

Income Support Policy Guidelines

Version 4.0

January 2016

This document gives general information about Income Support. It should not be treated as a statement of the Law.

Where examples of benefit rates are given, these are calculated as examples using the rates current on 1 January 2016.

For the most recent benefit rates, please consult www.gov.je/Benefits/IncomeSupport/Pages/Rates.aspx or contact the Social Security Department.

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1. Introduction

1.1 What is Income Support?

Income Support is a single, means-tested benefit that replaced many of the benefits previously paid through States Departments and the Parish Welfare system. Income Support provides financial help to local residents in need, through a system that is accessible, fair and effective, using a single application process. The scheme provides support towards the costs of housing, living, medical needs and child care. It recognises the role of informal carers. The amount of benefit received depends on the household income and assets. It includes incentives so that families in work are always better off than those without work. The benefit is exempt from income tax.

Income Support is normally paid weekly. Special one-off payments are available to help with the cost of major items and in emergencies. The cost of the scheme is met by the Jersey taxpayer and local residents have a legal right to claim Income Support if they are eligible. Claims can be made directly at the Social Security Department but where necessary, home visits can be arranged for those unable to access the Department due to health reasons.

1.2 Development of Income Support policies

The idea of an Income Support system was developed by Social Security, in partnership with other departments, during the late 1990s. Initial proposals were approved by the States in May 2000. The Department then undertook detailed research and prepared for the introduction of an Income Support system. The Income Support Law was approved by the States in 2006 and the Income Support system was launched on 28 January 2008.

1.3 Income Support Law

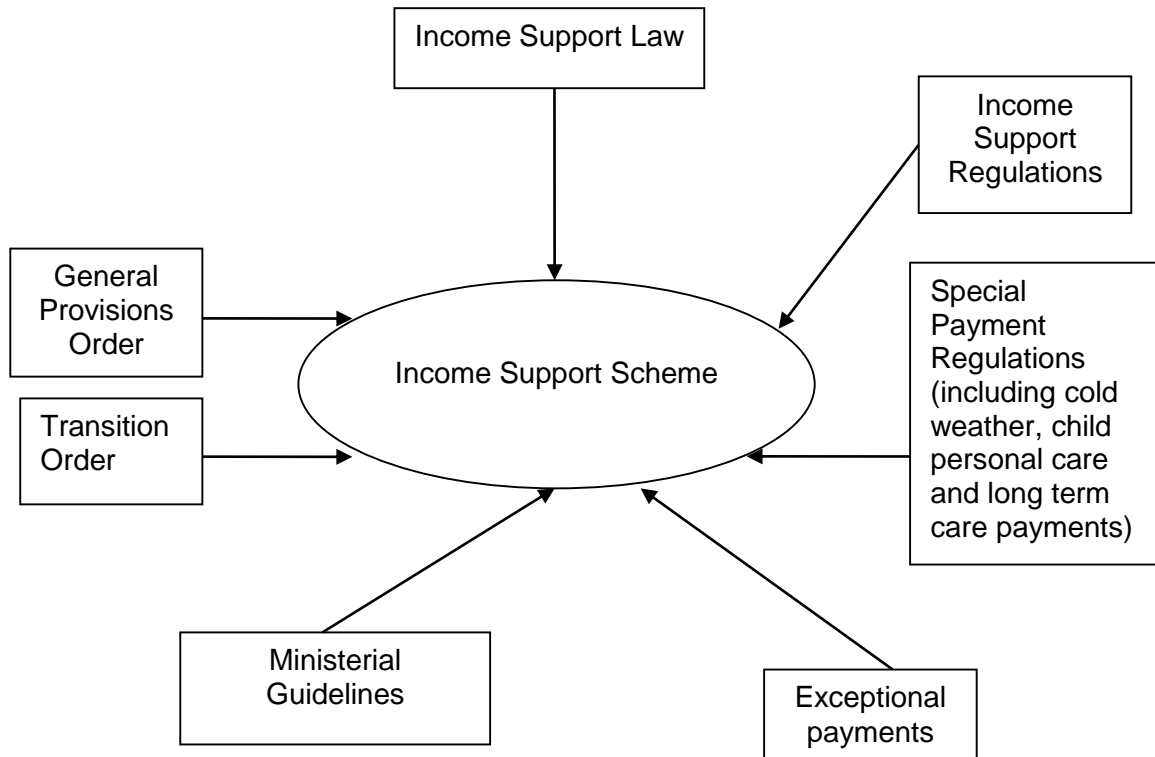
The main Income Support Law sets out the principles of the scheme. Extra detail is included in Regulations and Orders.

The Regulations give details of the working and job seeking rules for Income Support and set out the various components and the benefit rates. The Special Payments Regulations explain the one-off payments. The General Provisions Order sets out the details of the residence condition; the make-up of an Income Support household; details of how applications are made and decisions are taken; details of how income is calculated and how appeals are made. A separate Regulation sets out details of Cold Weather Payments. A Transition Order sets out special rules for the move from the previous benefit rules to Income Support. This was designed to enable financial protection during the changes to the benefit system. The main Law also includes the

1. Introduction

power for the Minister to make exceptional payments. A summary of changes made to the Income Support Law, Regulations and General Provisions can be found in section 11.

The Minister also sets some policies through Ministerial Guidelines.



1.4 Income Support information

This guideline gives a summary of the main policies of Income Support.

Copies of this guideline are available on our website at www.gov.je/incomesupport. Copies of the main Law, as well as the Regulations and Orders, are available on the www.jerseylaw.je site.

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1.5 Pensions and other benefits

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. These benefits include

Old Age Pension	Maternity/Adoption Benefits
Survivor's Benefits	Short-term Incapacity Allowance
Home Carer's Allowance	Long-term Incapacity Allowance
Invalidity Benefit *	Incapacity Pension
Disablement Benefit *	65+ Health Scheme
Jersey Television Licence Scheme	Dental Benefits Scheme (for young people)

**these benefits are closed to new applicants and so apply to people with retained rights only*

In addition, there are two benefits that are available to some households who do not receive Income Support but have a relatively low total income (i.e. they do not have any liability to pay income tax). The Food Costs Bonus is available to some households that do not receive Income Support (or only receive an Income Support transition (protected) payment). The Cold Weather Bonus is also available to some households that qualify for the Food Costs Bonus and also include somebody aged 65 or above.

The benefits replaced in 2008 by Income Support included:

Adult Disablement Allowance (ADA)	Health Insurance Exception (HIE)
Attendance Allowance (AA)	Home Study Grant
Child Disablement Allowance (CDA)	Parish Welfare
Childcare Allowance	Rent Abatement
Educational Maintenance Allowance	Rent Rebate
Disability Transport Allowance (DTA)	School-Age Discount Scheme
Family Allowance	Welfare Milk

1.6 What is an Income Support Household?

Income Support is designed to support people living together in family groups, in marriage or civil-partnership type relationships with their dependent children. Within families it is expected that adults care for children and that partners support each

1. Introduction

other when necessary. People often live together in wider family groups and Income Support uses the concept of an Income Support Household to identify family groups that are treated as a single household unit for Income Support purposes.

Income Support is paid to Income Support Households. An Income Support Household can be one person, a couple or a family living together at the same address. 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.

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.

1.7 Married and unmarried couples

To establish whether two people are a couple when they are neither married nor in a civil partnership, the Department uses guidelines and case law established over many years. These set out a formal description of the tests that are applied to decide if two people are in "a marriage-like or civil partnership-like relationship".

1.8 Children

Children up to compulsory school leaving age are always included in the Income Support Household of the adult responsible for them. This is normally a parent or guardian but the adult could be another family member. School leaving age is reached on 30 June in the school year in which the young person has their 16th birthday. As the school year runs from 1 September to 31 August, some young people reach school leaving age before their 16th birthday.

Children who remain in full time education (school, college or university) after school leaving age and 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 his/her parents and has a full time job is not included in the Income Support Household of the adult responsible for them.

1.9 Children with disabilities

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Often parents continue to care for children with disabilities throughout their adult lives. For Income Support purposes, a young person over compulsory school leaving age with a disability or serious long-term medical condition (i.e. entitled to a personal care component of level 2 or above) is treated as a separate Income Support Household. The young adult is then assessed on his/her own income and assets, independent of the parents' circumstances, even if the young person remains in full time education. This means that a young adult with a disability or serious long-term medical condition can receive Income Support even if his/her parents do not qualify.

Example

Trevor and Judy have a son, Matt. Matt is 18 years old and has learning difficulties. He attends Highlands College as a full-time student. Matt has a long-term medical condition and 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.

1.10 Parents living apart

For Income Support purposes, a child can only be a member of one Income Support Household.

If 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.

If the child spends equal amounts of time with both parents, then the child is included in the Income Support Household of the parent that would receive the most Income Support benefit.

1.11 Other family relationships

There are many cases when relatives living at the same address can make separate claims to Income Support and be regarded as separate Income Support Households. Examples include:

- An elderly relative living with a son/daughter and their family
- A young adult with a disability who continues to live at home with his/her parents (see section 1.9)
- A young adult (aged 25 or older) who is a jobseeker and continues to live at home with their parents
- Two elderly siblings sharing a house

1. Introduction

1.12 Sharing a property

Two people that share a house or flat are not necessarily in the same Income Support Household. The test is whether they are a couple (whether they have a “marriage-like or civil partnership-like relationship”). Paying their share of the rent or splitting some living expenses such as utility bills does not necessarily mean that two people form an Income Support Household.

