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Date in force	Law	Change
	(General Provisions) (Amendment No.12) (Jersey) Order 2013	
07.04.14	Income Support (Amendment No. 10) (Jersey) Regulations 201-	Introduces separate rules for the housing component for newly-defined categories of “social housing” and “private sector housing”. Lists Social Housing providers.
01.07.15	Income Support (Amendment No.13) (Jersey) Regulations 2015	Introduce new requirement for a person who has reached the third breach of a warning for a failure to be actively seeking work. They must now demonstrate 42 days compliance before making a fresh claim.  Amend impairment and mobility descriptors.
20.7.15	Income Support (General Provisions) (Amendment No.17)(Jersey) Order 2015	Include young people up to the age of 25 in parental household.
01.09.15	Income Support (Amendment of Law No.2) (Jersey) (Regulations 2015	Change age at which somebody responsible for the care of a young child ceases to be completely exempt from being a person required to seek work.
01.11.15	Income Support (Miscellaneous provisions no. 2) (Jersey) Regulations 2015	Introduces separate provisions to pay a component in respect of the first child of a household and all second and subsequent children. The value of these separate components remains the same.  Gradually reduces value of lone parent component for people who received it prior to 1.11.15. No new claims for this component after that date.
01.01.16	Income Support (General Provisions) (Amendment No.18)(Jersey) Order 2015	Removes additional allowance for some types of contributory benefit income  Gradually replaces the fixed-value pension allowance with a percentage allowance (existing claimants continue to receive the existing fixed allowance)  Increases disregard against maintenance income.

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<b>Date in force</b>	<b>Law</b>	<b>Change</b>
18.10.16	Income Support (Special Payments) (Christmas Bonus) (Jersey) Regulations 2016	Provides for an annual Christmas Bonus payment to be made to eligible members of Income Support households
01.07.17	Income Support (Amendment no. 15) (Jersey) Regulations 2017	Introduces new Flexible Personal Care component.  Amends vision descriptors for health component.
01.10.17	Income Support (General Provisions) (Amendment No.21)(Jersey) Order 2017	Increases disregard against earned income, maintenance income, pension income; requires that a reason must be given for requesting a redetermination
29.03.2018	Income Support (Amendment no. 17) (Jersey) Regulations 2017	Re-introduces lone parent component following States decision
1.10.2018 / 1.1.2019	Income Support (Amendment no. 1b) (Jersey) Regulations 2017	Includes additional payment for the first child in an Income Support household