

## Gathering Evidence

### Obtaining information from a claimant

1. Information must be obtained by the most efficient and effective means to minimise any delays to the claimant. If the claimant has provided the information previously and it remains unchanged there is no need to ask for it again.
2. Any information that is requested and recorded on JSAPS or clerically must comply with data protection principles, as it is available to the claimant under the Data Protection Act.
3. If a JSA claim is received that:
  - has not been actioned, and the New Jobseekers Interview has not taken place, contact the jobcentre;
  - has not been signed by the claimant, return to obtain signature.

### Checking Customer Information Service (CIS)

- When a new claim to JSA is received, as well as the routine check of CIS for any other benefits in payment you **must** check to see if the claimant has a current fraud Loss of Benefit (LOB) penalty imposed.

### When the claim form is received

4. When the claim is received, examine it to ensure it has been properly completed.
5. Check:
  - if the claimant is exempt from the evidence requirement they are not required to fully complete the claim form;
  - all the relevant questions have been answered;
  - there is acceptable evidence to determine the claim. If the information remains unchanged or has been provided before the claimant does not have to provide it again; and
  - it is signed;
  - if this relates to a claim that was previously treated as defective claim.

### Claimant has not signed the claim form

6. If the claimant has not signed the claim form:

| Step | Action   |
|------|--|
| 1    | mark the claim form with a red 'X' either side of the claimant's signature box;  |
| 2    | complete form JSA164, ticking the appropriate box, asking them to sign the form; |
| 3    | send the form JSA164 and unsigned claim form to the claimant;                    |
| 4    | record the reasons for the return of the claim form on form A6;                  |
| 5    | BF the claim for 7 days to await its return.                                     |

### **Claimant returns the claim form**

7. When the claimant returns the claim form, check it again for:
  - legibility;
  - completion; and
  - a valid signature.
8. If the claim form has been completed correctly, process the new/repeat claim.
9. If the claim form is signed but there are questions that have not been answered, request the information from the claimant.

### **Claimant does not return the claim form**

10. If the claimant does not return the claim form:

| Step | Action   |
|------|--|
| 1    | send a reminder letter, to the claimant; and   |
| 2    | for system maintained claims: <ul style="list-style-type: none"><li>• access dialogue JA530: Case Controls and set a case control for a further 7 days;</li></ul> for clerically maintained claims: <ul style="list-style-type: none"><li>• BF the claim for a further 7 days.</li></ul> |

11. If the claimant does not return the claim form after the reminder has been sent, treat the claim as defective.

### **Special Customer Records**

12. To ensure that the confidentiality of information held on special claimants is maintained user access must be strictly controlled on the basis of business requirement.
13. The capability of a user to access an account annotated as a Special Customer Record must be restricted to a set period of time and on an event-by-event basis. The period of time allowed should be sufficient for the effective conduct of business, and, in any case, no longer than 4 hours. If this period of time is inadequate, further management authorisation is necessary.
14. Before being allowed access to any Special Customer Record, users must demonstrate to their line manager that there is a valid business reason for accessing the information. When authorisation has been granted, the user must only access, or use, that information for approved official purposes.
15. A user who has an official need to access information on a specific Special Customer Record is not entitled or authorised to access information on other Special Customer Records, regardless of whether or not they have the ability to do so. Users should be aware that access to Special Customer Records is monitored.
16. Further information on security matters can be found on the Departmental Security Team's intranet site.

## Carers Allowance Special Customer Records

17. Where a claimant in receipt of Carer's Allowance (CA) has a special customer record marker, information about the CA claim is communicated via secure e-mail.

18. A designated CA Special Customer Records Officer telephones the relevant Benefit Centre (BC) to ask for details of the allocated Special Customer Records officer, or appropriate named contact for receipt of the secure information.

19. Sensitive CA information is sent with 'Restricted' in the subject line of the email.

**Note:** The secure information must be actioned in the same way as information previously supplied on DO cards (DS751, DS752 and DS772) which are now obsolete.

## Verifying identity

20. It is important to verify a claimant's and their partner's identity every time they claim benefit or report a change of circumstances.

21. It is the responsibility of staff to carry out the required confirmation of identity checks to satisfy section 1 of the Social Security Administration Act 1992.

22. The officer who accepts the claim must be satisfied that the claimant is who they say they are. This applies to both the claimant and their partner.

23. To satisfy section 1 of the Social Security Administration Act 1992, both the claimant and their partner must provide enough information and evidence to:

- confirm their and their partners National Insurance number (NINo);
- enable a NINo to be traced;
- enable a NINo to be applied for

24. If any of them fail, the JSA claim cannot be processed, this applies to new and repeat claims and also to changes of circumstances when the identity of a new partner cannot be confirmed.

25. Further details can be found in the Confirming Identity guidance.

## Verifying and tracing NINo's

26. If the claimant and/or partner does not provide a National Insurance number (NINo) or it cannot be traced, action has to be taken by completing form DCI and referring to the appropriate team. Further details can be found in the Confirming Identity guidance and the Secure NINO Allocation Process guidance.

## Requesting verification of age

27. To request verification of age in cases where there is doubt about the claimant's statement:

| Step | Action  |
|------|---|
| 1    | for system maintained claims: <ul style="list-style-type: none"><li>• access the PERSONAL DETAILS screen JA091003 in dialogue JA091: Maintain Claim Details;</li><li>• input [RV] in the 'Date of Birth' field;</li></ul> |

|   |  |
|---|--|
| 2 | the system: <ul style="list-style-type: none"> <li>• issues a notification to the claimant; and</li> <li>• sets a case control for three weeks to await a reply;</li> </ul>  |
| 3 | for clerically maintained claims: <ul style="list-style-type: none"> <li>• send form A164, request further information, to the claimant; and</li> <li>• BF the claim for 7 days for a reply;</li> </ul>  |
| 4 | if the claimant has not provided the requested details: <ul style="list-style-type: none"> <li>• send a reminder letter; and</li> </ul> for system maintained claims: <ul style="list-style-type: none"> <li>• access dialogue JA530: Case Controls and set a case control for two weeks to await reply;</li> </ul> for clerically maintained claims: <ul style="list-style-type: none"> <li>• BF the claim for two weeks to await a reply;</li> </ul> |
| 6 | if the requested details have still not been provided after the expiry of the BF/Case Control, decide whether to disallow payment of JSA.  |

**See, Decision Makers Guide, Volume 1, Chapter 2, claims and applications and Volume 4, Chapter 20, JSA and IS conditions of entitlement**

### **Jobseeker decided for the claim**

28. The jobseeker is the claimant who has satisfied the entitlement conditions and has submitted the claim form. However, further considerations are required if the claim is from a:

- couple or a member of a joint claim;
- polygamous relationship;
- polygamous marriage.

### **Claims from couples and members of a joint claim**

29. A couple can decide which partner makes the claim. The partner who claims must satisfy the normal qualifying conditions for JSA.

30. If the couple cannot reach an agreement, the New Claims Adviser should register the claim in dialogue JA060: Register Claim/Event, and pass the claim to the processing section for further action.

31. When the JSA claim form is received, check to confirm that the partner agrees to the claim. If the partner agrees to gather the information required for the new/repeat claim.

### **Deciding jobseeker for couple or joint claim**

32. If the partner does not agree on who should be the jobseeker:

| Step | Action                          |
|------|---------------------------------|
| 1    | send DLJA110 to the claimant;   |
| 2    | record the issue of the letter. |

33. Proceed with the claim as it stands if after the issue of DLJA110

- the partner agrees to the claim; or

- there is no reply.
34. If the couple cannot agree, the Decision Maker must decide which partner should make the claim.

### Choosing who claims

35. The partner who makes the claim must satisfy the normal qualifying conditions for JSA.
36. If there is a financial advantage, other than that arising from a sanction, choose the partner who would get most JSA (IB).
37. If there is no financial advantage, consider who:
- has the stronger connection with the labour market ; or
  - is already receiving other benefits, for example JSA, Employment Support Allowance (ESA).

### Sending the decision

38. Record the reason for the decision. There is no right of appeal.
39. If the claim is processed as it stands:

| Step | Action  |
|------|---|
| 1    | send DLJA111 addressed jointly to the claimant and partner; |
| 2    | record the issue of the letter;                             |
| 3    | keep a copy of the letter.                                  |

### Person chosen to be the claimant has not yet claimed

40. If the person chosen to be the claimant has not yet claimed:

| Step | Action   |
|------|--|
| 1    | make a New Jobseeker Interview appointment;  |
| 2    | send DLJA111 addressed jointly to the claimant and partner;                          |
| 3    | if the partner does not need to claim JSA, issue the appropriate benefit claim form; |
| 4    | record the issue of the letter and the claim form, if appropriate;                   |
| 5    | keep a copy of the letter.   |

### Polygamous relationships

41. A polygamous relationship is when someone lives in a husband and wife relationship with more than one person, but is not married to any of them.
42. When a claimant has a polygamous relationship, none of the members of that relationship can be treated as living together as a married couple.
43. The members of a polygamous relationship must claim as single people and satisfy the normal conditions of entitlement for JSA.

**See, Decision Makers Guide, Volume 4, Chapter 22 Membership of the Family**

## **Polygamous Marriages**

44. A polygamous marriage is a marriage in which:
- one of the parties is married to more than one person; and
  - the ceremony took place under the law of a country which allows polygamy.
45. If a claimant declares more than one spouse, obtain evidence of the marriage.
46. The requirement to be a joint claim also applies to polygamous marriages. **See, Decision Maker Guide, Volume 4, Chapter 22, Membership of the Family**

## **Backdating a claim and or credits**

47. If a claimant asks about making a backdated claim, explain that:
- JSA cannot be paid for a period more than 3 months before the Treat as Made date;
  - generally JSA cannot be paid for any period abroad, but there are circumstances when this is possible;
  - excluding credits only claims, JSA can only be paid if the claimant can show good reason for the delay;
  - for the period concerned the claimant must show that they were:
    - available for work;
    - capable of work;
    - actively seeking work.
48. Do not refuse the claimant the right to make a backdated claim even if the application of the above conditions suggest the claim will not succeed.
49. There is no statutory time limit for a belated application for credits.
50. A person does not have to be a current claimant to make a belated application for credits.