A large extended family living together will be considered as a number of separate households, using the rules above. For example: a married couple with two young children sharing accommodation 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 dependent 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.

Each household unit would make its own application for Income Support and each would need to satisfy the tests for Income Support separately.

Occasionally, a married or civil partner couple will separate but both will remain living in the same property (perhaps one upstairs and one downstairs). If they want to be treated as separate Income Support Households, they must have a signed separation agreement, witnessed by an Advocate, Solicitor or Notary Public.

1.13 Lodgers

Lodgers are treated as separate Income Support Households. A lodger is defined as somebody (not a family member) who lives in a property in which the owner also lives, or somebody who lives in a lodging house. People that share a house or flat with another person who is not the landlord would not be treated as lodgers.

2 Eligibility for Income Support

2.1 Introduction

Income Support benefit is paid to Income Support Households that satisfy three separate tests. These are explained in detail in the following sections

- Residence test
- Work test
- Income test

2.2 The residence test

Only one adult in each Income Support Household needs to satisfy the residence test for the household to claim Income Support.

However, an Income Support Household that includes an adult who does not satisfy the residence test themselves will not be eligible for the full range of Income Support components in respect of that adult. See section 5.3 for further details.

An adult needs to satisfy one of the following to pass the Income Support Residence Test:

1. Ordinary residence in Jersey without any breaks for the past five years; or
2. Ordinary residence in Jersey without any breaks for at least five years at a time in the past, moving away for less than 5 years and then returning to Jersey for longer than the period spent away; or
3. Ordinary residence in Jersey for at least 10 years at any time in the past, without any breaks; or
4. Jersey-born adults only – Ordinary residence 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 – ordinary residence 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

2. Eligibility for Income Support

can be made up of a number of separate periods living in Jersey, with gaps in between.

2.3 “Ordinarily resident”

The term “ordinarily resident” is used in many laws (including the Income Support Law) but it does not have a single, legal definition. 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.

2.4 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.

2.5 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, they need to be present in Jersey to receive Income Support benefit.

2.6 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.

2. Eligibility for Income Support

2.7 Time spent in prison

Time spent in prison (as part of a sentence) cannot be used as part of the residence qualification period. That period of time is ignored. 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

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.

2.8 Detached workers

A detached worker is someone who is employed by a company outside Jersey and is on secondment in Jersey. He or she continues to be paid in his/her home country, pays social security contributions in that country etc. This often applies to bank employees and has also been known in the construction industry. Time spent as a detached worker in Jersey cannot be used as part of the residence qualification period for Income Support.

3 Working

3.1 Introduction

The Income Support scheme is a financial safety net for those in need, but it is designed to encourage people to become self-sufficient as far as possible. The Income Support Law includes a requirement for all eligible adults to be in full-time work (defined as 35 hours per week), or to be actively seeking work. Some adults are exempt from this requirement.

3.2 Exemptions from full time work

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

1. Anyone aged 65 or above
2. Anyone looking after a very young child. This applies until the 1st September that is or precedes the child's 4th birthday. Only one adult in an Income Support Household can be completely exempt from work on this basis.

Other people may not always need to work 35 hours per week; the hours they will be expected to work can depend on their individual situation and the decision of a determining officer.

The following people can claim Income Support as long as they work or look for work for a number of hours agreed with a determining officer:

1. Looking after a child after the 1st September that is or precedes the child's 4th birthday. (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 medical condition that limits the capacity to work
4. Undertaking approved education or training
5. Caring for someone with a serious medical condition

3. Working

3.3 Individuals in custody

Prisoners do not usually work full time (although some prisoners do have employment through day release schemes). The other members of the Income Support Household can continue to claim Income Support as the work requirement is suspended for the person who is in custody.

3.4 Looking after a child

A parent with a child who is old enough to take up the free nursery place offered by the Education Department will be expected to actively seek work for up to 15 hours.

A parent with a child at primary school will be expected to actively seek up to 25 hours work a week.

A parent with a child at secondary school will be expected to actively seek up to 35 hours work a week.

In some cases, the work requirement can be overridden by additional caring responsibilities – for example an elderly relative also living with the family or a child with a disability.

Assistance with childcare

Assistance with the cost of childcare may be available to take into account the possible limitations imposed by school hours and school holidays, therefore jobseekers may be expected to seek positions requiring attendance during school holidays in addition to term time.

3.5 Having a medical condition that limits a person's capacity to work

An individual with a valid Short Term Incapacity Allowance (STIA) certificate, or other proof of incapacity to work, is exempt from the work requirement. STIA certificates are normally provided by GPs. The Department is able to request anyone with an STIA certificate from their GP to also attend a medical board, to confirm that they are "completely incapable" of work.

The Income Support system includes a personal care assessment for people with long-term medical conditions or disabilities lasting 6 months or longer (see section 6). Anyone with an assessed score of 24 or above on the personal care assessment is not required to be in work or seeking work to qualify for Income Support. If someone with an assessed score of 24 or above wishes to work the Department would encourage them to do so and can support them in looking for suitable work.

Someone with a medical condition but with an assessed score of less than 24 on the personal care assessment is expected to be in full-time work or seeking work to qualify for Income Support. In individual cases, claimants can however be exempt

3. Working

from any work condition at all, or may be required to seek part time work up to a number of hours that an officer feels is appropriate to their particular circumstances – an officer will make this decision based on evidence that shows the nature of the medical condition 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.

3.6 Undertaking approved education or training

Anyone aged under 19 who is studying full-time in the sixth form of a school in Jersey (including Highlands College) is undertaking approved education. Anyone who is studying a degree level course and is receiving financial assistance from the Education Department, with the cost of tuition fees is also undertaking approved education, providing they commenced the course before their 22nd birthday.

Regardless of the person's age at the start of the course education may be approved for students on courses the Minister deems to supply 'critical skills' to the Island, or for people aged under 25 (at the start of their course) who are either care leavers or who have otherwise experienced severe disruption to their secondary education.

People over the age of 65 and those with the main care of a child under nursery age do not need to work to qualify for Income Support. However, if someone in one of these categories chooses to attend a training or education course, they will not normally be able to claim any additional financial assistance; in particular, they will not be entitled to an Income Support childcare component. However, people with children may be eligible for assistance with the cost of skills courses or distance learning.

Anyone considering starting a full time course should always seek advice from the Department before making any firm commitment. Those who do not do so run the risk of financial penalty if they do not meet their jobseeking requirements.

Jobseekers are always encouraged to undertake work-related education and training courses, providing these do not interfere with their ability to look for work, and do not prevent them from accepting any suitable work that is offered to them.

Critical skills courses

Some courses are deemed by the Minister, following advice from or discussion with other Ministers or relevant bodies, to meet a need for certain 'critical skills' urgently needed in the Island's job market. This decision is only made in exceptional circumstances, and these courses are generally restricted to full-time vocational

3. Working

courses with a guaranteed offer of work at the end. There may also be a working requirement outside term-time. Students who fail to attend the course or any work placement will be treated as failed jobseekers.

As of January 2016, the list of critical skills courses is restricted to the nursing degree offered by the Health and Social Services Department and the Jersey Graduate Teacher Training Programme.

3.7 Caring for someone with a serious medical condition

Full-time, informal carers for people with serious medical conditions are not normally expected to undertake paid work as well. 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.

3.8 Full time work

For Income Support purposes, full time work is defined as 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.

3.9 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 with reference to 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.

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3.10 Reasonable excuses for being absent from work

Someone who is normally working at least 35 hours a week may well 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; **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).

3.11 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 the rate of at least the relevant hourly minimum wage. Under the Employment Law, employers must pay employees at least the minimum wage. The minimum wage is subject to an annual increase; the latest value is available on www.gov.je.

If someone is self-employed, the test for “remunerative work” is that their net profit is at least as much as the minimum wage rate (calculated at an hourly rate). Some small business owners 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.

Example 1

Sid has a small business. He works 35 hours a week and has an average weekly net profit of £240. This is equivalent to £6.86 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 £250.

This is equivalent to £3.57 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 £7.14 per hour and so she also meets the test for “remunerative work”, measured against the minimum wage rate set in April 2015.

3.12 Jobseekers

3. Working

Any adult who is part of an Income Support Household who is not exempted by the Department from the requirement to be in work must either be in work or seeking work for the number of hours a week that a Determining Officer considers 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 independence through work is a central aim of Income Support. Most people regardless of their circumstances would rather work than not, but unfortunately circumstances may dictate that the work options available to them are limited. Those options may be further limited by the availability of suitable employment opportunities.

Many jobseekers find work without needing help from the Department. But there are always some people who require help and/or support to undertake suitable job seeking activities and to find employment.

3.13 Specific jobseeking requirements

Before an Income Support claim is authorised for payment, all claimants required to look for work must sign a short document which briefly and generally outlines their responsibilities and requirements. At an appropriate time, the jobseeker will be requested to attend an interview with an advisor, job coach, mentor or other member of staff.

