

Incapacity Benefit

States
of Jersey

Social Security Department
Centre for work, pensions and benefits



Offering... Support, Opportunity and Service

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An introduction to Incapacity Benefit

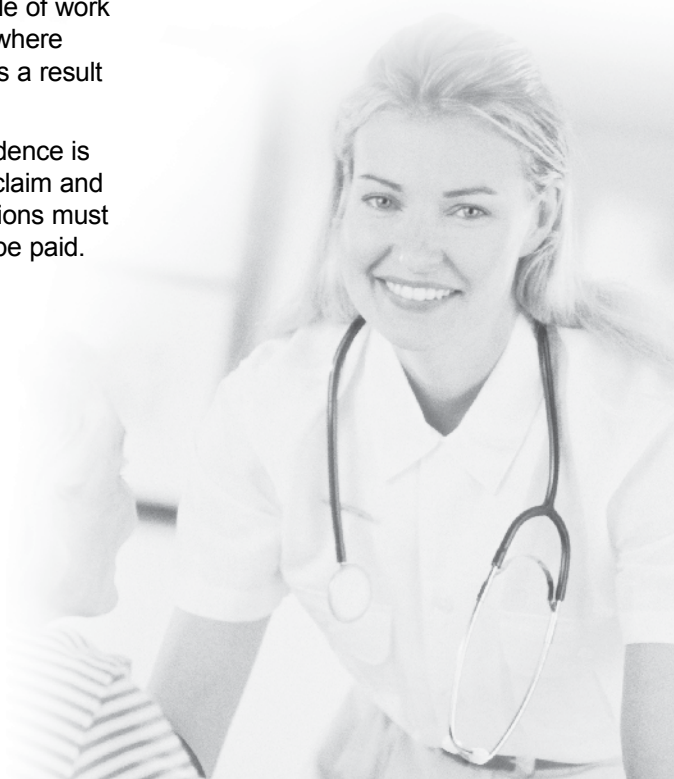
What is Incapacity Benefit?

Incapacity Benefit consists of three separate benefits:-

1. Short Term Incapacity Allowance
2. Long Term Incapacity Allowance
3. Incapacity Pension

These benefits may be payable when a person is incapable of work due to illness or injury or where there is a loss of faculty as a result of illness or injury.

Please note: Medical evidence is required to support each claim and certain contribution conditions must be satisfied for benefit to be paid.



Short Term Incapacity Allowance

What is Short Term Incapacity Allowance?

Short Term Incapacity Allowance is a daily benefit which may be payable when you send in a medical certificate stating you are unfit for work due to illness or injury.

You must not work, even in a voluntary or honorary capacity whilst claiming this benefit as it is a replacement of earnings. Furthermore, you must not behave in a way which might delay your recovery.

Short Term Incapacity Allowance is payable for a minimum of two days and a maximum of 364 days. When your claim to Short Term Incapacity Allowance stops you may be able to claim Long Term Incapacity Allowance (See Part Three).

You may choose to claim Long Term Incapacity Allowance prior to receiving 364 days of Short Term Incapacity Allowance, if you are not totally incapable of work but have a loss of faculty as a result of your illness.

Contribution Conditions

To receive Short Term Incapacity Allowance you must meet two contribution conditions.

First - You must have paid sufficient contributions for at least three months at any time before the end of the relevant quarter.

You can establish the relevant quarter for your claim from the table on the next page.

Second - To receive the full rate of benefit you must have paid (or have been credited with) sufficient contributions for each of the months in the relevant quarter. Sufficient contributions mean your earnings must have been more than the lower threshold level for a particular month. If you are a Class 2 Contributor you must have paid contributions at the required level. The amount of the lower threshold level changes each January and can be found in the leaflet entitled **Contribution Levels and Benefit Rates (SSD31)**.

Part Two

You will receive a reduced rate benefit if you meet the first condition and if you have paid enough contributions for at least one month in the relevant quarter. Benefit can not be paid if you have not paid enough contributions in any of the months in the relevant quarter. However you should send in your certificate even if you are not entitled to the allowance as you may be entitled to contribution credits.

Please note: If any of the necessary contributions have been paid late you may lose benefit. There are special rules to help a woman to qualify for benefit where her marriage has ended in divorce.

Jersey has Social Security agreements with several countries. If you have recently arrived from any of these countries the payments you made there may be counted towards the contributions conditions for benefit in Jersey.

How to establish the relevant quarter

If Short Term Incapacity Allowance begins at some time in the quarter:	The relevant quarter that affects payment of benefit is:
January - March	July - September in the previous year
April - June	October - December in the previous year
July - September	January - March in the same year
October - December	April - June in the same year

Part Two

Rates of Benefit

The standard weekly rate of benefit is shown on the leaflet entitled **Contribution Levels and Benefit Rates (SSD31)**. The rate is reviewed on 1 October every year and increases in line with the Jersey Earnings Index for the 12 months ending on 30 June of the same year.

