

**BENEFITS FOR THOSE IN NEED:  
RECOMMENDATIONS OF WORKING PARTY**

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**Lodged au Greffe on 1st May 1990  
by the Finance and Economics Committee**

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**STATES OF JERSEY**

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**PROPOSITION**

**THE STATES are asked to decide whether they are of opinion -**

to approve the recommendations in the report, dated April 1990, of the Working Party on Need entitled 'Benefits for Those in Need' and to request the Committees concerned to take the appropriate action thereon.

**FINANCE AND ECONOMICS COMMITTEE**

## REPORT OF THE WORKING PARTY ON NEED

### BENEFITS FOR THOSE IN NEED

1. The Working Party on Need, in January 1989, set up a Study Group on Benefits and appointed Mr J.H. Lees, Controller of Social Security, as Chairman. Members of the Study Group were as follows -

Mr. J.H. Lees - Chairman - Controller of Social Security

Mr. R.C. Brown - Controller of St. Helier Community Services Department

Mr. B.R. Du Feu - Administrator, Finance, States Treasury

Mr. T.F. Gales - Assistant Controller (Benefits), Social Security

Mr. P. Lambert - Chief Executive, Public Health

Mr. M.J. Pinel - Chief Executive Officer, Housing Department

Mr. G.C. Powell - Economic Adviser

In addition the Group co-opted Mr. G. Baird, Vice Chairman of the Association of Jersey Charities, to be representative of charitable organisations in the Island.

2. The Group's terms of reference were "to identify and study cash-related benefits in relation to perceived need and make recommendations as appropriate to the Working Party on Need". The Group gathered information and met with persons and organisations, and received written representations, as listed in Appendix A and Appendix B respectively.
3. The Working Party received the Group's report in August 1989 and decided that before commencing consideration of the Group's recommendations it should invite comments on the report from the relevant Committees of the States, individual States' Members and other interested parties.

Those who responded to this invitation are listed in Appendix C.

4. The Working Party would wish to take this opportunity of expressing its appreciation of the Study Group's comprehensive and thought-provoking report.
5. Having considered the various views received, the Working Party has reached the following conclusions in respect of the Study Group's recommendations.
6. **Private sector rent rebate scheme**

On the evidence made available to it both through representation and the family expenditure survey, the Study Group concluded that there was an urgent need to introduce a private sector rent rebate scheme. A report and proposition of the Housing Committee on such a scheme was adopted by the States on 13th December 1989 and a scheme is in the process of being implemented by that Committee.

7. **Health insurance exceptions**

The Study Group received representations concerning the problems of illness and resultant medical costs to low income families with children and recommended that -

- (a) the H.I.E. scheme should be based solely upon means and those in employment should not be disbarred at present;
- (b) whilst abuse could be a problem, this could be mitigated by a contribution from the beneficiary (e.g. £1 in respect of a surgery visit);
- (c) persons in employment should be eligible on the current basis of income up to 20 per cent above the welfare level;

- (d) following experience arising from the proposed changes, the whole scheme might be substantially reviewed with a view to increasing the cut-off point.

The Social Security Committee has indicated its support of recommendation (a) and (c) and has asked its Health Subcommittee to consider the recommendations further. The further views of the Social Security Committee on the Study Group's recommendations are awaited. The Working Party, for its part, supports the Study Group's recommendation that the H.I.E. scheme should be available to those with a low income who are in employment on the same basis as those presently benefiting from the scheme.

#### 8. Inequalities of treatment by welfare authorities

The Study Group believes that it is inevitable that among twelve parishes, armed simply with a general guidance note, the exercise of discretion would lead to some inequalities of treatment. The Study Group therefore took the view that there was a need to limit discretion in some areas. The Group recommended that -

- (a) the present level of welfare rates should form the base rates;
- (b) the lone parent rate should be applied universally to all applicants in the category;
- (c) discretion downwards be limited to either where specific conditions were set out in the welfare pamphlet or in the most exceptional circumstances;
- (d) full value of benefits be paid but discretion remain with the parish as to whether benefits be delivered in cash or in kind;

- (e) the present arrangements for arriving at scale rates of benefits annually through the Working Party on Need be maintained;
- (f) consideration should be given to the wider issues of financing welfare, for instance possible distortions and anomalies between parishes.