At this interview, the jobseeker will have the opportunity to discuss their specific requirements and receive advice from the officer 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. This can include work-related training, work placements and limited periods of voluntary work to enable the jobseeker to gain work-related experience. The discussion will also cover any restrictions which might prevent the jobseeker from taking up certain kinds of work.

Staff will arrange to meet the jobseeker regularly to support their job search, 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 client's prospects of finding employment. The specific jobseeking requirements for a person may change, depending on the state of the labour market, the circumstances, past efforts and behaviour of the client and the actions identified to help them find suitable work.

3.14 Suitable work

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

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

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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 so that, after someone has been out of work for some time, they should start to look for other jobs which do not make full use of his/her 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 employment that is being sought, the state of the labour market at the time and the time of year (relevant to seasonal work).

3.15 Actively seeking work

For people that are not working, but that are required to work according to the Income Support rules, there are a number of activities that show that they are actively seeking work. Jobseekers who fail to undertake these activities may lose their entitlement to benefit.

Taking reasonable steps to obtain work

Following a discussion with the jobseeker, a set of Actively Seeking Work tasks to be undertaken will be drawn up. These might include

- Applying for jobs
- Preparing and sending out CVs
- Attending appointments with an officer, or careers advisor
- Attending Job Club
- Obtaining references from previous employers
- Undertaking appropriate, work-related training and participating to the best of their ability
- Attending interviews with prospective employers
- Gaining work-related experience by undertaking appropriate voluntary work and completing it to the best of their ability
- Being present on the Island in order to look for and take up work

The jobseeker is present on the Island

If a jobseeker is absent from the Island without good reason, they are considered to have failed to be actively seeking work. Being absent from the Island on holiday is not considered as a good reason if a person is required to be in the Island to look for work.

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

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The jobseeker must be available to take up work as soon as is reasonable. It is recognised that there will be, on occasion, circumstances that restrict those seeking work from being available immediately, such as

- Working out contractual or statutory notice on a part-time job in order to take up a full-time job
- Making arrangements for childcare

Not turning down any offer of suitable work

The jobseeker needs to tell the Department about anything which would prevent them from accepting an offer of suitable work at the beginning of the jobseeking process, and is required to keep the Department updated 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 a Social Security officer (work placement or training provider) needs to show a good reason as to why he/she was unable to attend.

3.16 Failing to seek work – financial penalties

Income Support contains financial penalties for any person who is required to look for work and does not do so. There are separate penalties for people who leave or give up work without a good reason – this includes losing a job through misconduct.

Jobseekers who fail to find work through no fault of their own will face no sanctions. 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, providing this request is made within a set period of time. Following a second decision, there is the right of 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 a test to check they are actively seeking work, the person is given a formal written warning which explains that if jobseeking actions are not completed then their status as “actively seeking work” will be lost.
2. At this point, the Department will advise the jobseeker what they must do in order to avoid any reductions to their benefit. If they subsequently undertake the required jobseeking activities they will not face any financial penalties.

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3. The formal written warning stays in force for a year. If a warning is in force against a person, then any subsequent failures to seek work within that period are treated as breaches of this warning and will attract a financial penalty.
4. If a person breaches the written warning they will receive a financial penalty. The Department will advise the jobseeker what they must do in order to return to the full rate of benefit. If they undertake the required jobseeking activities the financial penalties will end after a set period of time.
5. Should the jobseeker fail to actively seek work again whilst a warning is in force, they will be subject to increasing financial penalties for each further breach of the warning. The period that the warning stays in force will also be extended for the period that the person is considered to be in breach.
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. A person who reaches the third or subsequent breach of a warning will be required to demonstrate a period of 42 days compliance with jobseeking requirements before they can make a fresh claim.

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

3.17 Leaving work without a good reason

¹ Note: the adult component is currently valued at £92.12. Some adults receiving Income Support before November 2015 may still receive a higher amount. If applicable, this is removed in full where a sanction is applied

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An individual who leaves work without any good reason is not able to claim the adult component of income support for a 13 week period. This period is extended if the individual fails to undertake jobseeking activities during that time, and applies both to people on Income Support and people who claim Income Support after they have left their job.

This includes cases where people who are self-employed or under-employed give up remunerative work without a good reason. People who have multiple part-time jobs and give up one of them may be considered to be leaving work without a good reason.

Leaving work to retire before the age of 65 is not a reasonable excuse (even if a person is claiming a contributory pension from the Department), as under Income Support rules people only become exempt from the requirement to be in work when they reach the age of 65. People who retire before the age of 65 may be exempt for other reasons, such as ill health.

People who are made redundant (compulsory redundancy) or who cease work for some other good reason will not lose entitlement to Income Support, whereas people who have no reasonable excuse for being dismissed or 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 employment should always seek advice from the Department before taking any action. This includes people who plan to retire before the age of 65.

3.18 What is a 'good reason' for failing an actively seeking work task 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 an actively seeking work task or for leaving work. The decision making process used by Determining Officers is explained in more detail in section 9.

3.19 Voluntary work

It is recognised that whilst a person is actively seeking work, volunteering can be a useful way to assist a person in returning to employment. It can enhance skills, competencies, confidence and provide for structure in a person's day. However, volunteering activity does not satisfy the paid work requirement and so must not

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detract from a person's availability to seek paid work or to engage in work-related training or development programmes. Any decision to undertake unpaid voluntary work must be considered in the wider context and in conjunction with an officer of the Department.

3.20 Guidelines for unpaid voluntary work placements

Any person wishing to consider volunteering for unpaid work must discuss the matter with an officer of the Department prior to starting the unpaid voluntary work placement. 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 person's chances of employment
- The work 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 employment
- 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 the individual is undertaking the placement:

- The person will be required to attend the Department to provide evidence of Actively Seeking Work activities
- The person must attend any training or development programmes that an officer of the Department considers are appropriate to enhance the person's ability to secure paid work.
- The person must 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 acceptable to turn down a paid work opportunity because it would mean giving up an existing unpaid voluntary placement. Such action will result in the person being treated as a failed jobseeker

3.21 Duration of unpaid voluntary work placements

Unpaid voluntary work placements can last for a period of up to 3 months. However, for the duration of this period officers of the Department will continue to appraise the benefit of the placement.

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Requests to extend the unpaid voluntary work placement should 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 individual from looking for and taking up paid employment.

There are no restrictions to the number of hours or days per week an individual can volunteer for an unpaid work placement aside from the requirement for them to be able to demonstrate that they are continuing to search for paid employment and comply with the rules above.

3.22 Expenses incurred while in an unpaid voluntary work placement

Genuine expenses which are incurred solely in relation to the unpaid voluntary work placement and which are reimbursed by the employer are treated as income but are fully disregarded from any Income Support claim i.e. these sums would not lead to reduced Income Support payments.

4 Income

4.1 Introduction

The final test to qualify for an Income Support benefit is that the calculated income of the Income Support Household is less than the total of the assessed components of the Income Support Household. This section explains how income is calculated.

The Income Support scheme uses a wide definition of “income” to include household income from all sources. The assessment then uses disregards (income not taken into account) and allowances to encourage self-sufficiency and to promote savings. In particular, a proportion of any earned income is ignored under the Income Support calculation so that an Income Support claimant is always better off in work.

4.2 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 outside the Income Support calculation without it reducing their Income Support payments, to ensure that as they work more and their earned income increases, their total income increases. This is achieved using the concept of a “disregard”.

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

1. Social Security contributions (6%) are deducted from earnings
2. 23% of the gross earned income from the household is also disregarded from the income calculation to provide an incentive to work

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 used in the Income Support calculations will be

$£250 - £15 \text{ (Social Security contributions)} - £57.50 \text{ (23\% disregard)} = £177.50.$

4.3 Disregard for maintenance payments

If a parent is working and is paying regular maintenance payments for a child or previous partner, then the value of the maintenance payments, up to a maximum of the basic component for a child or adult, is allowed as a disregard.

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4.4 Calculation of earned income

If an adult is employed, the earned income used in the Income Support calculations is the average of the last five weekly pay packets or the last two monthly pay slips. If the employee receives a monthly bonus or some other regular extra payment, then the earned income is calculated as an average including this additional amount.

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

Likewise, someone leaving a job will be expected to use their final wage packet to cover the next period of time. 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 30 September – 6 October.

Earned income includes overtime payments, tips, bonuses, holiday pay and retainers. It also includes payments made by the employer to cover expenses that are not directly connected with the employment (e.g. Health insurance premiums) and vouchers such as luncheon vouchers or childcare vouchers. Expenses which are essential to the job (e.g. cost of uniform which must be worn) are not included.

If the employee receives goods or services as part of their employment (payment in kind) the value of the goods or services is included as earned income.

Money received in a compulsory redundancy situation is treated as capital. 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, voluntary redundancy or under a compromise agreement.

4.5 Nominal earnings

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 of a reasonable rate for the work that they are doing.

4.6 Earnings of young people

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

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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. Earnings above this amount are then included on the claim and will attract the normal income disregards.