## **Backdating for share fishermen**

51. If a share fisherman requests to have their JSA claim backdated when making their initial claim, advise them of how their Benefit Week Ending (BWE) day is allocated. The forms required are the same for a normal backdated request.

## **Forms required for a backdating request**

52. When considering a backdated claim:
- consider if it is requested by the claimant at the start of a Benefit Year;
  - consider if the claimant had previously failed to attend.
53. If an award of JSA has already been made and the period of backdating is immediately before the date of claim, the backdated claim application must be made on form JSA5.
54. If no award is in payment, or the application is for a period which does not immediately precede a current claim, the backdated claim application must be made on forms JSA1 or JSA4 (Rapid Reclaim) and JSA5.

55. If one or both members of a joint claim wish to backdate their JSA claim, each must complete a separate JSA5, backdated claim form.
56. If a non-claimant makes a belated application for credits, they are not required to complete form JSA5 to request backdating credits.
57. When the applicant makes a belated application for credits they must complete:
- the sections of the JSA claim form relating to JSA (C) only; or
  - JSA NC1 'Application for National Insurance Credits for Jobseekers Not Claiming Jobseeker's Allowance', which is issued at the New Jobseekers Interview.

### **Treat As Made dates**

58. The Treat As Made (TAM) date of the claim, is the date:
- of the first contact, if the claim is completed correctly and is received:
    - on or before the New Jobseekers Interview (NJI) and the interview is attended by the claimant;
    - within one calendar month of the original contact date, where the claimant is not required to attend;
  - the form is completed correctly and is received after the:
    - original NJI and the claimant attends the rearranged interview;
    - specified time limit for application.
59. The TAM date of a joint claim may differ from the date of a single or claimant/partner claim.

### **Backdating claim is requested at the start of the Benefit Year**

60. If a claimant asks to make a backdated claim that includes any contribution based JSA from a date in the previous Benefit Year special action is required.

61. Take the following action:

| Step | Action   |
|------|--|
| 1    | advise the claimant to consider the effect on their entitlement to JSA (C) if: <ul style="list-style-type: none"> <li>• they wish to make a backdated claim;</li> <li>• the start of the period would take the claim back into the previous Benefit Year;</li> </ul>   |
| 2    | explain: <ul style="list-style-type: none"> <li>• the definition of a Benefit Year;</li> <li>• that the award of a backdated claim dating from a previous Benefit Year depends on contributions paid and credited for different Relevant Income Tax Years (RITYs);</li> <li>• which RITYs each claim is based on in order to find out if they have enough contributions in the RITYs to qualify for JSA (C);</li> <li>• the possible effects of linking claims, for example ESA and periods of approved training;</li> </ul> |

|   |   |
|---|---|
|   | <ul style="list-style-type: none"> <li>• anything about their claim that may affect their decision, for example disallowances and sanctions;</li> </ul> |
| 3 | access dialogue JA110: Maintain Notepad and record the action taken.  |

## **Backdating request after being disallowed due to Failure to Attend**

62. Claimants who fail to attend an advisory interview or Jobsearch review and who do not make contact within 5 working days will have their claims closed from the day after their last attendance.

63. If the claimant subsequently reclaims JSA and provides evidence that they continued to be available for and actively seeking work up to the date they failed to attend, then the date on which their claim was closed can be revised and payment of benefit for that period considered.

64. These cases will be identified in the Jobcentre and a Labour Market decision will be made. For further information, see the Reclaim Gather chapter.

## **When a claim transfer is needed**

65. A transfer of claim details to another office may be necessary when a user at an office tries to either register a new claim to JSA or a change of circumstances in dialogue JA060: Register Claim/Event and the claim record is held at another office.

66. This may occur when:

- the claimant changes address and they wish to attend a different office;
- the claimant finds it convenient to attend a different office due to changes in part-time work location or external factors such as a cheaper/faster bus route;
- the claimant's previous claim to JSA is held at an office different to that at which they are now claiming.

67. On JSAPS a number of offices are grouped together and are known as 'on the same service', within that service each office has several jobcentres linked to that district office. The office and its linked offices are known as the JSA Unit.

## **A JSA unit**

68. When JSAPS requires a BDC and jobcentre office code number to be input in a dialogue, JSAPS performs a validation check. If the office combination is not valid, the offices are not part of the same JSA unit, and an error message displays.

**Note:** Where the benefit processing office remains the same but the Jobcentre office changes, ensure the new ESJ office number is input.

69. JSAPS checks to see if the claim is already on the current service. If not, it finds the current location of the claim by checking CIS and transfers it in from there. If the primary office has changed, JSAPS notifies NIRS, CIS and so on of the change of office through electronic transactions, paper notifications and schedules produced for the offices involved where necessary.



## Change of Jobcentre only

70. Where a claimant asks to attend a different Jobcentre to the one linked to their home address, the claim should be processed and maintained on JSAPS by the Benefit Centre linked to the new Jobcentre.

71. Claims must not be maintained clerically purely because a claimant is signing at a Jobcentre which is not linked to the Benefit centre which would normally deal with their home address.

72. For further information, see the CMS BDO guidance.

## Transferring a JSA claim

73. Before transferring in a JSA claim consider if the claim is:

- from Northern Ireland;
- from Isle of Man;
- a Joint claim.

74. Transfer the claim:

- through JSAPS; and/or
- clerically.

## Requesting a transfer through JSAPS

75. When a claimant makes a claim to JSA and has a live or dormant claim held at another office, the JSA claim must be transferred.

76. If the previous JSAPS maintained claim is not held at the current office, request a claim transfer:

| Step | Action   |
|------|--|
| 1    | access dialogue JA030: Transfer Claim, CLAIM TRANSFER screen JA030030 and input: <ul style="list-style-type: none"><li>• the claimant's National Insurance number (NINO);</li><li>• the check brick, that is the first three letters or their surname;;;</li><li>• the office code number;</li></ul>   |
| 2    | press [Enter] and JSAPS checks if there is a previous claim on the same JSAPS service;   |
| 3    | if no claim is found on the current service, JSAPS accesses DCI to try and locate the office where the current claim is held.<br>Either: <ul style="list-style-type: none"><li>• the NINO prompt screen re-displays with an appropriate error message if:<ul style="list-style-type: none"><li>◦ DCI has no record at all of the NINO;</li><li>◦ DCI only has a record of a clerical claim;</li><li>◦ an unexpected error is encountered;</li></ul></li><li>• DCI finds the office where the claim is held, JSAPS makes an inter service access to that office. More validation is performed and an error is reported if future validation failure occurs;</li></ul> |
| 4    | if sufficient details are retrieved from DCI, the CONFIRM CLAIM  |

|   |   |
|---|---|
|   | TRANSFER screen JA030031 displays giving details of the: <ul style="list-style-type: none"> <li>• claimant's name;</li> <li>• claimant's address;</li> <li>• current Local Office;</li> <li>• current jobcentre;</li> </ul>   |
| 5 | if the details presented in CONFIRM CLAIM TRANSFER screen JA030031: <ul style="list-style-type: none"> <li>• do not match the details supplied by the claimant, press the [CAN] key to cancel out of the dialogue. Confirm the details supplied by the claimant;</li> <li>• do match the details supplied by the claimant proceed to confirm the transfer.</li> </ul> |

### Action to confirm the transfer

77. If the details presented in dialogue JA030: Transfer Claim, screen JA030031: Confirm Claim Transfer, match the details by the claimant, to confirm the transfer of the claim details:

| Step | Action   |
|------|--|
| 1    | input: <ul style="list-style-type: none"> <li>• the importing office and jobcentre combination office code numbers. Always complete the office field. If the Personal Identification Device or Smart Card is for a jobcentre, complete the jobcentre field;</li> <li>• the date from which the reason for claim transfer applies, if a change of Local Office is involved. This enables deductions to be terminated from the correct date and relevant notification to be issued;</li> </ul> |
| 2    | press [End] or [F1]. JSAPS checks to confirm that the office/jobcentre office combination conforms to the JSA Unit.  |

78. When the transfer details are successfully confirmed, JSAPS transfers the claim and records to the new importing office.

79. If the importing office has not initiated the transfer process, JSAPS sets a case control which is output on a Work Available Report JA72539 (WAR) to advise that office of its new responsibilities.

80. When a transfer takes place, all the claim details are copied across to the importing office.

81. The claim on the exporting office's service is noted as having been transferred to another office. Once this has been done, no other office may attempt to transfer the claim in from the exporting office. If the claim transfer process fails, the importing office should re-attempt the transfer or contact the previous owning office to obtain the appropriate details.

82. JSAPS notifies the exporting office when the claim transfer is complete and generates the transfer of clerical records report JA70302 that is output at the office.

## If the transfer request is unsuccessful

83. If a transfer request is unsuccessful, an entry appears on the unsuccessful transfer report JA70303 at the exporting office. The exporting office investigate the reasons for the failure and take the appropriate action necessary, depending on the state of the failed transfer.

84. When the action has been cleared, the importing office re-try the transfer request. If the action cannot be cleared, an incident must be raised with the Advice line.

## If the claim transfer is successful

85. When the JSA case details are successfully transferred into the current office using dialogue JA030: Transfer Claim:

| Step | Action   |
|------|--|
| 1    | access the relevant SEF/CIS amendment dialogues: <ul style="list-style-type: none"><li>• PD355;</li><li>• PD360;</li><li>• PD365; and</li><li>• PD053;</li></ul> |
| 2    | input or amend the claimant's personal details;  |
| 3    | amend the nominated post office details in dialogue CP650 Amend PO/Urgent Card Request.  |

86. There is no action to take on SEF/CIS in the following circumstances:

- transfers from Great Britain (GB) to Northern Ireland;
- transfers from GB to the Isle of Man and the Channel Islands; or
- claimant moves abroad.

## Transferring clerical records

87. If the claimant states, or if there is any evidence on the claim form, or change of circumstance form suggesting that a clerical claim is held at another office, request the transfer of all clerical records.