How to claim your Benefit

When you are unfit for work because of an illness or injury you should:-

- Ask your doctor or the hospital for a medical certificate.
- Fill in the certificate carefully to avoid any unnecessary delay in the processing of your claim.
- Send your completed certificate to the Department within 30 days of the date you became incapable of work, otherwise you may lose benefit.

The first certificate in your claim to benefit must not cover a period of more than 28 days. Your doctor may issue further certificates for a maximum of 13 weeks if he thinks your incapacity may be prolonged.

How Short Term Incapacity Allowance is paid

Your benefit will usually be paid weekly in arrears. You will receive a cheque which can be cashed at any Post Office or you can pay it into your bank account. You should contact the Department if you are unable to sign your cheque so that arrangements can be made for someone of your choice to cash the cheques on your behalf.

Claiming an Increase for your spouse or partner

You can claim an increase in your benefit if your spouse or partner is claiming Home Responsibility Protection and:-

- is residing with you or
- is mainly maintained by you.

This increase may be reduced or not payable if your spouse or partner is receiving another Social Security Benefit in their own right.

Part Two

Other benefits payable whilst claiming Short Term Incapacity Allowance

Two payments from Social Security Funds cannot always be made for the same period. For example, Survivor's Pension would not be payable at the same time as Short Term Incapacity Allowance. It is also important to tell us if you are receiving any other Social Security benefits from another country when you complete your medical certificate.

Changes in your Circumstances

You must tell us;-

- If there are any changes in your circumstances that would affect the payment of benefit in respect of your wife or partner.
- If you change address so that you can continue to receive your payment on time.
- In advance if you plan to leave Jersey (even if temporarily) indicating the country you intend to visit and the dates you intend to remain there. You may be able to receive Short Term Incapacity Allowance if you are resident in a country which is party to a reciprocal agreement with Jersey that covers this benefit.
- If you are detained in prison as your benefit cannot be paid for any part of a prison sentence.
- If you intend to do any work, even in a voluntary capacity.
- If you have recently arrived in or returned to the Island. Reciprocal Agreements exist between many countries and Jersey so if you have not paid sufficient contributions in Jersey to qualify for Short Term Incapacity Allowance it may be possible to use the contributions you paid to another country to satisfy the contribution conditions for the allowance to be paid.

Part Two

Contribution Credits whilst claiming Short Term Incapacity Allowance

A credit may be awarded for each day that you are receiving Short Term Incapacity Allowance. The purpose of credits is to protect your contribution record for any future claims to Incapacity Benefit. They also protect your entitlement to pension. You will not be awarded credits if you have elected not to pay contributions.

The Decision on your Claim

In line with the Department's procedures for monitoring claims to Incapacity Benefit you may be required to attend a Medical Board for examination by an independent doctor. If you fail to attend, without a valid reason, or if you refuse to be examined, you may be disqualified from receiving benefit for up to six weeks.

Claims are decided by a Determining Officer within the Social Security Department. If you are dissatisfied with the decision on your claim you may appeal to the Social Security Tribunal.

Please note: You must lodge your appeal within 28 days of the date of your disallowance notice.

Long Term Incapacity Allowance

What is Long Term Incapacity Allowance?

Long Term Incapacity Allowance is a weekly benefit, payable as a compensation for a loss of faculty. You may undertake paid or voluntary work whilst receiving this allowance.

Contribution Conditions

To receive Long Term Incapacity Allowance you must meet two contribution conditions.

First - You must have paid sufficient contributions for at least six months at any time before the end of the relevant quarter.

Second - You must have paid (or have been credited) sufficient contributions in the relevant quarter. Sufficient contributions means your earnings must have been more than the lower threshold level for a particular month. If you are a Class 2 Contributor you must have paid contributions at the required level. The amount of the lower threshold level changes each January and can be found in the leaflet entitled **Contribution Levels and Benefit Rates (SSD31)**. If any of the necessary contributions have been paid late you will not be entitled to Long Term Incapacity Allowance.

You can establish the relevant quarter for your claim from the table on page 9.

Part Three

How to establish the relevant quarter

If Long Term Incapacity Allowance claim is received at the Social Security Department during the quarter:	The relevant quarter that affects payment of benefit is:
January - March	July - September in the previous year
April - June	October - December in the previous year
July - September	January - March in the same year
October - December	April - June in the same year

Jersey has Social Security agreements with several countries. If you have recently arrived from any of these countries the payments you made there may be counted towards the contribution conditions for benefit in Jersey.