4.7 Calculation of self-employed income

If an adult is self-employed, their income is likely to vary from week to week and the average income is normally calculated over a longer period of time. This can be up to 12 months. The business accounts for the previous year are used to provide an estimate of the current year's income.

Self-employed income is calculated on a cash flow basis, which is the difference between the gross receipts and the actual expenses paid for.

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

Business expenses can be deducted. 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. Acceptable business expenses include items such as

1. Wages of employees
2. Cost of goods sold
3. Rent, rates, water rates and building insurance premiums
4. Accountancy charges
5. Legal charges
6. Bank and interest charges
7. Advertising costs
8. Employer's pension contributions
9. Energy costs
10. Communication costs
11. Transport costs
12. Cleaning

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Other costs (that may be included in business accounts) are not accepted as expenses for Income Support purposes. These include

1. Cost of new equipment
2. Cost of depreciation
3. Cost of expanding the business – buying extra equipment etc. cannot be charged as an expense
4. Losses from another business
5. Business entertaining costs
6. Personal expenditure

If a business is seasonal, with most of the income earned during one part of the year, but the individual is occupied throughout the year in maintaining the business, then the assessment will normally be based on the income of the business over 12 months.

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 is set to be long enough to cover periods of different levels of income. Income Support is not 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 takes a voluntary decision to give up paid employment in order to become self-employed will be subject to the financial penalties attached to giving up work without good cause. A jobseeker who starts a new business, is allowed up to three months (depending on the type of business) to prove that the business can provide them with remunerative work.

After the first three months, during the first year of trading, the income of the business is calculated using interim figures.

4.8 Other income: income from pensions and benefits

Social Security pensions and benefits from Jersey and other countries are included as income for the Income Support calculation. The Jersey benefits that are included are

Old Age Pension	Maternity Benefits
Survivor's Benefits	Short-term Incapacity Allowance

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Home Carer's Allowance	Long-term Incapacity Allowance
Invalidity Benefit	Incapacity Pension
Disablement Benefit	

Maternity grants, Adoptive Parent grants and Death grants are not counted as income.

4.9 Disregard for pensions

23% of any weekly income from a pension or annuity is not included in the calculation of income for anyone aged 65 or above. If a pensioner also has earned income, then s/he is separately allowed a 23% disregard on the earnings, as with working-age employed people.

Pensioners who were receiving Income Support and a pension before 1st January 2016 may opt to continue receiving the previous fixed value pension disregard.

4.10 Treatment of Long Term Incapacity Allowance lump sum awards

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, calculated over a specified period, e.g. 10% for 2 years = £187.25 x 10% x 104 weeks = £1947.40

For Income Support purposes, the income will be included as household income over the period of the award. It will not be treated as capital.

4.11 Regular Income received from insurance policies

Regular income from an insurance policy is taken into account.

4.12 Income from lodgers

If an Income Support Household takes in one or more lodgers, who live in part of the dwelling occupied by the Income Support Household, the income received from lodgers 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.

4.13 Honorary service and volunteers

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People undertaking honorary service with a parish or charity, and other charity volunteers, may receive reasonable payments from those organisations to cover their expenses. These payments are completely disregarded from the income calculation.

4.14 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 charitable or voluntary payment received
2. Payments received under the 65+ Health Scheme, 75+ Television Licence scheme, Food Costs Bonus, Cold Weather Bonus
3. Fostering allowances and a set amount of income paid to professional foster parents
4. Therapeutic Work Scheme income
5. Any income from assets such as savings, property or investments. Income from assets is only included 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 income") will be taken into account (see section 4.)

Example

Peggy and Jack are pensioners. They have investments worth £30,000. 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 deemed income based upon the value of their investments is included in the calculation of income. This is explained in section 4.

4.15 Maintenance income

Households claiming Income Support are required to pursue any maintenance that is due to them from a former partner. Payments received as maintenance from a former partner are included as income, but 23% of this maintenance income 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 received by the parent with the responsibility for

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the majority of the costs. If not, proof will be required that agreed maintenance is being actively pursued or that there is a valid reason why it cannot be pursued.

Without this proof, a notional income in respect of the maintenance will be added to the Income Support claim. The value of this notional maintenance income is the basic child component rate for each child in respect of 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 included as maintenance. In these cases, if support is not provided for basic living expenses, a notional income in respect of the maintenance will be added until it is pursued.

For details of how maintenance paid out to another household is treated, see section 4.

4.16 Income that is not being claimed

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

4.17 Reduction in income due to repayment of debt

If income from a benefit has been reduced to recoup an overpayment of another benefit from the claimant or a restraint on wages has been ordered to recover a debt, the full amount of the benefit or wages will be included in the Income Support calculation.

4.18 Capital assets

Capital assets include money held in cash, bank and building society accounts, savings schemes, stocks and shares, property and items bought as investments.

Capital assets do not normally include the value of the dwelling that is occupied by the Income Support Household.

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 ITIS refund is treated as capital.

Money received for a statutory redundancy payment (as defined under 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

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to the average weekly or monthly earnings. This includes money received as severance pay or under a compromise agreement.

The value of the capital is calculated as the market value or surrender value less an allowance of 5% if there are costs associated with selling the asset.

4.19 Deemed income from capital

If the Income Support Household does have capital assets in excess of the disregards available (see section 4), then a deemed income is calculated based on the excess amount. Given the same income, a household with capital assets has more financial stability than a similar household with no capital assets. So, capital needs to be taken into account when calculating a means tested benefit. "Deemed" income allows the benefit to be gradually withdrawn as the assets of the household increase. The deemed income is not related to the actual income that is received from the asset. If a deemed income is calculated, any actual income from the asset is completely disregarded.

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

4.20 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 disregarded.

Depending on the type of Income Support Household, a certain amount of savings and investments are completely disregarded. The following rates are correct as of January 2016.

Income Support Household	Single	Couple
All adults are aged under 65	£ 9,137	£15,145
At least one person aged 65 or over	£13,706	£22,718
Any member of the IS Household is eligible for a personal care element (medical 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

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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. 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.
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 used to run a business by any member of the Income Support Household
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 which is not placed in trust is disregarded for up to 12 months.
8. Money deposited with a landlord as a condition of living in a property
9. 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
10. 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
11. 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

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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

12. 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

13. The value of any payment made under the historical abuse compensation scheme is completely disregarded

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 diamond necklace valued at £2,000.

Dorothy's house, car and jewellery are all 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.

4.21 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 specific 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.

4.22 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 a trust so that it is impossible for them to be used for any other purpose.

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4.23 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.

4.24 Reducing the value of capital in order to qualify for benefit

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

5 Income Support components

5.1 Introduction

The maximum amount of benefit available to an Income Support Household is assessed by looking at a number of different aspects of day-to-day living. There are basic components which provide fixed amounts of money depending on who is included in the household. There are also special components available depending on the household's circumstances.

The structure of the Income Support Law allows the States to change components from time to time. At present, the following components are available.

Component	Note
Basic	Fixed rates for adults and children
Household	Fixed rate available to tenants and owner-occupiers
Housing	Variable rate based on housing costs (not available to pay towards mortgages)
Impairment	Available for personal care, mobility and clinical costs – different levels depending on extent of impairment
Childcare	Variable rates depending on age of child and number of hours childcare required
Carer	Fixed rate available to informal carers

For each Income Support Household the values of all the relevant components are added up to give the maximum amount of benefit payable. The calculated income is then subtracted from the maximum amount to give the actual amount of benefit payable. Benefit is payable as long as the value of benefit (i.e. maximum entitlement, less total assessed income) is at least £1 per week.

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, net of disregard) is £300 a week

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

5. Income Support components

5.2 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, doctor's fees etc.

If the Income Support Household rents or owns a property, it is also allocated a set amount (household component) to cover general household expenses, which are less dependent on the number of people in the household.

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

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

5.3 Adults who do not satisfy the Income Support residence test

As the Income Support residence test only needs to be met by one adult in an Income Support Household, there will be households receiving Income Support which include an adult who does not themselves satisfy the Income Support residence test.

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 are however eligible to claim assistance with child care. 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).

5.4 Foster children

Foster parents receive financial support for their foster children through the Fostering Service which 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 foster children are not taken into account in the calculation of any of the components for an Income Support Household. Foster parents do receive a housing component, based on the needs of the household including the foster child or children.

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5.5 Individuals in custody

People in custody are not entitled to Income Support. 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 regarded as being in custody for Income Support.

5.6 Individuals in hospital and others receiving board and lodging at public expense

During a stay in hospital, a patient's board and lodging is provided free of charge by the Hospital authorities. However, the basic component for that person continues to be included in the Income Support calculations for the first four weeks that the person is in hospital. From the fifth week onwards, the basic component for that person is no longer available. This rule also applies to any other situation in which someone is provided with board and lodging at public expense, for example a pupil attending a specialist school in the UK (e.g. for children with visual or hearing impairments) in the UK.

An exception can be made when a person is residing at Silkworth Lodge for the purposes of rehabilitation treatment. In these cases, the adult component can continue to be paid beyond the first four weeks using ministerial exceptional payments (see section 8).