*The Working Party supports the recommendations.*

However, while the intention is that the scale rates of welfare should have general application throughout the Island, the determination and publication of these rates should continue to leave with the Connétables, or their representatives, discretion to vary the benefit paid in respect of the particular circumstances and/or requirements of individual applicants.

#### **9. Family allowance and tax allowance**

The Study Group was of the view that the rate of child dependency for welfare should not be linked to that of family allowance, as situations of need might vary from time to time with consequent implications for welfare rates. The Group therefore recommended that -

- (a) there should be no direct linkage between welfare child dependency rate and family allowance rates;
- (b) the current rate of welfare child dependency rate was reasonable and acceptable when taken as part of the current welfare rates and that no changes were necessary beyond annual review in relation to falling money values;
- (c) family allowance should remain in payment in respect of children to whom the Education Committee had granted an education allowance.

*The Working Party supports the recommendations.*

10. **Relationship between family allowance and welfare rates for those under the age of 16 years**

The Study Group recommended that the child dependency welfare rate and the family allowance rate should be adjusted each year at the same time. That is the rate of child dependency should be fixed through the Working Party on Need in December and brought into force at the same time as new family allowance rates in May.

*The Working Party supports this recommendation, and the report of the Finance and Economics Committee on Welfare benefits: revised rates from 1st October 1989 (R.C.16/89) referred to the fact that revised rates of child dependency would be fixed annually through the Working Party on Need in December and brought into force at the same time as the new family allowance rates in May. Since then the Social Security Committee has proposed that the uprating of family allowance rates should take place on 1st January each year, to coincide with changes in the child tax allowance. If this proposal is adopted, the welfare rates for child dependents should be fixed annually at the same date.*

11. **Education allowance**

The Study Group recommended that the education allowance paid by the Education Committee should be disregarded in full when assessing welfare in respect of children between the age of 15 and 16.

*The Working Party on Need supports this recommendation. To do as the Study Group recommends will be to the benefit of the community at large as well as the individuals concerned. If a young person opts for further education it is more likely that he or she will then obtain a better job and stay in work and not become a burden on the parish in future years.*

**12. Financing of home helps**

The Study Group recommended that it would be preferable for the Public Health Committee to request additional funding from the Finance and Economics Committee in order to increase access to care in the Community and so avoid taking people into public accommodation unnecessarily.

*The Working Party supports the recommendation of the Study Group. The Working Party is aware that the Public Health Committee has carried out a survey on home helps and also on the family nursing services and the home care assistance scheme. (See also paragraph 28).*

**13. Rebates on telephone line rental, milk at a reduced price and free bus passes**

The Study Group recommended that a more positive attitude be adopted towards the rebate on telephone line rental with adequate publicity targeted toward those who most need the benefit. The Director of Jersey Telecoms has indicated that his Board would be happy if there were a paragraph in the Welfare Grants Booklet drawing attention to this scheme. *The Working Party supports this proposal.*

The Study Group recommended that the milk at reduced price, the free milk for children at school and the free bus passes scheme should be retained and *the Working Party supports this recommendation.*

**14. Owner/occupation of property in relation to applications for welfare**

The Study Group recommended that the parishes should exercise discretion to a greater extent in meeting the needs of those owner/occupiers with low incomes. The Study Group also recommended that greater publicity should be given as to the grounds on which the Connétables would

entertain welfare claims in respect of the owner/occupier. Furthermore that counselling on the possibility of sale, lease back and annuities should be available, possibly through the Citizens' Advice Bureau.

*The Working Party agrees that the recommendations of the Study Group are sensible and should be supported. The Working Party is aware that some parishes give interest free loans against an estate in respect of owner/occupiers in need.*

*The Working Party also has requested the Connétables to give attention to the need for improved public relations in respect of what they would be prepared to do in assisting owner/occupiers as it was felt that many owner/occupiers were under the impression that any application for welfare would not be entertained by the Connétables.*

#### 15. Debt and obtaining credit

The Study Group recommended that -

- (a) in the case of credit card debts, these were probably best left to be dealt with between the individual and the card issuing authority, although in exceptional circumstances some discretion might be exercised by the parish;
- (b) assistance with hire purchase debts should be treated in the same way as (a) above;
- (c) in the case of other debts there was merit on occasion in wiping the slate clean but care was needed to ensure that there was equality of treatment between people so that the debtor was not seen to be constantly in an advantageous position.