Part Three

Rates of Benefit

The standard weekly rate of benefit is shown on the leaflet entitled **Contribution Levels and Benefit Rates (SSD31)**. The rate is reviewed on 1 October every year and increases in line with the Jersey Earnings Index for the 12 months ending on 30 June of the same year.

Long Term Incapacity Allowance is always assessed as a percentage of the standard rate based on your loss of faculty. This percentage is decided by the Social Security Medical Board. To qualify you must have an assessment of at least 5%. An assessment of between 5% and 15% inclusive would be paid as a lump sum. The Medical Board will not tell you the percentage of your assessment when you attend. You will be advised in writing within a few days.

How to Claim your Benefit

If you have claimed Short Term Incapacity Allowance for the maximum 364 days you will then be sent a form on which to claim Long Term Incapacity Allowance. However, if you have some loss of faculty but return to work or your doctor does not consider that you are totally incapable for work prior to claiming Short Term Incapacity Allowance for 364 days you may obtain a claim form from this Department. You do not need to send in medical certificates to claim Long Term Incapacity Allowance.

Fill in the claim form carefully to avoid any unnecessary delay in the processing of your claim.

Send your completed form to this Department immediately or you may lose benefit.

You will be asked to attend a Medical Board which usually consists of two doctors. You may submit to the Medical Board any evidence in support of your claim. Your doctor will be told that you are attending a Medical Board and asked to submit relevant information.

Part Three

Medical Board Assessment

The Medical Board will assess the percentage of your loss of faculty within the agreed guidelines. If you are entitled to more than one separate claim to Long Term Incapacity Allowance the percentages are added together but to a maximum of 100%. An initial assessment will usually be provisional i.e. for a limited period. Subsequent assessments may be final indicating a permanent loss of faculty. Long Term Incapacity Allowance may continue to be paid until pension age.

How Long Term Incapacity Allowance is paid

Long Term Incapacity Allowance is paid on a Thursday, four weekly in advance. The payment will be made directly to your bank account.

Other Benefits Payable whilst claiming Long Term Incapacity Allowance

Two payments from Social Security Funds cannot always be made for the same period. It is important to tell us if you are receiving Social Security benefits from any other country when you complete your claim form.

Please ask for further information.

Claiming an Increase of Benefit for your Spouse or Partner

You can claim an increase in your benefit if your spouse or partner is claiming Home Responsibility Protection and is residing with you.

Part Three

Changes in your Circumstances

You must tell us;-

- if you change address or your bank account so that you can continue to receive your benefit
- in advance if you plan to leave Jersey, indicating the country you intend to visit. You can receive Long Term Incapacity Allowance whilst residing outside Jersey for a maximum of thirteen weeks unless a Reciprocal Agreement exists.
- if you are detained in prison as your benefit cannot be paid for any part of a prison sentence
- if there are any changes in your circumstances that would affect the payment of benefit in respect of your spouse or partner.

Contribution Credits whilst claiming Long Term Incapacity Allowance

Contribution credits may be awarded following your assessment for Long Term Incapacity Allowance. The length of time credits are awarded is based on a sliding-scale dependant on the percentage of Long Term Incapacity Allowance payable. You will not be entitled to credits if you have chosen not to pay contributions.

The Decision on your Claim

If you are dissatisfied with the decision on your claim you may appeal. Please contact this Department for further information.

Part Three

How are contribution credits awarded whilst claiming Long Term Incapacity Allowance?

When you have been assessed for Long Term Incapacity Allowance, you may be eligible for credits to be awarded to your contribution record.

The length of time that credits are awarded is based on the degree of incapacity and the length of award. This is expressed in percentage terms.

For instance, if a person is deemed to be between 75% - 100% incapacitated they may be awarded up to a total of 540 months (or 45 years) in credits. If the person is assessed to be 20% incapacitated, they will awarded 3 months in credits.

Please note: For assessments of 15% and under you may be liable to pay Social Security contributions.

The degree of incapacitation In percentage terms	The number of months you may be awarded in contribution credits
100	540 (45yrs)
95	540
90	540
85	540
80	540
75	540
70	360
65	240
60	120
55	96
50	60
45	36
40	24
35	18
30	12
25	6
20	3

Incapacity Pension

What is Incapacity Pension?

Incapacity Pension is paid as a compensation for the loss of earnings to people who, because of their loss of faculty, are unlikely to work again. Whilst claiming Incapacity Pension you must not work even in a voluntary or honorary capacity. Incapacity Pension is payable up to pension age.

Contribution Conditions

To receive Incapacity Pension you must meet two contribution conditions.

First: You must have paid sufficient contributions for at least six months at any time before the end of the relevant quarter. You can establish your relevant quarter from the table below.