5.7 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 as part of their conditions as a jobseeker (see section 3.13). Anyone in the Income Support Household can be out of the island for up to four weeks in any 12 months. (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 more than four weeks the basic component for that person will not be available until they return to Jersey.

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.

An exception to this rule may be made in cases where an adult is absent from Jersey to accompany a child for medical 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

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5th week. However, further payment can be made as a ministerial exceptional payment (see section 8).

5.8 Other components: introduction

Income Support Households in different situations will have very different needs. The Income Support Scheme allows for this by providing a number of special components. Special components help the Income Support Household with the cost of housing, medical needs, childcare and caring responsibilities.

5.9 Housing component

Two types of housing component are available. 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).

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.

There are situations where the housing component will cease to be 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

5.10 Value of housing component

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.

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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.

Example 1

David lives alone in a one-bedroom flat. He pays £100 a week for the flat. The maximum component for a one-bedroom flat is £181.30. David is allocated a housing component of £100 a week.

Example 2

John and Mary are married and live in a two-bedroom flat. The rent is £200 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 £181.30 per week.

If the household is appropriately occupying a social housing property, the actual rent charged is used to set the housing component. Social sector properties are those under the control of the Minister for Housing, and those owned by:

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

5.11 Houses and flats

There are separate rates for houses and flats. Income Support Households that live in flats are allocated rates appropriate to flats and Income Support Households that live in houses are allocated rates appropriate to houses.

5.12 Claimants under 25 years old

The two main conditions for claiming a housing component are that the claimant is aged at least 25 and is the tenant, licensee or owner of the property in which the Income Support Household lives.

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

- A claimant who has responsibility for a child. This can be the parent of the child or someone else (example an elder brother or sister) who has the main responsibility for the child

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- 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;
 - The young person has been living independently for at least one year and had reasonable prospects of remaining independent – the reason for claiming Income Support is an unexpected change in circumstance (illness, unexpected redundancy etc.); or
 - A manager at the Shelter Trust, Probation Service, Causeway Association, Jersey Association for Youth and Friendship, Plan B 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

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

If there are medical reasons why an additional bedroom is required that is taken into account.

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.

A single person under the age of 65 will only be allocated a bedsit, unless they are 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.

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5.14 Sharing a property

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

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 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 in respect of the 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 property of that size. The household component is also split along the same lines.

Example

John rents a two bedroom flat which he shares with his son Peter. John is receiving Income Support. Peter is in full-time employment. 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.

5.15 Under-occupying a property

Sometimes one or two people will remain in a large family property after children have grown up or partners have died. If those remaining in the property have lived in the property for a very long time or there are other reasons why it would be inappropriate to ask that person to move, the housing component can be set for the size of the large property, even though it is under- occupied.

For families in social rented accommodation, the parents will normally be moved into smaller accommodation as their children grow up and leave home. There is often a delay between the children leaving home and the parents moving to a smaller unit.

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The housing component for the larger unit can be paid for up to 12 months whilst the parents are waiting for the transfer, providing that no reasonable offer of accommodation is refused.

For families in private rented accommodation, a reasonable time of up to a maximum of 12 months is allowed following an adult child leaving the family home, or the break-up of the family unit, to enable the remaining family members to move to a smaller property, provided that the family is taking reasonable steps to find alternative accommodation.

Some social housing properties have been constructed on the basis that they are “1.5 bedroom” properties and will be let as lifelong homes. Although the Income Support law has no concept 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 0.5 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 not be subject to rules on under-occupation and will be eligible to have the full reasonable value of their rent paid.

5.16 Home owners

The rules described above for tenants apply to home owners as well. The rates for housing components for owner occupiers are much lower and are designed to help towards the cost of building insurance and foncier rates.

5.17 Childcare component

Child day 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, Sport and Culture Department under the Day Care of Children (Jersey) Law 2002 or a nanny accredited by the Jersey Child Care Trust. It is available for children below the age of 12.

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. For Income Support purposes only one adult in the Income Support Household is recognised as having the main responsibility for the care of all children in that household.

A parent can qualify for a childcare component to cover childcare costs if s/he is at work, is unable to look after the child because of a medical condition or (in some cases) is a student.

Childcare costs are only met if there are no suitable alternatives for looking after the child, either for the whole period of childcare or for parts of it. If there are other

5. Income Support components

adults in the household that could care for the child for part of the day, or collect them from school for example, this needs to be taken into account.

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 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 medical condition

If the parent has an illness or disability that prevents them from undertaking usual child care duties, they may be able to claim a childcare component. The number of hours which can be claimed depends on the level of medical impairment.

3. Parent is a student

If a parent is training or studying (for example, on an approved or critical skills course. (See section 3.6) 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.

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 childcare component is set at two separate levels depending on the age of the child.

1. Children aged 0 - 2 years old

2. Children aged 3 and older

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The total childcare component for the Income Support Household is 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 (see above) multiplied by the average number of hours a week for which day care is needed.

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 £120 a week for the club and the children are both there for 15 hours a week.

The component for over-5s is £5.06 per hour.

The maximum childcare component for Ruth would be $£5.06 \times 15 \times 2$ equals £151.80 per week.

As Ruth pays a lower rate than this, she is entitled to a component of £120 per week

6 Medical (impairment) components

6.1 Introduction

The Income Support system provides medical components to help people with illnesses and disabilities meet their additional costs. There are three kinds of medical component - personal care, mobility and clinical cost. An individual can qualify for one or more of these components depending on their needs.

These components are designed to help people who have a long-term condition. They are available to those with an illness or disability that is expected to last a total of at least six months (this can be before or after the claim is made). 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 this section of the form is completed in respect of any member of the household, the claimant will be sent a separate self-reporting form. These forms can also be supplied at any time to members of an existing Income Support Household.

To apply for the medical component, the individual (or someone acting on their behalf) completes the self-reporting form, setting out the details of their condition and how it affects their day-to-day life. These details are checked against a medical report that is provided by a doctor or other health care professional chosen by the claimant. If the individual has an unusual or complicated condition, it may be necessary to obtain additional specialist reports. The claimant can also be asked to attend a medical assessment with a healthcare professional arranged by the Department – this is normally a doctor, a nurse or an occupational therapist.

Once there is enough information to take a decision, the application is assessed and an appropriate award is made. As it can sometimes take time for the medical evidence to be supplied, any award will usually be backdated to the date on which the person first applied for the medical component.

Impairment components are not available to adults within Income Support Households who do not individually satisfy the residence test for Income Support.

Child Personal Care benefit

If a child qualifies for either of the two higher levels of the personal care component (personal care 2 or 3) this payment is made outside the means testing calculation for Income Support 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.

6. Medical (impairment) components

This only applies where the condition continues to qualify the child for the award of personal care.

Examples of impairment component award

Example 1

Rory is born with significant brain damage and is prone to regular fits. He sometimes needs to use an oxygen mask and he receives physiotherapy treatment. His parents look after him at home. They can claim an impairment component for Rory 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 impairment component because his condition will not last more than six months.

6.2 Personal care

The personal care component is available for people who need assistance with their own personal care. This includes activities such as housework, shopping, cooking, washing and dressing. There are three levels of personal care component, and they can be awarded for physical, sensory and mental impairments.

Examples

1. Personal care level 1 – Someone with a slight impairment which affects some aspects of daily life but who is otherwise healthy. For example, a person with osteoarthritis 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 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 everyday tasks. People receiving personal care level 3 would be considered to be severely impaired. For example, somebody who is paralysed and requires assistance with most daily activities.

The following table lists the statements that are used to assess the eligibility for the personal care component and the age ranges. Each statement is allocated a score

6. Medical (impairment) components

and the three levels of personal care component are available depending on the total score for the individual.

A statement in respect of any of the activities numbered 1 to 11 in the table can only apply to the member of the household'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.

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

STATEMENT	Minimum age	Maximum age
1 Sitting in an upright chair with a back but no arms		
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
2 Standing without the support of another person		
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
d) none of the above	3 years	None
3 Rising from sitting in an upright chair with a back but no arms without assistance		
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
4 Walking		
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

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STATEMENT	Minimum age	Maximum age
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
5 Bending or kneeling from a standing position		
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
6 Reaching		
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
7 Pouring and picking up and transferring to a distance of 60 cm at table-top level		
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
8 Manual dexterity		
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
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
9 Vision, including visual acuity and visual fields, in normal daylight or bright electric light		
a) cannot see the shape of furniture in the room	3 years	None
b) cannot see well enough to read 16 point print at a distance of 20 cm	3 years	None
c) cannot see well enough to recognise a friend at a distance of 5 metres	1 year	None

6. Medical (impairment) components

STATEMENT	Minimum age	Maximum age
d) 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
10 Hearing		
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
11 Speech		
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
12A Seizures causing loss of consciousness or altered consciousness: persons aged 12 and over		
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 (i) was awake when the seizure commenced but had no useful warning of seizure, or (ii) had dangerous post-ictal behaviour	12 years	None
d) none of the above	12 years	None
12B Seizures causing loss of consciousness or altered consciousness: persons aged under 12		
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
13 Management of personal finance		

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STATEMENT	Minimum age	Maximum age
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
14 Maintaining appearance and hygiene		
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
15 Management of daily routine		
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
16 Awareness of danger and consequences of behaviour		
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
17 Getting around outdoors		
a) unable to cope with leaving the house even if accompanied by another person	5 years	None
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
18 Coping with change		
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
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		
a) requires help throughout his or her waking hours	None	12 years

6. Medical (impairment) components

STATEMENT	Minimum age	Maximum age
b) requires help on a daily basis	None	12 years
c) none of the above	None	12 years
20 Need for help from another person as stipulated by a health care professional due to a medical condition		
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

6.3 Mobility

The mobility component is available for those who have an impairment 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. This rate is paid as long as the net earned income from the work exceeds the value of the higher rate.