*The Working Party supports the recommendations of the Study Group.*

**16. Financial support for those in residential homes, nursing homes and hostels**

The Study Group recommended that -

- (a) a standardised schedule of rates should be established on a year to year basis through the Working Party on Need;
- (b) standards should continue to be defined and monitored by the Public Health Committee for all establishments;
- (c) various types of accommodation should be the subject of a standard unit of cost. Those types of accommodation were itemised by the Study Group.

*The Working Party accepts the principles recommended by the Study Group and has asked its officers to prepare a report setting out the application of the principles, also incorporating the rates to be charged, for consideration by the various parties involved.*

**17. Rate rebates**

The Study Group referred to Article 19, paragraph 2 of the Parish Rate (Administration) (Jersey) Law 1946 which gives power to the Connétables to reduce or remit the payment of the rate due by the person on account to the poverty of such person. The Study Group recommended that -

- (a) all parishes should either remit or reduce the rate when a claimant was unable to pay rates;
- (b) publicity should be given to rate rebate arrangements in the welfare pamphlet;

- (c) guidelines should be laid down on the application of the principles adopted by St. Helier in remitting or reducing the amount due;
- (d) support should be given to a current proposal to a change in Article 19 of the Law whereby the word "poverty" was changed to "financial hardship" so as to allow the Connétable to exercise a greater degree of discretion.

*The Working Party supports the recommendations of the Study Group and has invited the Comité des Connétables to amend Article 19 (2) of the Parish Rate (Administration) (Jersey) Law 1946 to substitute the words "financial hardship" for the word "poverty" so as to allow the Connétables to exercise a greater degree of discretion. The Working Party also proposes to make appropriate reference to the rebate arrangements in a revised edition of the welfare pamphlet.*

#### 18. Public sector rent rebate/building loans:

The Study Group supported the current proposals to give powers of vacation of public sector residential property, and the proposal that the maximum interest rate ceiling limit be removed and that the maximum property price be regularly reviewed in respect of the States' loan scheme.

*The Working Party supports the recommendations of the Study Group.*

#### 19. Charities

The Study Group recommended that -

- (a) a consistency of disregards should apply to a proportion of benefit payments arising from charities to a parish welfare beneficiary as a basis for encouraging charitable giving;

- (b) there should be closer liaison between the States of Jersey and charities with particular regard to partnership arrangements involving revenue expenditure in addition to capital projects;
- (c) some registration procedure provided for in Law be introduced for charitable organisations in Jersey, bearing in mind the very large number and wide range of charities in the Island so that those charities with power to help those in need can be more readily identified.

*The Working Party supports the recommendations of the Study Group and has informed the Legislation Committee that it believes there should be some form of registration of charities in the Island, including supervision of their activities. The Legislation Committee has indicated that, in principle, it sees merit in the suggestion, and that it would be prepared to initiate legislation if requested to do so.*

**20. Greville Bathe and Alice Rayner Funds**

The Study Group recommended that -

- (a) the terms of the trusts and the method of applying for a grant should receive greater publicity;
- (b) social service agencies should be better acquainted with the method of application, terms of the trusts and any particular policies adopted by the trustees;
- (c) the terms of the trusts, their interpretation and relation to administration, coupled with the procedures currently adopted should be the subject of a review between the trustees, the Attorney General and the Working Party on Need.

*The Working Party supports the recommendations of the Study Group and has requested the Finance and Economics*

*Committee to agree that the purpose of these trusts should be more widely publicised and that their accounts would be published annually.*

21. **Dental services**

The Study Group recommended that the support for those in need requiring dental services should be made more readily available through the parishes and with greater publicity.

The Working Party supports the recommendation of the Study Group. Those persons in need requiring non-cosmetic dental services are dealt with by the parishes at the present time, at their discretion, but for the most part those assisted are persons in receipt of welfare. The Working Party believes assistance should not be limited to those in receipt of welfare but should extend to those with a sufficiently low income to qualify for Health Insurance Exception (i.e. the welfare rate plus 20 per cent).

22. **Ophthalmic services**

The Study Group recommended that the Public Health Committee be invited to consider amending the law in Jersey so as to provide for lenses for reading glasses to be made available across the counter without prescription in the same manner as provided for in the Health and Medicines Act 1988 in the United Kingdom.