88. To request a transfer of the JSA wallet:

| Step | Action   |
|------|--|
| 1    | complete Part 1 of form A51, Request for wallet;   |
| 2    | send the completed form A51 to the office where the JSA wallet is held;  |
| 3    | record the issue of form A51 on form A6/JSA14C;  |
| 4    | BF the case for receipt of records;  |
| 5    | if form A51 is sent to the wrong office: <ul style="list-style-type: none"><li>• complete part 2 of form A51;</li><li>• send it to the correct office;</li><li>• send form A52, notice of redirection of form A51;</li></ul> |
| 6    | when form A52 is received:   |

|   |   |
|---|---|
|   | <ul style="list-style-type: none"> <li>• record the receipt of form A52;</li> <li>• issue a reminder of form A51 to the correct office;</li> </ul>  |
| 7 | <p>if form A51 is received marked No Trace and JSA has been paid, consider:</p> <ul style="list-style-type: none"> <li>• interviewing the claimant to clarify their previous statements;</li> <li>• a visit to the claimant;</li> <li>• referring the case for fraud action via the Fraud Referral Form (FRF);</li> <li>• before completing the FRF, please see the FRF deskaid.</li> </ul> |
| 8 | <p>if form A51 is not returned:</p> <ul style="list-style-type: none"> <li>• issue a reminder A51; and</li> <li>• record the issue of the reminder A51 on form A6/JSA 14C.</li> </ul>   |

### JSA wallet received

89. When the requested JSA wallet is received:

| Step | Action   |
|------|--|
| 1    | complete the tear-off section of the form A51;   |
| 2    | send the A51 tear-off to the office who transferred the records;   |
| 3    | pass the JSA wallet and/or specialist sub files to the relevant sections;  |
| 4    | record the action taken on form BF2, according to local arrangements;  |
| 5    | if appropriate, use the relevant indicators to show special interest, for example Social Fund (SF) stickers;   |
| 6    | <p>when the relevant sections receive the transferred JSA wallet, ensure that:</p> <ul style="list-style-type: none"> <li>• all specialist action is complete, that is no payments are still in issue;</li> <li>• information on the new records agrees with information on the transferred claim. If the information is different, check with the previous office;</li> <li>• all specialist sub files including SF wallets have been forwarded by the old office.</li> </ul> |

### Claimant moves from Northern Ireland to Great Britain

90. If a claimant moves to Great Britain (GB) from Northern Ireland,(NI) make sure:

- the claimant notifies the Northern Ireland social security office) of:
  - their move;
  - the date they left NI; and
  - their new address and post office/bank details;
- the claim is not transferred to GB until any outstanding days are paid;
- a change of circumstances is actioned on JSAPS promptly after NI action is complete.

91. When the first contact is made to book a New Jobseekers Interview (NJI), tell the claimant to return their ES40, JS40 in NI, to their previous office. If the claimant returns it promptly, termination action should be complete before the claim form reaches the Benefit Processing Officer.
92. Do not transfer in a NI JSA claim that is still live. Check that the NI action is complete before actioning the change on JSAPS.
93. If the claimant is due benefit for days since arriving in GB, maintain the claim clerically until the NI action is complete. In these circumstances the claim needs to be processed using dialogue JA086: Build from Clerical.
94. If a claimant contacts an office in GB within 14 days of the last attendance at a NI office then payment for any days in GB within that period are treated as straightforward.

### **Jobseeker Agreements**

95. Legislation allows the Jobseeker's Agreement (JSAg) to remain in force between the date the claimant last signed at an office in GB and attends in NI or vice versa.

### **Transferring a case from Isle of Man**

96. If a previous claim is held in the Isle of Man, ask for the clerical documents using form A51 if:
- the claimant has been claiming benefit from the Isle of Man Board of Social Security;
  - a check of the claimant's circumstances is required.

### **Transferring a Joint Claim**

97. When a transfer is necessary for only one member of a joint claim the importing office establishes:
- when the joint claim ended;
  - where final payment for the joint claim is to be sent;
98. Send details of change of address and post office to the exporting office if the nominated payee has moved.
99. The payment must be made to the person who is the nominated payee at the time the joint claim ends.
100. The following rules govern claimants claiming JSA (IB) whose partner has a claim to JSA (C) in their own right and do not meet joint claim criteria:
- they must claim at offices within the same JSA unit to make them partners on JSAPS. If a claimant has a partner with a claim in their own right and they attend an office in a different JSA unit;
    - transfer one of the claims so that both claims are on the same service;
    - or
    - maintain one claim clerically and one on JSAPS. If the claims are maintained within different JSA units, any changes must be notified clerically to the other JSA unit on form JSA1C; and

- they may not be transferred via dialogue JA030: Transfer Claim, until the partnership is ended on JSAPS using dialogue JA091: Maintain Claim Details.

### **Partner decides to transfer to another office**

101. If one partner decides to transfer to another office, one of the claims must be maintained clerically.

102. Either:

- transfer one of the claims so they are on the one service;
- maintain the claimant's JSA (IB) claim clerically and continue to maintain the partner's JSA (C) claim on JSAPS; or
- transfer the partner's claim to clerical and maintain the claimant's JSA (IB) claim on JSAPS.

103. If the partner's claim is dormant, the claim should still be transferred to clerical.

### **How payment is made**

104. The claimant is required to choose their preferred method of payment.

105. If they do not supply details of how they would like their benefit paid on their claim form then:

- send form A164, Request For Further Information, to the claimant asking for clarification; and

106. BF the claim to await a reply.

### **Circumstances in which the claimant lives**

107. The circumstances in which the claimant lives determine if further information is required in order to process the new claim. Such as:

- owner/part owner of their own property;
- living with friends/relatives;
- crown tenancy;
- rented accommodation;
- person without accommodation;
- person of no fixed abode;
- care home.

108. The claimant could also be liable for:

- service charges;
- ground rent.

### **Obtain details of mortgage or home loan**

#### **Requesting verification of mortgages or home loans**

109. To verify mortgage or home loans:

| Step | Action   |
|------|--|
| 1    | issue form MI12, Request For Mortgages Details, to the claimant;   |
| 2    | for system maintained claims: <ul style="list-style-type: none"> <li>access dialogue JA530: Case Controls and set a case control for 7 days for the reply;</li> </ul> for clerically maintained claims: <ul style="list-style-type: none"> <li>BF the claim for 7 days for the reply.</li> </ul> |

### Claimant does not provide the details requested

110. If the claimant does not provide the verification details:

| Step | Action   |
|------|--|
| 1    | issue reminder letter to the claimant;   |
| 2    | for system maintained claims: <ul style="list-style-type: none"> <li>access dialogue JA530: Case Controls and set a case control for a further 7 days;</li> </ul> for clerically maintained claims: <ul style="list-style-type: none"> <li>BF the claim for a further 7 days.</li> </ul> |

### Claimant does not provide the details after a reminder has been sent

111. If the requested details have still not been provided, decide whether to disallow payment of JSA.

**See, Decision Makers Guide, Volume 1, Chapter 2, claims and applications and Volume 4, Chapter 20, JSA and IS conditions of entitlement**

### Crown tenants

112. To verify details of a Crown tenancy:

| Step | Action  |
|------|---|
| 1    | issue form JSA164 to the claimant;  |
| 2    | for system maintained claims:<br>access dialogue JA530: Case Controls and set a case control for 7 days for the reply;<br>for clerically maintained claims:<br>set a BF for 7 days for the reply;<br>for details of the information to request: <ul style="list-style-type: none"> <li>See, <b>Decision Makers Guide, Volume 4, Chapter 23, normal amount payable;</b></li> </ul> |
| 3    | if the claimant does not provide the details requested: <ul style="list-style-type: none"> <li>issue reminder letter;</li> </ul>  |
| 4    | for system maintained claims:<br>access dialogue JA530: Case Controls and set a case control for a further 7 days;  |

|  |   |
|--|---|
|  | for clerically maintained claims:<br>set a BF for a further 7 days. |
|--|---|

113. If the requested details have still not been provided, decide whether to disallow payment of JSA.

**See, Decision Makers Guide, Volume 1, Chapter 2, claims and applications and Volume 4, Chapter 20, JSA and IS conditions of entitlement**

## Service charges

114. Service charges are sums charged for facilities or services, for example lighting in hallway, lift maintenance or building insurance.

## Requesting verification of service charges

115. If the claimant says they pay a service charge:

| Step | Action   |
|------|--|
| 1    | issue form A164 to the claimant asking for further information on what they pay for a service charge;  |
| 2    | for system maintained claims: <ul style="list-style-type: none"> <li>access dialogue JA530: Case Controls and set a case control for 7 days;</li> </ul> for clerically maintained claims: <ul style="list-style-type: none"> <li>BF the claim for 7 days.</li> </ul> |

## Claimant does not provide details

116. If the claimant does not provide details of the service charges:

| Step | Action                                |
|------|---------------------------------------|
| 1    | send reminder letter to the claimant; |
| 2    | BF the claim for a further 7 days.    |

## Claimant does not provide the requested details after a reminder has been sent

117. If the requested details have still not been provided, decide whether to disallow payment of JSA.

**See, Decision Makers Guide, Volume 1, Chapter 2, claims and applications and Volume 4, Chapter 20, JSA and IS conditions of entitlement**

## Person Without Accommodation

118. A Person Without Accommodation is a claimant who does not have any of the accommodation described in the definition of accommodation and is a homeless person.

119. The Homeless Claimant's Checklist must be completed for all homeless claimants. The information provided on the checklist is used to decide whether a compliance or fraud referral is necessary.



## Accommodation

120. The word accommodation is not defined in the current regulations but for Jobseekers Allowance purposes, accommodation is described as:

- an effective shelter from the elements which is capable of being heated; and in which occupants can:
  - sit;
  - lie;
  - cook;
  - eat; and
  - which is reasonably suited for continuous occupation.

121. The site of the accommodation may alter from day to day, but it is still accommodation if the structure is habitable.