The assessment is made 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.

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.

6. Medical (impairment) components

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) Cannot see the shape of furniture in the room which the person is in.
- (b) Cannot read 16 point print at a distance of 20 cm.
- (c) 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 (section 6.2) 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.

6.4 Clinical cost

6. Medical (impairment) components

The clinical cost component is designed to help people who need to visit their GP regularly because of a chronic or progressive condition. It is also available for individuals receiving palliative care.

The basic component for each member of the Income Support Household includes the provision of up to four GP visits per year.

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).

6.5 Individuals who are not eligible for medical components

The medical 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 medical components are not available as well.

1. If an individual 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 – 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 medical components for that person will not be available until they return to Jersey.

Foster children do not receive medical 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 medical components.

6.6 Carer's component

The carer's component is available to help people who look after someone who is severely disabled or has a serious medical 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 to a cared-for person, even if two people are involved in the care of that person.

6. Medical (impairment) components

This component is separate to the Home Carer's Allowance which is also available to some carers (the Home Carer's Allowance is 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, the Department 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.
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 component. For example, they might be receiving the Long Term Care benefit instead of Income Support

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.

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.

6. Medical (impairment) components

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.

6.7 Household Medical Account (HMA)

If an Income Support Household is prevented from being able to budget for the cost of GP visits, a Household Medical Account (HMA) may be available to assist them. This could be due to complex medical need or specific illnesses that affect a person’s ability to budget. The HMA is not an additional benefit, but a means to assist households in this position with budgeting for GP visits.

Each week, part of the Income Support benefit is set aside in the HMA. The basic personal component of Income Support contains provision for each person to visit their GP four times a year, and so an equivalent deduction is made on a weekly basis towards the HMA. For individuals receiving clinical cost components, the full value of that component is also included in the amount to be saved. In cases where members of the household visit the GP more frequently, additional savings may be made from impairment awards. These additional savings will typically be up to 50% of the personal care level 1 award and up to 50% of the mobility component, depending on the needs of the household.

When a member of the Income Support Household with a HMA visits the doctor,

1. The doctor will be notified that the household has a HMA
2. The Department provides a medical benefit (£20.28 as of January 2016) towards the cost of the visit. This payment is made under the Health Insurance Law, which is not part of the Income Support system.
3. The remainder of the cost is deducted from the HMA.

The HMA allows the Income Support Household to budget for GP visits steadily, throughout the year, regardless of when the visits actually take place. The HMA account is designed to be able to go into debt from time to time. In normal circumstances, the account will build up again and return to credit. If it remains in debt, additional savings will be made from impairment awards.

If the Income Support Household does not have a HMA, the full cost of the GP visit must be paid by the person at the time of the visit.

7 Special payments

7.1 Introduction

As well as providing a weekly benefit, Income Support provides one-off loans and grants in a variety of circumstances and to cope with emergencies. These are called “special payments”. 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)

Claims can only be met if the claimant has no other way of meeting the cost of the item or service. In most cases, the claimant must be in urgent need of the item or service requested.

Special payments can only be allocated where an urgent or essential need for the item can be demonstrated. If any item or service is requested more than once in a set period of time, the application may be refused or offered as a loan only, depending on circumstance. An adult who does not pass the Income Support residence test (see section 2.2 for details) may only apply for a special payment as a loan. When a special payment is made as a loan, it will be recovered from future weekly benefit payments.

Income Support also makes special payments to certain eligible Income Support Households during periods of cold weather. These payments are made automatically to eligible households.

7.2 Who can apply for a special payment?

A special payment is available to an adult who is:

1. A member of an Income Support Household in receipt of 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**

7. Special payments

- (b) The household satisfies the work condition and the residence condition but the income of the household is above the limit for Income Support by up to 10%.

7.3 Reasonable means of meeting cost

A special payment is only made if the claimant has no other reasonable means of meeting the cost. Items of small cost are expected to be funded from regular income.

Income Support allows each Income Support Household a capital limit below which savings do not affect the amount of Income Support benefit received. It is therefore expected that households firstly make use of these savings in order to pay for items which otherwise would be met through special payments.

However, households are not expected to use up all of their savings before a special payment would be considered. Income Support Households are allowed to maintain a proportion of the capital limit applicable to their household type (25%) but are expected to fund the item or service themselves 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 the Income Support Household below 25% of the capital limit, then the Income Support Household is expected to contribute towards the cost.

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 £200) themselves.

Example 2

Mary and Nigel are a young couple. They have £4,000 in a deposit account. This is below the limit for a couple and does not affect the amount of Income Support that they receive. 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.

7. Special payments

7.4 Special payment categories

Items that may be covered by a Special Payment include:

1. Essential furniture and household equipment
2. Rental deposit – but there must be a valid reason why the Income Support Household needs to move. Assistance will not be given with a rental deposit if people have made themselves intentionally homeless or are made so as a result of their own unreasonable actions.
3. Removal expenses – but there must be a reason that the Income Support Household needs to move.
4. Expenses involved in taking up paid employment i.e. clothing, tools, etc.
5. Medical and similar expenses – including dental or optical services.

Special payments in these categories are only made if the claimant is in urgent need of the goods or services.

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 apply 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 not approved because the existing carpet is serviceable and in a reasonable condition.

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

6. The cost of work on a property 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 the body
8. Repatriation of the claimant or a member of the Income Support Household from Jersey to another country

These items are not subject to a test of urgency.

7.5 Essential furniture and household equipment

Essential furniture includes items such as beds, babies' cribs and mattresses. A sofa-bed can be offered instead of a bed if the person occupies a bedsit.

7. Special payments

Assistance will only be given with carpets if the property is let without suitable flooring (typically social housing properties) or the existing flooring is damaged beyond repair. A special payment may be available towards the reasonable costs of purchasing carpets from a previous tenant. In most private rentals, new flooring would be the responsibility of the landlord and so no special payment would be available. However, a special payment may be payable to assist with the cost of professional cleaning.

Essential household equipment includes items such as:

1. Electric cooker, table top cooker or microwave
2. Fridge (a fridge/freezer can also be supplied to households that include children or young adults in full time education, or adults in receipt of personal care level 2, personal care level 3 or the mobility component)
3. Electric heater
4. Washing machine

The item is always delivered to the claimant's address and the Department pays the supplier directly. Electrical goods that require installation will be installed by a qualified technician. Any reasonable delivery or installation costs are included in the special payment.

Special Payments are typically made as loans for these items.

7.6 Rental deposit and / or reasonable removal expenses

The claimant must have a valid reason for moving, such as:

1. Break-up of long-term relationship
2. Change of family circumstances (e.g. birth of child, adult child leaving home, death of a family member),
3. Transfer by Andium Homes or social housing landlord (removal expenses only)
4. Previous accommodation acknowledged as unsuitable due to health or overcrowding issues
5. Previously homeless
6. Coming out of prison, care or rehabilitation

7. Special payments

To receive a payment, the applicant must inform the Department before making any commitment to the new property (signing the lease, etc.) and the new property must be an appropriate size for the household.

There is no automatic right to a rental deposit, and each case will be assessed individually. Claimants will not receive assistance if the new property is unsuitable for their needs. Assistance will not be given with a rental deposit if people have made themselves intentionally homeless or are made so as a result of their own unreasonable actions.

Rental deposits and removal expenses are only provided as loans to be repaid from ongoing benefit.

7.7 Work related expenses

Employees sometimes need to provide their own clothes or equipment when they get a new job. These items are generally supplied through the Back to Work scheme, but special payments are also available to cover items such as

1. Purchase of uniform or specialist clothing or boots when starting a new job
2. Purchase of tools required when starting a new job
3. Cost of “Passport to Safety” or Disclosure and Barring Service (formerly known as Criminal Record Bureau or CRB) certificates at the recommendation of the Department

The same rules apply as for other special payments – the applicant 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 the employee.

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 could be offered as a loan or grant.

7. Special payments

7.8 Medical services

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 additional medical costs. For example, this could include

- Dentistry
- Chiropody
- Optician's services and glasses

Some primary level medical services (e.g. physiotherapy) are provided free of charge by Health and Social Services. Requests for these medical services are only considered if the person provides evidence from their GP of the urgent need for the particular service and H&SS are unable to meet that need urgently.

Chiropody costs are only met if the individual has a chronic condition that has led to the need for special foot care and does not have access to one of the free chiropody clinics run by Health and Social Services (e.g. diabetic service, day centres and mental health services).

The cost of dental services is only met for work that is both urgent and essential. Cosmetic dental work and routine preventative dentistry is not included.

