

GUERNSEY STATUTORY INSTRUMENT

2004 - No. 46

The Social Insurance (Back to Work Benefits) Regulations, 2004

Made 24 November, 2004
Laid before the States
Coming into operation 03 January, 2005

THE SOCIAL SECURITY DEPARTMENT, in exercise of the powers conferred upon it by sections 39A and 116 of the Social Insurance (Guernsey) Law, 1978, as amended^a and of all other powers enabling it in that behalf, hereby orders:-

Persons eligible for benefit

1. (1) Back to work benefits may be provided at the discretion of the Social Security Department on the recommendation of the Administrator for the purpose of enabling any person receiving, or potentially entitled to receive, benefits or contribution credits under the Social Insurance Law to return to work after a period of incapacity, unemployment or after any other interruption in gainful occupation.

(2) The Administrator may, at his discretion, offer the opportunity of assistance in the form of back to work benefits to selected claimants who have received a benefit for incapacity or unemployment for 8 or more weeks, or before the expiry of such a period where there appear to him to be special reasons in relation to any particular claimant.

(3) The benefit or benefits offered to any individual claimant shall be such as the Administrator may, at his discretion, determine to be appropriate to that person, taking into account:

- (a) his skills and attainments; and
- (b) his mental and physical abilities; and
- (c) his personal financial resources.

^a Ordres en Conseil Vol. XXVI, p. 292; Vol. XXVII, pp. 238, 307 and 392; Vol. XXIX, pp. 24, 148 and 422; No. V of 1990; Nos. V and XII of 1993; Ordinance No. XIV of 1993; Ordres en Conseil No. V of 1994, Nos. VI and XIII of 1995; No. I of 1998; No. VI of 1999; No. X of 2000; No. IX of 2001; No. XXIV of 2003; No. XI of 2004.

Training

2. (1) The Department may, at the expense of the Guernsey Insurance Fund, arrange for training courses to enable individuals to acquire or improve:

- (a) basic literacy, numeracy or information technology skills; or
- (b) interpersonal or social skills,

with a view to improving the employment prospects of claimants in general.

(2) In relation to any individual unable, for whatever reason, to continue in his former employment, the Department may, at the expense of the Guernsey Insurance Fund arrange for, or make partial payments or grants towards the cost of instruction or re-training to enable him to undertake more suitable employment, having due regard to the likely cost to the Fund in relation to

- (a) the suitability of any training proposal in relation to the person; and
- (b) the prospects for future employment in the context of the local economy.

Supported return to work

3. (1) The Administrator may make arrangements whereby:

- (a) a claimant to unemployment benefit or an incapacity benefit may continue to receive benefit for a period not exceeding two weeks whilst undertaking an unpaid work trial for a prospective employer; or
- (b) a claimant whose incapacity has been prolonged may embark upon a phased return to employment comprising part-time working by means of reduced hours, a shortened week or such other combination of hours and days as may, in any individual case, be approved.

Grants to claimants or employers

4. The Department may, on the recommendation of the Administrator, make grants:

- (a) to individuals for the provision of tools, equipment, transport or other items required to enable them to become gainfully occupied;
- (b) as an inducement after a successful return to work; or
- (c) to employers
 - (i) as a general inducement; or
 - (ii) to reflect additional costs incurred in the provision of access, equipment or other costs in the provision of employment in any particular case.

Deemed incapacity or unemployment

5. A claimant attending a course of training provided, or participating in any phased return to work arranged, in accordance with these regulations shall, if appropriate to the nature of the benefit provided, be deemed to continue to be incapable of work or unemployed, as the case may be, so long as his participation in such a course or activity is in accordance with such further conditions as the Administrator may impose in his case.

Non-cooperation and misconduct

6. Nothing in these regulations shall prevent the Administrator from taking into account a claimant's refusal of an opportunity to return to work, or his misconduct during any training or work-trial, in determining whether he should be disqualified for receiving benefit in accordance with the provisions of the Law.

Interpretation

7. The provisions of the Interpretation (Guernsey) Law, 1948^b apply to the interpretation of these regulations:

- (a) throughout the Islands of Guernsey, Alderney, Herm and Jethou; and
- (b) as they apply to the interpretation of a Guernsey enactment.

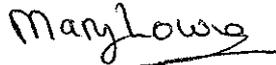
Citation

8. These regulations may be cited as the Social Insurance (Back to Work Benefits) Regulations, 2004.

Commencement

9. These regulations shall come into force on 3rd January 2005

Dated this 24th day of November, 2004.



Mary Lowe,
Minister of the Social Security Department
For and on behalf of the Department.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These regulations are made under the provisions of a new section (39A) added to the Social Insurance Law by the Social Insurance (Guernsey) (Amendment) Law, 2004. They enable the Department to offer assistance to claimants seeking to return to work at the cost of the Guernsey Insurance Fund.

The regulations are widely drafted to enable the setting up of pilot schemes in order to gain experience and discover what will prove to be effective both for the Department as well as individuals.

^b Ordres en Conseil Vol. XIII, p. 355.