122. Materials that give only a small amount of protection from the elements, do not fall within the description of accommodation such as:

- cardboard boxes;
- sleeping bags;
- bus shelters;
- park benches.

123. A motorcar, which is designed as a means of transport rather than for use as a dwelling house or living premises, does not fall within the description of accommodation.

## Person with No Fixed Address

124. A claimant who has no permanent residential address but may have an address where they can be contacted is regarded as a person with No Fixed Address (NFA), for example the address may change from day to day.

125. The Homeless Claimant's Checklist must be completed for all claimants who do not have a permanent residential address. The information provided on the checklist is used to decide whether a compliance or fraud referral is necessary.

## Homeless Claimant Checklist

126. Complete the following for homeless claimants.

|   |  |   |
|---|--|---|
| Claims from persons: with No Fixed Address/ Without Accommodation |  |   |
|   |  |   |
| For office use only:  |  |   |
| Name  |  |   |
| NINO  |  |   |
| ID seen   |  |   |
|   |  |   |
| <b>Part 1</b>   |  |   |
| <b>1a</b>   | Does the claimant have an address that they normally regard as home? | Yes    Answer the questions below<br>No    Go to Part 2 |
| <b>1b</b>   | What is the address of the   |   |

|               |  |                                 |           |
|---------------|--|---------------------------------|-----------|
|               | place the claimant normally regards as home?   |                                 |           |
| <b>1c</b>     | Why is the claimant no longer at the address given at 1b above?  |                                 |           |
| <b>1d</b>     | What was the claimant's last address?  |                                 |           |
| <b>1e</b>     | Why did the claimant leave their last address?   |                                 |           |
| <b>1f</b>     | Does the claimant have an address for post?  |                                 |           |
|               |  |                                 |           |
| <b>Part 2</b> |  |                                 |           |
| <b>2a</b>     | Where exactly did the claimant spend the last two nights? Give the full address or exact location  |                                 |           |
| <b>2b</b>     | Name all of the people who are staying or who live at this address   |                                 |           |
| <b>2c</b>     | Name the tenant or owner of this address   |                                 |           |
| <b>2d</b>     | Is the address:  | A hostel                        | Yes    No |
|               |  | Bed and breakfast accommodation | Yes    No |
| <b>2e</b>     | Where does the claimant intend to spend tonight?   |                                 |           |
| <b>2f</b>     | Where are all the claimant's belongings?   |                                 |           |
|               |  |                                 |           |
| <b>Part 3</b> |  |                                 |           |
| <b>3a</b>     | Does the claimant have accommodation that: <ul style="list-style-type: none"> <li>• provides shelter</li> <li>• can be heated</li> <li>• has cooking facilities</li> <li>• has eating facilities</li> <li>• has sleeping facilities</li> </ul> | Yes                             | No        |
| <b>3b</b>     | What kind of accommodation is it   |                                 |           |
|               |  |                                 |           |
| <b>Part 4</b> |  |                                 |           |
| <b>4a</b>     | What steps in the jobseeker taking to obtain an address?   |                                 |           |
| <b>4b</b>     | Is the jobseeker registered at a   |                                 |           |

|  |  |  |
|--|--|--|
|  | housing office or any other organisation? If so, which one |  |
|--|--|--|

## Ground rent

127. Ground rent is payable on leasehold properties and is a rental payment for the ground that the building is standing on.

128. Ground rent can be paid as a JSA(IB) housing cost if the property has a long tenancy.

129. A long tenancy is when the claimant's lease is:

- granted for over twenty-one years; or
- fixed by law for a term with a covenant or obligation for renewal.

## Verification of ground rent

130. If the claimant is liable to pay ground rent:

| Step | Action  |
|------|---|
| 1    | ask to see a copy of the tenancy agreement to confirm if the lease is short or long;  |
| 2    | record the details: <ul style="list-style-type: none"> <li>• on form A6;</li> <li>• on notepad in dialogue JA110: Notepad.</li> </ul> |

## Claimant/partner has come from abroad

131. From 1 May 2004 anyone who makes a claim for an income-related benefit is required to show that they have a Right to Reside as well as being habitually resident in the Common Travel Area (CTA).

132. The Right to Reside test element of the new Habitual Residence Test (HRT), applies to everyone who makes a claim for:

- Income Support;
- income-based Jobseeker's Allowance;
- Pension Credit; and
- Housing Benefit.

133. This requirement is in addition to showing that they are also habitually resident in the CTA.

134. A claimant must show they have the right to reside before they can be considered Habitual Resident.

## Victims of Forced Marriage

135. Victims of "forced marriage" are individuals who have been removed from the UK where they are normally resident, (or in some circumstances, who have left the UK voluntarily e.g. for a holiday), and have been detained abroad against their will. This means that they have been prevented from residing habitually in the UK through no fault of their own.

136. Under these circumstances individuals do not lose their habitual residence in the UK and are therefore viewed as being habitually resident from the outset of their claim.

137. The Forced Marriage Unit (FMU) is a joint Foreign and Commonwealth Office and Home Office unit which works with other government departments, statutory agencies and voluntary organisations to develop effective policy for tackling forced marriage. They run a public helpline that provides confidential advice and support to victims, and to practitioners handling cases of forced marriage. They can be contacted on 020 7008 0151 or by email.

138. Individuals who have been helped by the FMU, and who make a claim to income based Jobseeker's Allowance, are issued with a letter by the FMU, confirming no loss of habitual residence throughout any period of enforced absence from the UK. An example of the FMU assistance letter is included at Appendix 1.

139. The letter is to assist the individual in making a claim to benefit and accommodation without further need for distress.

140. Any individual bearing this letter has not lost their habitual residence in the UK throughout any forced absence.

141. Bearers of the FMU letter are generally UK citizens or have leave to remain in the UK. If the individual concerned is an EEA national or a Person Subject to Immigration Control, please contact the PFA Team for assistance and advice.

### **Persons subject to immigration control**

142. A Person Subject to Immigration Control is a person who is not a European Economic Area national, and who:

- requires leave to enter or remain in the UK but does not have it;
- has leave subject to the condition 'no recourse to public funds';
- is a sponsored immigrant; or
- has had limited leave extended only because they have appealed a decision to vary or refuse to vary that leave.

**See, Decision Makers Guide, Volume 4 Chapter 24, Persons subject to immigration control**

### **Persons subject to Immigration Control entitled to normal JSA(IB)**

143. A Person subject to Immigration Control is excluded from JSA(IB) unless they fall within one of the following categories when they can be considered for JSA(IB) under the normal rules:

- sponsored immigrants who have been in the UK for 5 years;
- a national of a country which has ratified either the European Convention on Social and Medical Assistance (ECSMA) or the Council of Europe Social Charter (CESC) and is lawfully present in the UK.

See Refugee Guidance

**See Decision Makers Guide, Volume 4 Chapter 24, Persons subject to immigration control**

## Common Travel Area

144. The following countries are referred to as the Common Travel Area (CTA):

- the UK;
- the Channel Islands;
- the Isle of Man; and
- the Republic of Ireland.

## The right to reside

145. Anyone who claims JSA needs to show they have a right to reside in the UK or other part of the CTA.

146. The right to reside is considered before habitual residence. If the claimant does not have a Right to Reside test then the second part of the Habitual Residence Test (HRT) is not applied and the claim is closed.

147. The claimant must complete the right to reside stencil HRT2(R) and provide the correct documents to show that they have the right to reside.

148. The Right to Reside Test and the HRT do not apply to:

- the claimant's partner;
- dependant children;
- young persons who are part of the claimant's family.

149. Further information regarding the Right to reside and the habitual residence test can be found in the Habitual Residence Test guidance.

## Evidence required for right to reside

150. Ensure that the claimant has provided the correct documents to show that they have the right to reside.

| Nationals/Citizens   | Documents required  |
|--|---|
| UK nationals including those from the Channel Islands and the Isle of Man  | <ul style="list-style-type: none"><li>• None required if they have answered 'Yes' to the question 'Are you a UK national with a right of abode in the UK?'.</li></ul>   |
| Irish nationals (or passport holders) returning to the UK or coming to the UK for the first time from the Irish Republic | <ul style="list-style-type: none"><li>• A current passport; or</li><li>• A certificate granting citizenship of the Irish Republic.</li></ul>  |
| Accession Eight Nationals  | <ul style="list-style-type: none"><li>• See HRT Guidance for details</li></ul>  |
| Accession 2 Nationals  | Accept one the following documents: <ul style="list-style-type: none"><li>• passport;</li><li>• identify card from their home country.</li></ul> They also need to provide (if held):<br>Worker Authorisation card. |
| All other European Economic Area Nationals   | Accept one of the following documents: <ul style="list-style-type: none"><li>• passport;</li><li>• identify card from their home country;</li></ul>   |

|  |  |
|--|--|
|  | <ul style="list-style-type: none"> <li>• residence permit.</li> </ul> <p>They also need to provide:</p> <ul style="list-style-type: none"> <li>• evidence to support their economic status.</li> </ul>   |
| Non EEA Nationals including European Convention on Social and Medical Assistance Nationals | <p>Accept one of the following documents:</p> <ul style="list-style-type: none"> <li>• passport containing immigration stamp granting leave or UK visa or UK residence permit;</li> <li>• home office status document containing UK residence permit.</li> </ul> |

151. For Further information please see the Habitual Residence Test guidance

## European Economic Area Nationals

152. Nationals from the following countries are referred to as European Economic Area (EEA) 18 nationals:

- Austria;
- Belgium;
- Denmark;
- Finland;
- France;
- Germany;
- Greece;
- Iceland;
- Italy;
- Liechtenstein;
- Luxembourg;
- Netherlands;
- Norway;
- Portugal;
- Spain;
- Sweden.

153. Switzerland is not a member of the EEA but has signed an agreement which allows its' citizens the same freedom of movement rights as EEA nationals.

## Accession Eight Nationals

154. People from the following countries are known as Accession Eight (A8) nationals:

- Czech Republic;
- Estonia;
- Hungary;
- Latvia;
- Lithuania;
- Poland;
- Slovakia; and

- Slovenia.