A Special Payment grant for urgent and essential dental treatment can be given up to a maximum of £500 per person in any two-year period. Support for any additional costs above £500 is available in the form of a loan to be repaid from ongoing benefit.

People over the age of 65, people living in residential care and people in receipt of personal care levels 2 and 3 are exempt from this limit, although they must still demonstrate that they cannot meet the cost themselves. The limit may also be waived in cases where somebody has serious dental problems due to ill health.

People aged 65 or over are encouraged to use the Over 65 (Westfield) Health Scheme for optical, dental and chiropody costs. If someone cannot afford the original bill, the Department can make the payment on their behalf – the cost can then be reclaimed from Westfield and reimbursed to the Department

7.9 Health, safety and welfare

7. Special payments

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 their 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 owner-occupiers as a tenant would not be expected to undertake such basic repairs.

The cost of community alarms can be met through special payments.

Payments may also be made in exceptional circumstances to meet the immediate short term needs of an Income Support Household following an emergency or as a consequence of a disaster that means they cannot occupy their own home.

7.10 Funerals

A special payment can be requested to assist with the cost of a funeral if a member of the Income Support Household dies. The circumstances of the household at the date of death will be taken into account when deciding whether a special payment is appropriate.

Payments may also be considered to meet the costs of a funeral in Jersey for the parent, child, brother or sister of the claimant, if the claimant is the only relative available to provide the funeral.

It is important the claimant contacts the Department before making arrangements with the funeral director. In normal circumstances a maximum amount of £2119.87 (as of January 2016) is available as a special payment towards a funeral. This amount increases by the value of RPI on an annual basis.

The Social Security Department also provides a death grant which is not part of Income Support (this is currently £749). A payment can also be made if it is necessary to move a body into 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. See section 8 for more detail.

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

7.11 Repatriation

A special payment is available in some circumstances to provide assistance in repatriating people from Jersey to their country of origin, or to an appropriate country such as the mainland UK or France. Travel must always be by the cheapest available method, and the cost will be recovered if the person ever returns to Jersey.

7. Special payments

7.12 Cold weather payments

The Income Support scheme also makes special payments to certain eligible Income Support Households during periods of cold weather. A cold weather month can be any month from and including the months of October to April, and the average temperature for that month must drop below a certain level (as confirmed by the Jersey Meteorological Office). These payments are made automatically to eligible households by their normal payment method.

In order to qualify for these payments, the household must either own or be responsible for the lease of a property, and contain one of the following for the whole of the month in question:

1. A child under the age of three years
2. An adult over the age of 65 years
3. A person in receipt of the medical component at Personal Care level 3 or the Child Personal Care benefit

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 another Income Support Household that does meet those criteria.

7.13 GP costs – special circumstances

If a member of the Income Support Household has a chronic or progressive medical condition but does not wish to reveal this to other members of the household, the individual can make their own application for help with GP fees. The amount of the special payment is set at the additional amount of Income Support that the household would have received, if the individual had made an application for the clinical cost element in the normal way. See section 6.4 for more details of the clinical cost element.

8 Exceptional payments

It is impossible to set down every possible situation in which a household may need financial assistance. The Income Support Law therefore allows for exceptional payments in unusual situations, and in situations in which a household would not otherwise qualify for Income Support or a Special Payment.

8.1 Introduction

Exceptional payments can be made to anyone resident in Jersey. These payments are very carefully controlled by the Minister and they are only used in exceptional circumstances. This provides a way in which individuals in Jersey in genuinely difficult situations can seek financial help through the Income Support system. The following sections identify situations in which the Minister has decided that an exceptional payment will always be available. Other exceptional cases that fall outside these examples may be considered by the Minister on an individual basis if it is felt that they genuinely fall outside the scope of the existing rules and legislation of Income Support.

8.2 Death of an adult - resulting in no remaining adult in the household satisfying the residency conditions

This exceptional payment can be made to a household whether or not they previously received Income Support.

If the remaining household:

1. Includes at least one child aged below 12 and
2. At least one adult in the household will qualify for Income Support on residency grounds within the next 12 months, (as at the date of death of the adult)

The household can apply for exceptional payments for the remainder of the 12 month period (until that adult satisfies the residency conditions for a claim to Income Support). The value of the exceptional payment is equal to the value of the IS entitlement of the remaining family unit, if they were entitled to IS.

If the remaining members of the household do not satisfy both the above conditions, but the household previously received Income Support, then the household can apply for exceptional payments for four weeks.

If the household previously received Income Support, then the components for the deceased adult are also payable 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 is Jersey born and 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.

8.3 Separation or divorce - resulting in no remaining adult in the household satisfying the residency conditions

This exceptional payment can be made to a household whether or not they previously received Income Support.

This payment can be considered for a parent who was previously in a long term relationship and who, as a result of the breakup of the family unit, is unable to support themselves and any children.

If the remaining household

1. Includes at least one child aged below 12 and
2. At least one adult in the household will qualify for Income Support on residency grounds within the next 6 months, (as at the date of the breakdown of the family unit)

The household can apply for exceptional payments for the remainder of that 6 month period until that adult satisfies the residency conditions for a claim to Income Support. The value of the exceptional payment is equal to the value of the IS entitlement of the remaining family unit, if they were entitled to IS.

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.

8. Exceptional payments

8.4 Mortgage interest

Mortgage interest can be paid for a period of up to 4 months following an unexpected, significant and sudden drop in income. For example following 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 this is possible, the claimant will also be expected to attempt to negotiate a “payment holiday” with the mortgage provider.

8.5 Child needing medical treatment outside Jersey

In cases where an adult is required to accompany a child to receive medical treatment outside Jersey, exceptional payments, equivalent to the value of the adult component can be made for up to an additional 12 weeks, in addition to the 4 week period allowed for in the Income Support Law. If the absence means that all adult members of the Income Support Household are absent from the Island, it is also possible to extend the accommodation component for this period.

8.6 Silkworth Lodge

During a stay in hospital, a patient’s board and lodging is provided free of charge by the Hospital authorities. From the fifth week onwards, the basic component for that person is no longer available.

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

8.7 Funerals arranged by Parish Constables

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, as specified in the Burials and Exhumations Law². In these cases, the Parish will organise the funeral and the costs will be met as a special payment.

Assistance may be requested by friends, carers or family members who would not normally be expected to be responsible for arranging the funeral but have chosen to do so as no other person is available to make these arrangements. They should approach the Parish to request assistance. There is no requirement for any

² This Law has been approved by the States but is not yet in force

8. Exceptional payments

assessment to be carried out on these people as the payment is based on the circumstances of the deceased person.

9 Decisions on a claim

9.1 Introduction

Decisions on claims are made by Determining Officers. These officers decide whether a claimant is entitled to Income Support in accordance with the Income Support legislation and Departmental guidelines.

Once a claim for Income Support has been decided, the claimant and their spouse/partner (if applicable) and any other participating adult in the Income Support Household are sent an award letter setting out the components the household qualifies for and the amount of benefit that will be paid.

In many cases, Determining Officers are required to decide whether a claimant's actions or circumstances are reasonable. As an example, the following section demonstrates the kinds of questions that would be considered in the case of a decision as to whether it is reasonable for a claimant to have failed an actively seeking work task, or to have left work.

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

9.2 Decision that a person has failed to be actively seeking work (ASW) or has left work without a good reason

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 commonly-accepted standards and behaviours. They will weigh the available evidence (or lack of evidence) to decide whether it is more likely than not that an alleged event/incident occurred, or that an assertion is true. In each case, they would typically ask some of the following questions:

In situations where the person fails a seeking work task:

- Did the person have a good reason for failing the task?
- Did the person present good evidence of that excuse (where evidence would normally be available), and that their response to that situation was 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)

In situations where the person gives up work:

9. Decisions on a claim

- 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 they would be required to be a jobseeker, but consideration to this will be given in these situations

Additionally, in situations where the person was dismissed:

- 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?

Employment Tribunal Decisions

An Employment Tribunal decision will not be binding on an Income Support Determining Officer's decision to award benefit. 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 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.

9. Decisions on a claim

9.3 Appealing against a decision

The Income Support Law includes a clear procedure for challenging any decision made by a Determining Officer. The first step is to ask for the claim to be reconsidered by a different officer. This must be done within 21 days from the date of the letter detailing the first decision is received, unless the decision relates actively seeking work activities.

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 Department. These decisions are that a person:

1. is an adult exempt from seeking work
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)
3. is an adult who satisfies the requirements to be actively seeking full time remunerative work
4. should be issued with a warning notice
5. is in breach of a warning notice **or**
6. has given up remunerative work without good cause

in which case the request for a reconsideration must be made within 7 days of the date the decision is received.

If an adult in the Income Support Household is still dissatisfied after this internal review, s/he has the right to seek an 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.

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 (see section 8). There is no appeal against the decisions of the Minister.