Second: Your contribution record must give at least a 10% entitlement to Incapacity Pension. This is calculated by adding all the contributions you have paid and been credited with since you registered for Jersey Social Security purposes. For example you can get credits for periods of Incapacity, unemployment and so on.

Part Four

How to establish the relevant quarter

If Incapacity Pension begins at some time in the quarter:	The relevant quarter that affects payment of benefit is:
January - March	July - September in the previous year
April - June	October - December in the previous year
July - September	January - March in the same year
October - December	April - June in the same year

The rate of your Incapacity Pension will be calculated by adding all the contributions and credits you have accrued up to the date you qualify for Incapacity Pension. Your contributions will be deemed as having been paid from the date you qualify for Incapacity Pension to the month before you reach pension age. To get 100% Incapacity Pension your contribution record, including the deemed contributions must total 45 years. If your contribution record is 80% full you will qualify for 80% of the standard rate of Incapacity Pension.

Rates of Incapacity Pension

The standard weekly rate of benefits are shown on the leaflet entitled **Contribution Levels and Benefit Rates (SSD31)**. The rate is reviewed on 1 October each year and increases in line with the Jersey Earnings Index for the 12 months ending on 30 June of the same year.

Part Four

How to claim Incapacity Pension

If, as a result of your loss of faculty, you are unlikely to work again you may be able to claim Incapacity Pension. In the first instance, you will be asked to complete a claim form for Long Term Incapacity Allowance.

You will be asked to attend a Medical Board, which consists of two doctors who will assess your loss of faculty. If the Medical Board agrees that your loss of faculty is such that you will probably not return to work you will be given a form to complete for Incapacity Pension. You will not need to send in Medical Certificates when the Incapacity Pension has been awarded however, you may be asked to attend further routine Medical Boards.

How Incapacity Pension is paid

Incapacity Pension is paid on a Thursday, four weekly in advance. The payment will be made directly to your bank account.

Other Benefits Payable whilst claiming Incapacity Pension

Two payments from Social Security funds cannot always be made for the same period. It is important that you tell us if you are receiving Social Security Benefits from any other country when you complete your claim form.

Part Four

Claiming an increase of Pension for your Wife

You can claim an increase of Incapacity Pension if;-

- Your wife is under 65
- Your date of marriage was before 1 April 2001
- Your wife is residing with you or is mainly maintained by you

This increase may not be payable if your wife is claiming another Social Security benefit in her own right.

Change in circumstances

You must tell us;-

- If you change address or your bank account so that you can continue to receive your pension
- In advance if you plan to leave Jersey, indicating the country you intend to visit. Incapacity Pension is payable worldwide
- If you are detained in prison as your benefit cannot be paid for any part of a prison sentence
- If there are any changes in your circumstances that would affect the payment of benefit in respect of your wife

What happens if my condition improves and I return to work?

If you return to work you **MUST** notify this department immediately. Your Incapacity Pension would cease but you may still be entitled to Long Term Incapacity Allowance.

The Decision on your Claim

If you are dissatisfied with the decision on your claim you may appeal. Please contact the Department for further information.

Countries who have a Reciprocal Agreement with Jersey

When this leaflet was printed, Jersey had Reciprocal Agreements with:

Austria	Jamaica
Barbados	Netherlands
Bermuda	New Zealand
Canada	Northern Ireland
Cyprus	Norway
France	Portugal
Guernsey	Spain
Iceland	Sweden
Ireland	Switzerland
Isle of Man	United Kingdom
Italy	USA

Other help you may be entitled to

Income Support

Income Support is an income-related benefit that provides financial support towards the costs of housing, living, medical needs and childcare. Carers also receive support.

Income Support is available to individuals and families that satisfy conditions relating to residency in Jersey and employment.

The amount of Income Support payable depends on income, savings and assets, and on personal circumstances. If you would like to apply for Income Support, please call into the Income Support Zone or telephone 445505.

Further Information

This leaflet gives general information and does not try to give full details on any particular matter. It cannot be treated as a statement of the Law.

Please contact us if you have any questions or suggestions about the information contained in this leaflet.

Our staff are here to help you, please telephone us on 445505 or call into our office.

You may find additional information on www.gov.je/socialsecurity

Please note: calls to the Department may be monitored for training purposes.

Other leaflets that may be of interest

- Gluten-Free Food Subsidy
- Income Support
- Invalid Care Allowance

Large print versions of most of our leaflets are available. Please call us on 445505 and we will be happy to send them to you.

Where to find us



Social Security Department

Centre for work, pensions and benefits

States of Jersey Social Security Department, PO Box 55
Philip Le Feuvre House, La Motte Street, St. Helier JE4 8PE

Tel: 01534 445505 Fax: 01534 445525

www.gov.je

Opening hours: Monday to Friday 8.30am to 5.00pm

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