155. See the EU Rights of Residence - Habitual Residence Test guidance for further information regarding accession eight nationals.

### **Accession Two Nationals**

156. People from the following countries are known as Accession Two (A2) nationals:

- Bulgaria;
- Romania;

### **Habitual Residence**

157. The Habitual Residence Test is only applied to people who have a right to reside and who have arrived or returned to live in the UK within 2 years of claiming these benefits.

158. People who demonstrate a right to reside but who have been in the UK for more than 2 years are not subject to the second part of the test.

159. Further information regarding the Right to reside and the habitual residence test can be found in the Habitual Residence Test guidance.

### **Exemptions to the second part of the Habitual Residence test**

160. The following are exempt for the Habitual Residence test (HRT):

- UK Nationals who have been on holiday for a short period of time;
- European Economic Area (EEA) Nationals with worker status;
- Accession Two (A2) nationals;
- Accession Eight (A8) Nationals;
- refugees with indefinite leave to remain;
- people with exceptional leave to remain, humanitarian protection and discretionary leave;
- people who have been deported back to the United Kingdom;
- people who are part of the Indefinite Leave to Remain Families Project; and
- the Gateway Protection Programme (for refugees).

### **Biometric Residence Permits**

161. From 29<sup>th</sup> February 2012 anyone applying for and granted refugee status, humanitarian protection, discretionary leave or refugees under the Gateway Protection Programme will be issued with a Biometric Residence Permit (BRP).

162. Applicants who applied before the 29<sup>th</sup> February 2012 will continue to receive the immigration document. Those previously granted leave will still be in possession of the relevant documentation, which can be used if they need to submit a new claim.

### **European Convention on Social and Medical Assistance Nationals**

163. Nationals from the following countries are referred to as European Convention on Social and Medical Assistance (ECSMA) Nationals:

- Croatia; and
- Turkey.

164. ECSMA nationals, who have been given limited leave to remain not temporary admission, have the right to reside.

165. They need to provide a passport showing their entry clearance or visa showing their leave to remain. They are subject to the second step of the HRT. For further information see the EU Rights of Residence - Habitual Residence Test guidance.

## **Victims of domestic violence – DDV Concession cases**

166. From 1 April 2012, individuals who:

- came to the UK or were granted leave to stay in the UK as the spouse or partner of
  - a British citizen or
  - someone settled in the UK **and**
- whose relationship has broken down due to domestic violence

can apply to the Home Office for limited leave to remain (LLR) pending consideration of an application for Indefinite Leave to Remain (ILR).

167. The Home Office consider whether:

- their applicant entered the UK or was given leave to remain in the UK as a spouse, civil partner, unmarried or same sex partner of a British Citizen or someone present and settled in the UK; **and**
- the relationship has broken down due to domestic violence; **and**
- they do not have the means to access accommodation or to support themselves and need financial help; **and**
- they will apply to stay permanently in the UK under the Destitution Domestic Violence immigration rule (settlement DV)

168. If the Home Office accepts that someone satisfies **all 4** of the conditions above they issue them with letters notifying the start and end date for 3 months limited leave to remain in the UK. During this 3 month period the claimant must apply to stay permanently under the DDV immigration rule.

169. Once they have received the LLR letters the claimant is eligible to apply for the relevant income related benefit according to their circumstances, i.e. Income Support, Employment and Support Allowance IR or Jobseeker's Allowance IB.

170. Where applicable they also have the right to work in the UK during the period of the limited leave to remain.

171. They are **not** required to satisfy either stage of the HRT.

## **Claims received**

172. Any claim for benefit must satisfy the normal conditions of entitlement, including production of or an application for a NINO. If the claimant does not have a NINO follow guidance in the Secure NINO Allocation Process (SNAP) guide.

173. To verify their immigration status the claimant must produce a letter from the Home Office. The Home Office will issue two letters to the claimant.



- The letter to the claimant is issued to confirm that they are eligible under the DDV Concession and has been granted limited leave to remain for a period of 3 months, giving the start and end dates of the limited period of leave
- The letter to DWP (which is given to the claimant) is designed to confirm:
  - the type, terms and start and end dates of limited leave that the claimant has been granted
  - that the leave they have been granted permits access to public funds and confirms that they are entitled to apply for financial help
  - the claimant is treated as habitually resident for the period of the limited leave to remain.

174. At whichever stage of the process evidence is being gathered, a copy of either of the Home Office notifications must be taken and retained as 'Supporting' evidence and kept with the claim papers for the Decision Maker's use in accordance with the DWP Benefits Document and Data Retention Guide.

175. The claim should be assessed in the normal manner using JSAPS. A full award must be made once a NINO has been issued.

176. In notepad record that LLR has been granted under DDV, the LLR period and the home office ref number.

### Limited leave to remain expires

177. If the Home Office notifies you that the claimant has not applied for ILR by the end date (notified in their original letter stating the period of limited leave to remain in the UK), terminate the award from the day after the last day of the 3 month period.

178. If the Home Office have not made a decision about an application for indefinite leave to remain in the UK by the end date (notified in the original Home Office letter to the claimant), benefit must continue to be paid until a decision is made and notified by the Home Office.

### After processing the claim

179. In all cases, when benefit is awarded:

| Step | Action   |
|------|--|
| 1    | Issue draft letter DL109a – Award Notification - Destitute Domestic Violence Case. This tells the claimant that they must notify DWP urgently if their circumstances change, e.g. if their immigration status changes before the benefit award period has expired.   |
| 2    | Set a case control 2 weeks before the period of LLR expires to send form DDV1 to the Home Office   |
|      | When the case control set at step 2 matures, send form DDV1 to the Home Office by e-mail ( <b>Note: this address is only to be used for DDV enquiries, it must not be used to enquire about PSIC and EEA claimants</b> ) using the Destitute Domestic Violence Case Enquiry – for them to confirm if or when they receive an |

|   |  |
|---|--|
|   | <p>application for ILR. Marking it as restricted</p> <p>(<b>Note:</b> depending upon how your office is organised, you may want to use a dedicated team email address for replies if you have one. Ensure a reply email address is recorded on the DDV1 and any subsequent communications).</p> <p><b>Suspend benefit from the day after the expiry of the LLR period.</b></p>   |
| 3 | <p>Set a case control for the day after the expiry of the LLR period to check for the return of DDV1 from the Home Office.</p> <p>Note: The Home Office will return DDV1 either:</p> <ul style="list-style-type: none"> <li>• Immediately if they already have an application for ILR</li> <li>• upon receipt of an application for ILR or</li> <li>• the last day of the LLR period if an application is not made</li> </ul>  |
| 5 | <p>When the Case control set at step 3 matures and if the DDV1 has not been returned email the Home Office to ask for an update. If they confirm that no application has been made within the 3 month LLR period:</p> <ul style="list-style-type: none"> <li>• terminate the benefit award from the day after the 3 months LLR notified in the letter</li> <li>• issue form BO3B to the claimant filling in the part to say why benefit has ceased e.g. "you have reached the end of your limited leave to remain in the UK".</li> <li>• In the event of further enquiries from the claimant, refer them to the Home Office</li> </ul>   |
| 7 | <p>If a DDV1 has been received or the Home Office reply to the follow up email states an application has been received but they have not yet made a decision on ILR:</p> <ul style="list-style-type: none"> <li>• Send form DDV2 to the Home Office asking them to inform us when a decision is made</li> <li>• benefit remains in payment until the Home Office make their decision on ILR.</li> <li>• The benefit suspension (as at step 5) must be lifted and if any benefit is owing it must be paid</li> <li>• record in dialogue JA110 Notepad the date an application was received and decision not yet made.</li> </ul> <p>Set 4 weekly case controls to check for return of DDV2. If we</p> |

|   |   |
|---|---|
|   | <p>have not had DDV2 returned, then email the Home Office for an update. (note the Home Office will not return DDV2 until a decision on the application for ILR is made)</p> <p>For the action to take when the DDV2 is returned and a decision has been made, go to decision made after 3 month LLR period</p> |
| 8 | <p>If a DDV1 has been received or the Home Office reply to the follow up email states an application has been received and they <b>have made a decision</b> go to decision made within the 3 month period of LLR</p>  |

## When a decision is made on ILR

### Decision made within the three month period of LLR

180. If a decision is made within the three months to **allow** ILR, payment of benefit will continue. Take the following action:

| STEP | ACTION  |
|------|---|
| 1    | Lift the benefit suspension and continue to pay benefit   |
| 2    | Delete the case controls referring to a Home Office decision  |
| 3    | Record the details of the decision in dialogue JA110 Notepad;   |
| 4    | Print a copy of the Home Office reply advising ILR has been allowed and delete the email;                         |
| 5    | Mark it as 'Supporting' evidence and refer it for filing. See the DWP Benefits Document and Data Retention Guide; |
| 6    | Issue draft letter DL109b to the claimant   |

181. If a decision is made within the three months **not to allow** ILR:

| STEP | ACTION   |
|------|--|
| 1    | Terminate the claim from the day after the final date of LLR quoted in the original letter from the Home Office; and                         |
| 2    | Delete the case controls referring to checking for a Home Office decision;   |
| 3    | Print a copy of the Home Office decision and delete the email;   |
| 4    | Record the decision details in dialogue JA110 Notepad;   |
| 5    | Mark the decision as 'Supporting' evidence and refer it for filing. See the DWP Benefits Document and Data Retention Guide;                  |
| 6    | Issue Form BO3B filling in the part to say why benefit has ceased e.g. "you have reached the end of your limited leave to remain in the UK". |

### Decision made after the 3 month LLR period

182. If the decision is made to **allow** ILR, benefit continues in payment. Take the following actions

| STEP | ACTION |
|------|--------|
|------|--------|

|   |  |
|---|--|
| 1 | Delete the case controls referring to a Home Office decision   |
| 2 | Record the details of the decision in Notepad;   |
| 3 | Print a copy of the Home Office reply advising ILR has been allowed and delete the email;                        |
| 4 | Mark it as 'Supporting' evidence and refer it for filing. See the DWP Benefits Document and Data Retention Guide |
| 5 | Issue draft letter DL109b to the claimant  |

183. If the decision is made **not to allow** ILR, the Home Office still have to treat them as having LLR for a short period to allow the claimant to appeal. This period is 10 working days from when the claimant received the decision. For example:

- The Home Office post the decision letter on Friday 7<sup>th</sup> September 2012, it is deemed to have been received by the claimant on Tuesday 11<sup>th</sup> (2 working days). 10 working days from the 11<sup>th</sup> is Tuesday 25<sup>th</sup>, so benefit will not be payable from 26<sup>th</sup>.