9.4 Notification of award of Income Support benefit

9. Decisions on a claim

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. This letter will inform the Income Support Household:

- the date on which any entitlement to Income Support begins
- who is 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 or childcare provider)
- whether any Income Support benefit is being withheld by the Department 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 also contains a detailed breakdown of the ongoing rate of benefit that will be paid to the Income Support Household. This breakdown is displayed in a table that lists the following:

- all of the components that make up the Income Support Household's total entitlement to benefit
- any income that the Income Support Household has
- how much of that income (if any) has been disregarded in the Income Support calculation,
- any expenses (such as maintenance paid out) taken into account in the calculation of benefit entitlement
- whether the entitlement to Income Support benefit has been reduced due to capital or assets held 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 medical (impairment) components they will receive a separate award letter including their right to appeal against the impairment decision.

If the decision not to award benefit was made with regards to any capital or income of a young adult included in the Income Support Household, this person will be notified and will be advised of their appeal rights against the decision.

If the impairment but not any capital or income of a young adult has affected the decision to award benefit to the Income Support Household as a whole, the young adult will be notified and advised of their reconsideration and appeal rights, but will not receive details of the income or capital of any other members of their household.

9. Decisions on a claim

9.5 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
<u>Components</u>			
Adults	2 adult(s)		£184.24
Lone Parent	NO		£0.00
Children	1 child		£63.98
Household	YES		£51.31
Impairment (medical)	NO		£0.00
Carer	NO		£0.00
Accommodation	£200.00		£200.00
Childcare	£0.00		£0.00
<u>Expenses</u>			
Total value of: Maintenance paid out / Social Security Contributions	£18.00		£18.00
Total components / expenses			£517.53

	Full weekly value	This amount is not included in your benefit calculation	We include this amount
<u>Household Income</u>			
Wages	£300.00	£60.00	£240.00
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
<u>Household Capital</u>			
	£8,000.00	£8,000.00	£00.00
Total Income Included			£-240.00

**TOTAL WEEKLY INCOME SUPPORT BENEFIT
(Components and Expenses minus Income)**

£277.53

9. Decisions on a claim

9.6 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
<u>Components</u>			
Adults	2 adult(s)		£184.24
Lone Parent	NO		£0.00
Children	0		£0.00
Household	YES		£51.31
Impairment (medical)	YES		£168.21
Carer	YES		£46.97
Accommodation	£6.02		£6.02
Childcare	£0.00		£0.00
<u>Expenses</u>			
Total value of: Maintenance paid out / Social Security Contributions	£0.00		£0.00
Total components / expenses			£520.73

	Full weekly value	This amount is not included in your benefit calculation	We include this amount
<u>Household Income</u>			
Wages	£0.00	£0.00	£0.00
Pensions	£332.01	£76.36	£-255.65
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
<u>Household Capital</u>			
	£8,000.00	£8,000.00	£00.00
Total Income Included			£-255.65

**TOTAL WEEKLY INCOME SUPPORT BENEFIT
(Components and Expenses minus Income)**

£265

9.7 Notification of disallowance of Income Support

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 disallowance letter. This letter will inform the Income Support Household that their claim is disallowed, the reason why, and the reconsideration and appeal rights against the decision to disallow a claim to benefit.

If the decision not to award benefit was made with regards to any capital or income of a young adult included in the Income Support Household, this person will be notified and will be advised of their appeal rights against the decision.

If the decision not to award benefit was made with regards to the impairment but not any capital or income of a young adult included in the Income Support Household, this person will be notified and will also be advised of their appeal rights against the decision. They will not however receive details of the capital or income of other members of their household.

10 Changes of circumstances

10.1 Introduction

The Income Support benefit is based on support for current circumstances. Claimants are required by law to immediately notify the Department of any change in household circumstances which would affect the level of benefits being paid. Whenever a change is notified to the Department, the claim is reviewed and the level of benefit reassessed.

If a claimant does not inform the Department of a change in circumstance, then they may be paid too much benefit, which will need to be repaid. Alternatively, if they would be due additional benefit, they may not receive the higher rate from the date of the change. Failure to notify the Department of a change in circumstances can lead to prosecution.

10.2 Benefit increases

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 the Household will receive a letter setting out the new benefit amount.

10.3 Changes within the Income Support Household

All changes relating to the members of the Income Support Household must be reported to the Department. These include, but are not restricted to:

1. A change in the income of anyone in the Income Support Household
2. Anyone in the Income Support Household starting or finishing work, including starting a new business. If any working adult is considering giving up their job, they should contact the Department before any commitment is made
3. The Income Support Household moving to new accommodation
4. The rent paid by the Income Support Household changing
5. Anyone moving into or out of the home, including lodgers and subtenants
6. The death of anyone in the Income Support Household

10. Changes of circumstances

7. Any of the children leaving school, leaving home or going into care
8. The child care provider changing
9. Anyone in the Income Support Household becoming a student, becoming a jobseeker, going on a training scheme, going into hospital, nursing home, prison or youth custody. If either the claimant or their partner is considering returning to full-time education, they must contact the Department before any commitment is made
10. The Income Support Household becoming a host family for language students or having students staying with it
11. Anyone in the Income Support Household going to be away from home for more than 4 weeks (including time spent in hospital)
12. A change in the medical condition and/or need for care of anyone in the Income Support Household
13. Any changes to benefits & pensions received (excluding those paid by the Jersey Social Security Department)
14. Any changes to trust or maintenance payments received, maintenance payments paid out, trust income or charitable income
15. Anyone in the Income Support Household receiving an inheritance
16. Anyone in the Income Support Household selling, purchasing or inheriting property in Jersey or worldwide.

10.4 Notification of changes in circumstances

The calculation of the Income Support benefit for a family depends on many different factors – the number of people in the household, where they are living, how much they earn and so on. If the household circumstances change, an adult within the Income Support Household must inform the Department immediately.

Individuals leaving or joining a household (partner moving in, child leaving home, etc.) need to be notified to the Department 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.

If a change is planned in advance (e.g. moving house), the Department can record the information before the change actually happens so that the benefit can be adjusted from the date of the change. If the change is unplanned and the Department is notified after the change, the benefit for the Income Support

10. Changes of circumstances

Household will be adjusted at that time and the household will need to repay any overpayment of benefit.

It is an offence to withhold information that would lead to a change in the amount of Income Support payable.

10.5 Death of a member of the Income Support Household

Following the death of an adult, the surviving partner receives 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 is reviewed at an appropriate time.

10.6 Changes in earned income

Many households experience small changes in earnings from week to week. Earned income is subject to review on a regular basis. There will be occasions when the existing earnings of an adult member of an Income Support Household may fluctuate 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 is to 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 the department.

Changes that are more prolonged or of a higher monetary value (such as receiving an annual increase in salary, having a promotion or an additional shift to be worked for more than 28 days) will be taken into account.

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.

10.7 Making sure you are receiving the right amount of benefit

To ensure that Income Support claims are being paid at the correct rate, the Department can ask for additional information or documented proof at any time to verify the current household circumstances. This may include the requirement to

10. Changes of circumstances

confirm existing details held on the Department's system or to resubmit a full application form.

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

11 Appendix: list of changes to Income Support Law, Regulations and General Provisions

AS OF January 2016: 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 site.

Date in force	Law	Section	Change
23.07.08	IS Law: Income Support (Amendment of Law) (Jersey) Regulations 2008	Article 5(2) of Law	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	Schedule.2, Paragraph 5	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	Regulation 5	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)	Regulation 5(2)	Increases penalty for broken jobseeker agreement from 25% to 50% of adult rate per week

12. Appendix: list of changes to Income Support legislation

Date in force	Law	Section	Change
	Regulations 2011		
05.09.11	Income Support (General Provisions) (Amendment No. 6) (Jersey) Order 2011	Article 5, Paragraphs 5(1), 5 (2), Schedule.2, Paragraph 5(b)-5(h)	<p>Redefines membership of household so that young jobseekers (without relevant personal care award) remain on parents' claim up to age 19, or age 25 if they remain in Full Time Education.</p> <p>100% of child's income/pension is disregarded.</p> <p>Earned Income/pension of under 25s in education disregarded up to the value of the basic component/.</p>
01.09.12 (01.01.13 for existing claimant)	<p>Income Support (General Provisions) (Amendment No. 8) (Jersey) Order 2012</p> <p>Income Support (Amendment No. 8) (Jersey) Regulations 2012</p>	<p>Articles (2) and (3)</p> <p>Schedule 1, paragraphs 1, 5, 11</p>	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		<p>Clarification of appeal rights;</p> <p>Divesting of assets;</p> <p>Definition of couples in capital limits;</p> <p>adult children cannot be notified of the income and capital of other adult members of the IS household as part of an appeal</p>
15.10.13	Income Support (Miscellaneous Provisions) (Jersey) Regulations 2013		<p>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</p>

12. Appendix: list of changes to Income Support legislation

Date in force	Law	Section	Change
	Income Support (General Provisions) (Amendment No.12) (Jersey) Order 2013		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.
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.

12. Appendix: list of changes to Income Support legislation

Date in force	Law	Section	Change
			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 (Miscellaneous provisions no. 2) (Jersey) Regulations 2015		<p>Removes additional allowance for some types of contributory benefit income</p> <p>Gradually replaces the fixed-value pension allowance with a percentage allowance (existing claimants continue to receive the existing fixed allowance)</p> <p>Increases disregard against maintenance income.</p>