

DWP Central Freedom of Information Team

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Our Ref:FOI 632

29 February 2012

Dear S. Martin

Thank you for your Freedom of Information request of 11 February 2012.

You requested the following information:

*Can you please clarify the major differences between someone claiming JSA and a claimant claiming National Insurance Credits only.*

*Do the same rules apply to both JSA claimants and NI credits claimants, or are they fundamentally different.*

*While a JSA claimant can be forced onto the Work programme for example, does this also apply to NI claimants.*

*Could you please list the major differences.*

Jobseeker's Allowance (JSA) is awarded under The Jobseekers Act 1995. National Insurance (NI) credits for unemployment are awarded under regulation 8A of the Social Security (Credits) Regulations 1975.

Regulation 8A of The Social Security (Credits) Regulations 1975 governs the award of the National Insurance credit for both unemployed claimants in receipt of Jobseeker's Allowance (JSA) [regulation 8A(2)(a)] and for other unemployed persons who are not entitled to JSA or who choose not to claim JSA [regulation 8A(2)(b)]. There are other parts to this regulation but they are not relevant to the questions posed.

For a JSA claimant to be awarded a NI credit under regulation 8A(2)(a) they must fully comply with all the conditions and requirements of JSA, as set out in the Jobseekers Act 1995, the Jobseeker's Allowance Regulations 1996 and other related regulations. If at any time the claimant fails to comply with this legislation and is no longer being paid JSA, whether or not they have a continuing underlying entitlement to JSA, they will not be awarded a NI credit for each week [Sunday to Saturday] in which they are not paid JSA.

If a claimant in receipt of JSA failed to comply with the requirements of the Work Programme and received a sanction for not doing so, they would no longer be receiving JSA and therefore would not be awarded an NI credit.

For a person claiming NI credits only to be awarded a NI credit under regulation 8A(2)(b) they have to comply with certain conditions of JSA, as set out in section 1(2)(a), (c) and (e) to (h) of the Jobseekers Act 1995, the conditions that they must satisfy are:

- (a) is available for employment
- (c) is actively seeking employment
- (e) is not engaged in remunerative work
- (f) does not have limited capability for work
- (g) is not receiving relevant education
- (h) is under pensionable age

These persons can take advantage of the provisions of the Work Programme but are not required to do so, and therefore would not lose entitlement to their NI credit if they refused to take part in any of the elements of the provision.

The law governing JSA and the award of NI credits is in the public domain and published on the DWP's internet site ([www.dwp.gov.uk](http://www.dwp.gov.uk)) at:

- The Jobseekers Act 1996: <http://www.dwp.gov.uk/docs/a11-0101.pdf>
- The Jobseeker's Allowance Regulations 1996: <http://www.dwp.gov.uk/docs/a11-4001.pdf>
- The Social Security (Credits) Regulations 1975: <http://www.dwp.gov.uk/docs/a3-2351.pdf>

If you have any queries about this letter please contact the DWP quoting the reference number above.

Yours sincerely,

DWP Central Fol Team

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If you are not happy with this response you may request an internal review by e-mailing [freedom-of-information-request@dwp.gsi.gov.uk](mailto:freedom-of-information-request@dwp.gsi.gov.uk) or by writing to DWP, Central Fol Team, 5th Floor The Adelphi, 1-11, John Adam Street, London WC2N 6HT. Any review request should be submitted within two months of the date of this letter.

If you are not content with the outcome of the internal review you may apply directly to the Information Commissioner's Office for a decision. Generally the Commissioner cannot make a decision unless you have exhausted our own complaints procedure. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow Cheshire SK9 5AF [www.ico.gov.uk](http://www.ico.gov.uk)