184. On receipt of DDV2 and the decision is **not to allow** ILR, the Home Office will have completed the date of the end of the appeal period:

| STEP | ACTION  |
|------|---|
| 1    | Delete the case controls referring to a Home Office decision  |
| 2    | Terminate the award from the day after the end of the appeal period.  |
| 3    | Issue Form BO3B filling in the part to say why benefit has ceased e.g. "you have not been granted indefinite leave to remain in the UK" |

## Former Gurkhas

185. Gurkhas are nationals from Nepal who are recruited to serve in the British Army in the Brigade of Gurkhas. They remain nationals from Nepal throughout their military service but in all other respects, they are full members of HM Forces. Except in exceptional circumstances, Gurkhas are almost always discharged from the British Army in Nepal.

186. To recognise their contribution to the UK, the Government announced on 30 September 2004 that all Gurkhas who were discharged from HM Forces on or after 1 July 1997 and had completed at least four years service would be able to apply for settlement in the UK.

187. Following a further announcement on 21 May 2009, this entitlement to settle in the UK was extended to all former Gurkhas with at least four years service.

## Access to Income-based Jobseeker's Allowance

188. Former Gurkhas who were granted Indefinite Leave to Enter or Remain (ILE or ILR) and were discharged on or after 1 July 1997, are able to access Income-based Jobseeker's Allowance (JSA(IB)) provided they satisfy the requirements of the Habitual Residence Test (HRT) and meet the normal conditions of benefit entitlement.

189. Former Gurkhas who are granted ILE or ILR and were discharged before 1 July 1997 are granted this leave exceptionally outside the immigration rules.

They are therefore passported through the HRT and are able to access JSA(IB) without the requirement of having to satisfy the full test.

190. Spouses or civil partners who have been married or in a civil partnership for at least two years and dependents of former Gurkhas, are granted ILE or ILR in line with the former Gurkha. Different rules apply depending when the application for leave was made. If their application was made at the same time as the former Gurkha, then this leave is granted outside the immigration rules. They are exempt from the HRT. However, if they apply to join the former Gurkha when he is already settled in the UK, this leave is granted inside the immigration rules. In this case, they are able to access JSA(IB) whilst they remain the partner of the former Gurkha. If they separate or divorce from the former Gurkha and claim JSA(IB) in their own right, then they are subject to the HRT.

191. The legal widow or widower of a former Gurkha affected by the new rules as outlined in paragraph 199, is granted the same settlement rights as the former Gurkha (ILE or ILR outside the rules). Therefore, they have immediate access to JSA(IB) without the requirement of satisfying the full HRT. Where there is more than one wife, only the nominated widow or widower is granted this type leave.

192. Dependent children of deceased Gurkhas including orphans and those that settle with the Gurkha's widow are granted ILE or ILR outside of the rules and are passported through the HRT thereby giving them immediate access to JSA(IB).


## Verification

193. Former Gurkhas who have been granted Indefinite Leave to Enter or Remain in the UK need to provide the following documents to confirm their immigration status and eligibility to access benefits:

- their passport endorsed with their leave to enter or remain in the UK
- their official discharge book (also known as their 'Lal' or 'Red Book')
- UK residence permit
- UK visa

## Visa Endorsements

194. From 31 October 2009, former Gurkhas who were discharged before 1 July 1997 and who are granted Indefinite Leave to Enter or Remain, have the following wording on their endorsements: **SETTLEMENT-AF-OTR** (Settlement – Armed Forces – Outside the Rules), which confirms that their leave has been granted outside the immigration rules. This group are not subject to the HRT. This is also the only category of Gurkha leave that features the 'OTR' wording.

195. Former Gurkhas who were discharged before 1 July 1997 and were granted ILE or ILR before 31 October 2009 are granted leave outside the immigration rules. However, in some cases, their passports and visas may not be endorsed to show this. To check which type of leave was granted, you must email form DC1100  to the Evidence and Enquiry Unit at UKBA. Where UKBA are unable to confirm whether the leave was granted outside the rules, you must contact the Managed Migration Team.

196. Spouses and civil partners (CP) of former Gurkhas who are granted Indefinite Leave to Enter or Remain have the following wording on their visa: **SETTLEMENT-SPOUSE/CP**. The visa contains the name of the former Gurkha they came here to join or accompany. However, it does not indicate whether this leave was granted inside or outside the immigration rules. Contact UKBA to verify the type of leave that has been granted.

197. Widows and widowers of former Gurkhas who are granted Indefinite Leave to Enter or Remain outside the immigration rules have their visa endorsed with: **SETTLEMENT-AF-WIDOW(ER)** if it was granted after September 2009. If their leave was granted prior to this date, the visa reads: **SETTLEMENT TO JOIN/ACC\***. As with spousal visas, this visa bears the name of the former Gurkha they were granted leave in respect of. In most cases, this visa does not show whether the leave was granted inside or outside the rules. To confirm the type of leave granted, contact email form DCI100 to the UKBA.

198. Dependent children (both under and over the age of 18) are granted Indefinite Leave to Enter or Remain in line with the former Gurkha. However, there is not any text on their visa to reflect that they are a family member of a former Gurkha, nor does it show whether leave was granted inside or outside the immigration rules.

199. Where Indefinite Leave to Enter or Remain is granted outside the rules to a spouse, civil partner or a dependent, and they make a claim for benefit in their own right, then they must provide the former Gurkha's documents.

### **Gurkha Pension Scheme**

200. Some former Gurkhas may have an Army pension, sometimes referred to as GPS (Gurkha Pension Scheme). This pension income is fully taken into account in any claim for an income-related benefit

### **Gurkha Chronic Condition List (GCCL)**

201. The British Army and Ministry of Defence agreed in October 2005 that a number of the Gurkhas on the GCCL should be discharged in the UK rather than Nepal. This applies to Gurkhas who were themselves, or a member of their dependent family present with them in the UK, either too ill or suffering a medical condition that prevented their return to Nepal.

202. Special arrangements have been put in place by the Home Office to process their leave to remain applications immediately following discharge from HM Forces.

203. Twenty members of The Gurkhas on the GCCL have been discharged in the UK in two groups of 10. Their last dates of service were 14 December 2006 and 11 January 2007 respectively.

### **Claimant has left full-time employment within the last 6 months**

204. Use the end date provided by the claimant. If a doubt arises and verification is required from the employer, telephone the employer and record details on form A6.

## **Claimant has left part-time employment within the last 6 months**

205. If the claimant and/or partner have left **part-time** employment within the last 6 months, details must be obtained from the relevant employer, for example, details of final payments they:

- received; and/or
- are due to receive.

## **Verification of final details from employers**

206. Ask the claimant to provide verification of final employment details, for example, by written letter from their relevant employer.

207. If the claimant is unable to provide verification of final employment details:

- establish and telephone their previous employer to obtain the details;
- record the details on form A6; and
- sign and date this entry.

208. If the employer refuses or is unable to provide the details requested by telephone or fax:

- send draft letter DLJA 750 to the claimant's relevant employer for completion: and
  - for system maintained claims: access dialogue JA530: Case Controls and set a case control to await its return; or
  - for clerically maintained claims: BF the claim to await its return.

## **Draft Letter DLJA 750 not received**

209. If DLJA 750 is not received from the claimant's relevant employer:

| <b>Step</b> | <b>Action</b>  |
|-------------|--|
| 1           | send a duplicate form DLJA 750 to the last employer if appropriate;  |
| 2           | <b>for system maintained claims:</b> <ul style="list-style-type: none"><li>• access dialogue JA530: Case Controls and set a case control for one week to await its return;</li></ul> <b>for clerically maintained claims:</b> <ul style="list-style-type: none"><li>• BF the claim for one week to await its return;</li></ul>   |
| 3           | <b>for system maintained claims:</b> <ul style="list-style-type: none"><li>• if the form is still unreturned;</li></ul> <b>See, Decision Makers Guide, Volume 1, Chapter 2, claims and applications and Volume 4, Chapter 20, JSA and IS conditions of entitlement</b> <b>for clerically maintained claims:</b> <ul style="list-style-type: none"><li>• if the form is still unreturned after one week:<ul style="list-style-type: none"><li>◦ consider the claim;</li><li>◦ record the decision on form JSA14C;</li><li>◦ assess the claim.</li></ul></li></ul> |

## **Full time or part-time employment has ceased**

210. If the claimant has finished full or part time work and is now claiming JSA, the jobcentre:

- issue form ES85 directly to the claimant's last employer; and
- complete a clerical ES85AS to control the return of form ES85.

211. The ES85 field in the PREVIOUS WORK screen JA091007 displays [C] to show that an ES85 has been issued clerically. A JSAPS generated ES85AS is issued.

## **Return To Work Credit and In Work Credit Payments**

212. Return to Work Credit (RTWC) is a financial incentive that is offered to all eligible claimants moving back to work from incapacity benefits. It is a non taxable weekly payment of £40 paid for a maximum of 52 weeks to claimants who work 16 hours or more a week and earn £15,000 gross or less a year.

213. In Work Credit (IWC) is a financial incentive that is offered to all eligible lone parents moving into work. It is a non taxable weekly payment of £40 (£60 in London) paid for a maximum of 52 weeks to claimants who work 16 paid hours or more a week.

214. Payments are made via the Resource Management (RM) system with no link to legacy

215. RTWC/IWC payments must be stopped if a repeat claim is made. When they reclaim claimants are asked if they or their partner are currently receiving or have received RTWC/IWC.