*The Working Party supports the recommendation of the Study Group and has requested the Public Health Committee to implement the Study Group's proposal. The Working Party is aware that a review is being undertaken by the Medical Officer of Health.*

23. **Cost of funerals**

The Study Group recommended that no further steps should be taken towards meeting the cost of funerals. The Group

took the view that the present arrangements whereby a very substantial contributory death grant is available, and as the conditions for obtaining this grant were very liberal and few would fall outside eligibility, the present position was acceptable.

*The Working Party agrees with this recommendation.*

**24. Increase in water rates**

The Study Group recommended that there was no requirement to make provision in isolation for increases in water rates in fixing welfare rates. The Group noted that water rates were one element in the cost of living index and that any increase in those rates would be reflected in the index and thereby in the rates of welfare grants.

*The Working Party agrees with this recommendation.*

**25. Home care assistance**

The Study Group recommended that, subject to further evaluation by the Public Health Committee, this service in one form or another provided an important and useful adjunct which could well be developed further to advantage.

*The Working Party supports the recommendation of the Study Group and is aware that the Public Health Committee is already taking action in this respect.*

**26. Benefits for the mentally disabled**

The Study Group recommended that any gaps in individuals situations that were not catered for either in the public or the charitable area should continue to be met through the parish welfare system.

*The Working Party supports the recommendation of the Study Group.*

**27. Young inadequate people**

The Study Group recommended that a rate of welfare be developed for young people between 18 and 20, only where this was their only course (e.g. home conditions were bad) somewhere between the single and the dependency rate so that it would be sufficient for those in this age group to be able to provide themselves with adequate facilities and accommodation.

*The Working Party supports this recommendation which has already been considered and dealt with at the time of adjustment of welfare rates with effect from 1st October 1989.*

**28. The provision of social services**

The Study Group recommended that the provision of social services needed to be addressed comprehensively so as to avoid individuals falling through gaps and the misuse of specialist resources being diverted to deal with other problems.

*The Working Party supports this recommendation which is already being considered and has been broadened to embrace a general review of the administration of social services by the Policy and Resources Committee in conjunction with the Public Health Committee.*

**29. Family planning**

The Study Group recommended that the new strategy on health education which was being developed by the Public Health Committee should emphasise strongly family planning aspects and the facilities available.

*The Working Party supports the recommendation of the Study Group and is aware that the Public Health Committee is currently reviewing Family planning services with a view to making the facilities more widely available.*

**30. Appeals to the Comité des Connétables**

The Study Group recommended that an appeals body should be appointed from amongst members of the Working Party on Need in the form of a sub-committee of three including a States' Member, a Connétable and possibly an officer. The Group felt that this would be a demonstrably fairer arrangement than the present appeals body which consists of members of the Comité des Connétables.

*The Working Party on Need supports the recommendation of the Study Group in principle. However, as a first step it has been proposed to the Connétables, and accepted by the latter, that a member of the Working Party should attend meetings to hear appeals of welfare matters for a period of one year, during which period the situation would be monitored. The situation would then be reviewed in twelve months' time when it had been established how the discretion of the Connétables operated in practice in dealing with special cases.*

**31. Residential conditions for non-natives**

The Study Group recommended that -

- (a) the States' Act dated 21st February 1950, which was the foundation for the current five year rule policy in respect of welfare for non-natives, should be amended to make it clear that it was intended that there be five years' continuous and immediately past residence, with ten years for those over 55 years of age at the time of entry but that discretion should be allowed to deal with the unusual and border line cases;
- (b) that the five and ten years' conditions of residence should continue to be maintained.

*The Working Party is of the view that the present system should not be altered at the present time.*

32. **Visite Royale**

The Study Group recommended that the Visite Royale should be developed to include the important rôle of the parish in meeting need.

*The Working Party considers the Bailiff and members of the Royal Court already have the opportunity to inspect the parish books.*

33. **Citizens' Advice Bureau**

The Study Group recommended that -

- (a) support should be given to a current proposal that the Citizens' Advice Bureau be accommodated in separate premises away from the St. Helier Town Hall;
- (b) a grant from public funds in addition to a contribution from every parish should be given;
- (c) States' departments with health and social responsibilities should provide specific opportunities of liaison, explanation and training for Citizen Advice Bureau representatives on a regular basis;
- (d) more publicity should be given to the Citizens Advice Bureau which should be developed further with a grant of financial support.