## **Closure of IWC and RTWC**

216. No new awards of RTWC will be made to claimants on or after 1st October 2013. Claimants who are in receipt of RTWC prior to 1st October 2013 will continue to be paid until they are no longer eligible, be that because they have received their full 52 weeks payments, or because they no longer meet the eligibility criteria.

217. Lone parents starting work on or after 1 October 2013 **will not** be entitled to IWC or any balance of time payments from an earlier award.

## **Action**

218. Check Legacy notepad to see if the claimant or partner is currently receiving or has received RTWC/IWC

219. Telephone the relevant **RTWC/IWC team** to tell them that the claimant or their partner's employment has finished and entitlement to RTWC must be ended.

220. Note LMS conversations of action taken.

221. The RTWC/IWC team take all further action.



## **Part-time work**

222. If a claimant says that they and/or their partner are working part-time, check that they are not in remunerative work. JSA is not available to those claimants in remunerative work.

223. Remunerative work is classed as working:

- 16 hours or more per week on average for the claimant; or
- 24 hours or more per week on average for the claimant's partner, for JSA (IB) purposes.

224. Part-time work may affect the amount of JSA the claimant, and/or their partner receives.

225. To assess the effect of part-time work on the claimant's and/or partner's claim, the claimant should have completed either:

- the part-time work details on form JSA1 at the new claims stage; or
- form B7/A15C if the part-time work starts during the life of the claim. See Current Work guidance.

226. When a claimant is receiving JSA (C) only, any earnings received by their partner from part-time work, do not affect the claimants JSA (C)

## **Verification of current part-time work**

227. If the claimant is engaged in part-time, see the Current Work guidance.

## **Volunteering**

### **What is a volunteer**

228. See the Labour Market Conditions Guide or DMG Chapter 20, paragraphs 20467 to 20469 for further information on what is considered volunteering.

229. Money to refund any expenses as a direct result of volunteering are disregarded, for example fares, meals or the cost of any specialist clothing or equipment.

### **Jobseeker declares they are volunteering**

230. If a customer declares that they are volunteering or undertaking charitable work issue them with form **VOLWORK1** and tell them to take it to their jobcentre when they attend.

231. The jobcentre check the completed form, decide whether the volunteering prevents the jobseeker from meeting the labour market conditions and return the form to the Benefit Centre.

232. On receiving the completed form volwork1 check the official use box to see whether the jobcentre have identified any labour market issues. Do not issue any locally produced forms, the volwork1 should contain enough relevant information.

### **Labour Market Issues identified**

233. If the jobcentre have identified a doubt, wait for their decision before taking further action

234. If the jobcentre decide the jobseeker is no longer meeting the labour market conditions, close the claim.

235. If the jobcentre decide the jobseeker is meeting the labour market conditions or no labour market issues are identified, you must decide how to treat the volunteering.

### Volunteer Expenses

236. Accept the jobseeker's statement concerning the amount of expenses they receive or expect to receive unless it is not credible, e.g. the jobseeker receives an excessive amount as expenses or receives money for expenses but does not have any outgoings.

237. The volunteer should not lose money through volunteering but, at the same time should not make a profit, e.g. generous expenses for meals or travel must not be used as a form of payment/reward for volunteering.

238. When a volunteer declares that they have, or will, receive money to reimburse expenses, take the following action:

| Step | Action  |
|------|---|
| 1    | ensure the expenses only relate to the volunteering   |
| 2    | accept receipts, if offered. The customer does not have to provide receipts.  |
| 3    | break down the total into meals, travel, future travel, childcare, etc as applicable                                    |
| 4    | ask the customer for details of any amount which is over and above that in step 3                                       |
| 5    | refer any doubts or cases that are not straightforward to a decision maker for a decision on how to treat the expenses. |

239. If the jobseeker:

- receives payments or rewards in addition to the refund of their actual expenses; OR
- can choose whether or not they can receive payment for their volunteering,

refer the case to a **decision maker** for a decision on whether the person is in paid work. See Decision Maker's Guide, Volume 5, Chapter 26, Employed Earners

### Volunteering for a charity or non-profit organisation

240. Usually when people provide a service or give up their time they get paid. However, charities and non-profit organisations are the exceptions to this as they rely on unpaid volunteers in order to raise money for various good causes. The activities involve can vary from serving in a charity shop to hospital visiting to clearing land or waterways. When a jobseeker is volunteering for a charity or non-profit organisation it is usually reasonable for him to give his time and service for no payment.

241. If the volunteering is for a charity or non-profit organisation then as long as there are no labour market or expenses issues identified, record details of the volunteering in dialogue JA110 Notepad and file form volwork1JP.

242. There is no definitive list of non-profit organisations but these are usually local organisations such as residents committees, allotment groups, neighbourhood watch groups etc. Local Authority organisations, hospitals and schools do not come under this heading.

243. You can check whether a charity is registered in England or Wales on the Charity Commission website <http://www.charity-commission.gov.uk> and in Scotland on the Office of the Scottish Charity Regulator website <http://www.oscr.org.uk>

### **Volunteering for a profit-making company**

244. When a jobseeker volunteers for a profit-making organisation, eg a business, etc, do not just assume notional income because the company can afford to pay him. You need to be sure it is reasonable for him to give his time for no payment.

245. This depends on what the claimant is getting in return for their time, for example they may gain experience, learn new skills, undergo training or be given a reference that can be shown to prospective employers etc.

246. You must also consider the length of time he will be providing a service for no payment. A general rule is that the shorter the period of time involved the more reasonable it is. See DMG Chapter 26, paragraphs 26183 to 26199 for further guidance.

### **When you have doubts on how to treat the volunteering**

247. If you are in any doubt refer the case to a decision maker.

### **Recording the decision**

248. If it is established the jobseeker is a volunteer no further information is necessary. Record details of the volunteering in dialogue JA110 Notepad and file form volwork1JP.

249. If the decision maker has said that a short period of volunteering is reasonable, you must complete and issue draft letter D/LJA001 to let the jobseeker know.

250. Input details of the decision in dialogue JA110 Notepad. For example, "Volunteering with Costco from 1.10.11 to 28.10.11 agreed. D/LJA 001 sent 5.10.11"

251. If the volunteering cannot be treated as such, record the details of the decision in dialogue JA110 Notepad and reassess the claim.

### **Service Users**

252. A Service User is someone who is consulted by, or on behalf of, a body which has a statutory duty to provide services in the fields of health, social care or social housing. Some examples of these bodies are: NHS Trusts, Primary Care Trusts, Social Services Departments, Local Authorities, patient forums, Education Trusts, Housing Associations

253. A Service User can be a user, potential user, carer of a user or otherwise affected by the service provided

254. Service Users may also be consulted by other organisations which conduct research, or monitoring, to enable planning or improvement of these services

### **Service Users – participation and payment**

255. Service Users may:

- participate voluntarily and receive no payment,
- receive expenses only for involvement on a voluntary basis,
- be offered payments for their participation and in recognition of their involvement,
- be offered both payment and expenses in return for their participation, or
- be given cash or vouchers in recognition of their involvement.

256. A carer of a person that participates as a service user may be paid expenses for accompanying the service user

### **Forms**

257. Claimants or partners participating as Service Users who do not receive payment (or just receive expenses or attendance costs) should complete form VOLWORK1JP. **Forms A15C and B7 must not be issued.**

258. Claimants, partners or their carers participating as Service Users who receive payment (over and above their expenses) for their participation/ involvement should complete forms B7 and A15C.

### **How Service User payments affect JSA**

259. Expenses paid to a Service User or their carer are **disregarded**. For example:

- expenses for, or resulting from Service User involvement;
- attendance costs, e.g. travel or childcare costs or the costs of a replacement carer;
- the cost of a carer, support worker or personal assistant if the service user is a disabled person and needs support to prepare for, travel to and from the event and to participate in the event.

### **Payment for participation or recognition of involvement**

260. Any payment other than expenses (including vouchers received as payment), should be **taken into account as earnings**.

261. See the Assessing Previous Work and Current Work chapters of the JSA Procedural Guidance for instructions on how to take earnings into account.

262. Note: If a claimant receives JSA(C), any payments received by their partner for participation/ involvement do not affect the claimant's payment.

### **Vouchers received as a one off gift**

263. Vouchers received as a one off gift and not intended to replace payment for participation/ involvement, are treated as income in kind and **disregarded**. A statement can be taken from the claimant on form A5/ES589. No further verification is required.

### **Notional Income for Service Users**

264. Notional Income rules **do not apply** to Service Users. Do not refer cases for a decision on notional income.

### **Recording Service User activity – no payment for participation/ involvement**

265. When it has been established that the claimant is a volunteer, Jobcentre staff carry out any necessary labour market conditionality checks (see LMCG for more information), and then send a copy of the VOLWORK1JP to the Benefit Centre.

266. If a carer declares expenses for accompanying the service user obtain;

- the name of the service user
- who they are a service user for i.e. name of the organisation
- how they are participating e.g. Focus Group
- whether the participation is a result of a legal requirement of the organisation
- the regularity of participation
- amount received in expenses

### **Updating JSAPS**

267. For system maintained claims:

| Step | Action  |
|------|---|
| 1    | Access the service users, and/or carers JSA claim in JSAPS <ul style="list-style-type: none"><li>• in dialogue JA110: Maintain Notepad and</li><li>• record the Service User details, including any disregarded expenses;</li></ul> |
| 2    | Complete A6 with the same information and file with the form VOLWORK1JP. No further action  |

### **Clerical Records**

268. For clerical records:

| Step | Action   |
|------|--|
| 1    | Record details of the Service User participation, including any disregarded expenses on form A6. Take no further action. |

### **Recording Service User Activity – Payment for participation or involvement received**

269. When a claimant and/or carer declares that they or their partner are receiving payment for participation/ involvement (over and above their expenses), ask them to complete forms A15C and a B7.

270. If the activity starts after the initial claim stage, ensure action has been taken in the Jobcentre to check that the claimant satisfies Labour Market Conditionality.

271. Jobcentre staff register a change of circumstances in dialogue JA060: Register Claim/Event and pass any forms to the Benefit Centre. .