*The Working Party supports the recommendations of the Study Group and is aware that action has already been taken with regard to alternative accommodation and the payment of an annual grant.*

34. **Publicity and public relations**

The Study Group recommended that -

- (a) the welfare pamphlet should be made more readily available and an adequate stock of pamphlets always to hand, being financed by both the parishes and States' revenue proportional to natives and non-natives;
- (b) the Comité des Connétables should, from amongst themselves, seek to appoint a member who would take general responsibility for dealing with matters of public interest and putting over a more positive approach;
- (c) the Finance and Economics Committee, at the time of presenting the recommended rates of welfare to apply from 1st October each year, should include a statement concerning expenditure on welfare both for natives and non-natives during the past year broken down as appropriate into various headings.

*The Working Party supports the recommendations of the Study Group and has asked the Finance and Economics Committee to implement (c) above. The Working Party believes there is much good about the present system of welfare under the administration of the parishes that is not sufficiently recognised by the public at large because of the failure of the parishes both individually and through the Comité des Connétables to give adequate publicity to the present arrangements and their success in coping with need in a more flexible and satisfactory way than would be the case with a centralised system under the auspices of the States.*

### 35. Maintenance orders and payments

The Study Group recommended that -

- (a) the present limitation where an unmarried mother has to apply for maintenance within a year and a day of the birth of the child should be extended, certainly to three years, and possibly be unlimited;

- (b) the financial limits prescribed by Regulations under Article 8 of the Separation and Maintenance Orders (Jersey) Law 1953 should urgently be reviewed.

*The Working Party supports the recommendations of the Study Group. The Legislation Committee is also of the opinion in respect of (c) that the period should be unlimited. The Working Party has also requested that Committee to amend the Regulations as recommended by the Study Group. The Legislation Committee is of the view that the limits should not be set by legislation but should more properly be left to the discretion of the Courts.*

36. **Fuel allowance**

The Study Group while recognising that the fuel allowance is both important and of an excellent nature recommended that -

- (a) more publicity should be given to the allowance and how it could be obtained and that the timing of this publicity should be carefully considered and delivered in mid-autumn and possibly repeated so as to encourage the use of heating when needed without fear of inability to meet bills and to be reimbursed;
- (b) the present method of calculation on the month's average was not sufficiently sensitive and should be reconsidered, having regard to both the wind chill factor and shorter periods of very low temperature which failed to bring down the average sufficiently to trigger the allowance, but were in themselves excessive in heating costs terms.

*The Working Party supports the recommendations of the Study Group and has noted that the method of calculation has already been amended to have regard for the wind chill factor.*

*The Working Party has requested the Comité des Connétables to publicise the allowance and to arrange for counselling when required.*

9th April 1990

## APPENDIX A

## LIST OF THOSE WHO APPEARED BEFORE THE GROUP

The following persons made personal representations to the Group.  
The group is grateful to them for so doing.

Mr. A. Skinner	Children's Officer
Mrs. B. Waites	Director of Family Nursing Services
Mrs. R. Robins	Chairman of Citizens' Advice Bureau
Mrs. C. Wakeham	Chairman, Jersey Democratic Movement
Mrs. S. Perkins	Secretary, Jersey Democratic Movement
Mr. C. Blampied	Member, Jersey Democratic Movement
Mr. T. Hill	Member, Jersey Democratic Movement
Mr. B. Morris	Member, Jersey Democratic Movement

**APPENDIX B**

**WRITTEN REPRESENTATIONS TO THE GROUP**

The following is a list of written representations to the Group -

**Letter from Mr. M.W. Marks dated 22nd January 1989**

**Letter from Deputy Mrs. A. Bailhache dated 6th February 1989**

**Letters from Chairman, Jersey Mencap, dated 15th March 1989 and 11th April 1989**

**Letter from Chairman, Jersey Deanery Synod Social Responsibility Committee dated 18th March 1989**

**Letter from Mr. A. Walton dated 27th March 1989**

**Letter from Chairman, Family Nursing Services (Jersey) Inc. dated 18th April 1989.**

**APPENDIX C**

**RESPONSE TO WORKING PARTY'S  
REQUEST FOR COMMENTS**

**Deputy M.R. Billot**

**Children's Officer**

**Miss Aileen B. Collins**

**Comité des Connétables**

**Education Committee**

**Finance and Economics Committee**

**Housing Committee**

**Legislation Committee**

**Public Health Committee**

**Social Security Committee**

**St. Helier Community Services Board**

**Telecommunications Board**