### **Updating JSAPS**

272. For system maintained claims:

| Step | Action   |
|------|--|
| 1    | access the dialogue JA091: Maintain Claim Details, screen JA091006: Current Work and input Service User Activity details;  |
| 2    | in dialogue JA110: Maintain Notepad and on form A6, record details of: <ul style="list-style-type: none"><li>• the amount of payment for participation/ involvement,</li><li>• any disregarded expenses; and</li><li>• the hours and frequency of participation/ involvement</li></ul> |

### **Clerical Records**

273. For clerical records:

| Step | Action   |
|------|--|
| 1    | issue form A15C to the claimant; and<br><br>BF the case to await the reply;  |
| 2    | on form A6 record details of: <ul style="list-style-type: none"><li>• the amount of payment for involvement,</li><li>• any disregarded expenses; and</li><li>• the hours and frequency of participation/ involvement</li></ul> |
| 3    | take further action if the claimant does not reply to A15C.  |

### **Assessing payment for Service User Activity**

274. For information about inputting and assessing part-time earnings see the Current Work guidance.

### **Temporary Stopped claims**

275. Further information for TS claims is available in the Temporary Stopped Claims Guidance.

### **Trade Disputes**

276. Claimants are not entitled to JSA for any week in which they:

- are not employed because of a stoppage of work caused by a Trade Dispute (TD) at their place of work; or
- withdraw their labour to help further a TD.

277. A joint-claim couple are not entitled to a joint claim JSA for any week in which:

- both members of that couple are not employed because of a stoppage of work caused by a TD at their place, or places, of work; or
- each member withdraws their labour to help further a TD.

278. However where only one member of a joint-claim couple is affected they may still be entitled to joint claim JSA.

## **Exceptions**

279. The TD provisions do not apply if claimants can show that during the stoppage of work they:

- start work somewhere else; or
- have been made redundant; or
- have returned to work for their employer but have then left for reasons other than the TD; or
- are not directly interested in the dispute.

**See, Decision Makers Guide, Volume 6, Chapter 32, Trade Disputes**

## **Verifying Trade Dispute cases**

280. If a new/repeat claim to JSA or a change of circumstances on an existing JSA claim involves a Trade Dispute (TD), the claimant must complete form B71D.

281. When a JSA claim is received with form B71D attached, refer the case to the designated regional team to decide entitlement to JSA.

282. If a TD case is identified and form B71D is not attached:

- complete and send form B71D to the claimant; and
- refer the case to a JSA nominated officer once form B71D has been returned.

**See, Decision Makers Guide, Volume 6, Chapter 32, Trade Disputes**

## **Self employed earners**

283. A self employed earner:

- works for themselves, rather than someone else or a company;
- is gainfully employed in Great Britain other than as an employed earner; and
- provides a service for a client as a sole trader or in partnership with another person.

284. They are also responsible to the full extent of their assets for the debts of the business and are entitled to all profits or a share of the profits if in partnership.

## **Obtaining verification from a self employed earner**

285. The claimant should have completed:

- the details on form JSA1;
- form B16 if the claimant/partner:
  - continues to be self employed;
  - has temporarily ceased self employment;
  - is no longer self employed; or
  - is a company director.

286. If form B16 is not issued with form JSA1 and it is later realised the claimant or partner is or was self employed, the office may, depending on local arrangements:

- issue form B16; or
- pass the claim for interview/visit/new claim activity.

287. When form B16 is received, if there is not enough information to establish the value of any remaining assets:

- obtain information by post; or
- interview the claimant.

288. If the claimant needs to be interviewed about self employment, make arrangements using:

- the telephone; or
- form A165.

289. Ask the claimant to have documents available at the interview showing details of:

- gross income and expenses from the business; and
- business assets and debts.

## **Using form A165**

290. If form A165 is used, list examples of the documents needed; for example:

- business assets and debts or latest accounts;
- sales and purchase ledgers;
- shares held in the company;
- petty cash books.

291. If none of the above are available, ask the claimant for:

- business bank statements;
- details of any debts and debtors;
- details of any loans and overdrafts;
- details of any income and receipts for expenses.

## **Creditor insurance payments**

292. Insurance is available that covers people against being unable to meet a debt repayment/policy premium while they are not working.

293. For a monthly insurance premium, the insurer covers the repayment and often the monthly insurance premium for a specified period if the policy holder is not working due to:

- sickness; or



- unemployment.

294. Payments received on such policies are called creditor insurance payments.

295. Creditor insurance payments are disregarded provided the payment received does not exceed the amount, calculated on a weekly basis, used for:

- the repayment of the debt; and
- any associated insurance premium.

### **Claimant/partner receiving creditor insurance payment(s)**

296. If the claimant/partner states that they are getting creditor insurance payment(s), obtain full details of the payment(s) by sending the claimant a copy of the creditor insurance payments letter.

### **Occupational/personal pensions**

297. Take the following action when a claimant declares that they and/or their partner, receive:

- an occupational pension:
  - these are payments made to a person or their widow/widower by a previous employer(s) following the end of employment;
  - they are normally paid monthly from the employer's pension fund scheme;
- a personal pension:
  - these are usually based on contributions made directly by the claimant;
- periodic redundancy payments:
  - these are payments made to employees who leave employment through voluntary/compulsory severance schemes;
  - treat these payments as occupational pensions for JSA purposes.

298. Some employers pay an annual compensation payment (ACP) to employees leaving employment under severance schemes. Treat these payments as occupational pension payments.

299. Pensions affect JSA from the first day of the benefit week in which the payment is made.

300. Notification that the claimant and/or their dependant partner is receiving a pension can be obtained by:

- an entry on the JSA claim form JSA1 of JSA4(RR);
- a later declaration by the claimant;
- notification from a third party, for example the Local Authority.

301. If the claimant's partner receives the pension and the claimant receives or makes a claim to JSA (C) only, there is no effect on the claim.

302. If the partner receives the pension and the claimant receives or makes a claim to JSA (IB), this affects the amount of JSA (IB) payable.

### **Obtaining verification of the pension details**

303. If the claimant declares that they and/or their dependant partner receive a pension, make sure that the claimant supplies all the relevant information relating to the source, amount and the method and frequency of the payment.

304. This can be verified by:

- a letter of entitlement from the employer or insurance company who pays the pension;
- wage slips or P60s;
- bank statements;
- sending form JSA81 to the claimant to obtain details of a personal pension.

305. However the process is different if the claimant states they are in receipt of/or have claimed one of the following:

- Redundant Miners Payment Scheme;
- Iron and Steel Re-Adaption Benefits Scheme;
- Rover Group Employee;
- Employers Annual Compensation Payment.

### **Personal and occupational pension not confirmed**

306. If the claimant has not supplied details of their occupational pension on a new claim:

| Step | Action   |
|------|--|
| 1    | for system maintained claims:<br>JSAPS issues notification JA61000 for any further reviews in response to a user set review date on the dialogue JA091: Maintain Claim Details, screen JA091008: Occupational/Personal Pension details |
| 2    | for clerically maintained claims: <ul style="list-style-type: none"><li>• send form A164, Request for further information, to the claimant asking for verification; and</li><li>• BF the claim for 7 days for reply.</li></ul>         |

### **Insufficient information received about the pension**

307. If insufficient information has been received about the pension, find out if it is because the claimant:

- can not provide the information; or
- has not provided the information.

308. If there is insufficient information about the pension, try to obtain the information from the claimant:

- in writing;
- by telephone.

309. Use form BF222 if to contact the third party who pays the pension if necessary.

310. Send form A42 to the claimant, to obtain their approval to contact them. Do not contact the third party who pays the pension if the claimant is in receipt of a:

- Public Service Pension paid by the Paymaster General's Office, ask the claimant for the:
  - detachable information page from the back of their pension order book;
- or

- advice note which shows the annual pension rate if the claimant is not paid weekly;
- Post Office Pensions paid by the PO Pension section. If there is any doubt about the amount of pension, ask the claimant for the advice note issued with each payment.

### **Claimant cannot provide verification of their pension**

311. If the claimant cannot provide verification of their occupational/personal pension, send form BF222 to the persons responsible for paying the occupational/ personal pension.

### **Claimant does not provide details of their occupational/personal pensions**

312. If the claimant fails to provide the requested details:

| Step | Action  |
|------|---|
| 1    | for system maintained claims: <ul style="list-style-type: none"> <li>● issue a clerical reminder letter to the claimant; and</li> <li>● set out a case control to await a reply;</li> </ul> for clerically maintained claims: <ul style="list-style-type: none"> <li>● send a reminder letter to the claimant; and</li> <li>● BF the claim to await a reply;</li> </ul> |
| 2    | if the requested details have still not been provided, decided whether to disallow payment of JSA.  |

**See, Decision Makers Guide, Volume 1, Chapter 2, claims and applications and Volume 4, Chapter 20, JSA and IS conditions of entitlement**

### **Redundant Miners Payment Scheme**

313. If Redundant Miners Payment Scheme has been claimed but not yet awarded:

| Step | Action  |
|------|---|
| 1    | issue form RMS2 to: <ul style="list-style-type: none"> <li>● British Coal;</li> </ul>   |
| 2    | for system maintained claims: <ul style="list-style-type: none"> <li>● access dialogue JA530: Case Controls and set a four week case control to await a reply;</li> </ul> for clerically maintained claims: <ul style="list-style-type: none"> <li>● BF the claim for four weeks to await a reply;</li> </ul> |
| 3    | if a reply is not received after four weeks, issue another form RMS2 to British Coal, annotated in red 'duplicate form';  |
| 4    | for system maintained claims: <ul style="list-style-type: none"> <li>● access dialogue JA530: Case Controls and set a further four week case control to await a reply;</li> </ul> for clerically maintained claims:   |

|  |   |
|--|---|
|  | <ul style="list-style-type: none"> <li>• BF the claim for a further four weeks to await a reply.</li> </ul> |
|--|---|

### Iron and Steel Re-Adaption Benefits Scheme

314. When the claimant claims JSA, and states that they are part of the Iron and Steel Re-Adaption Benefits Scheme (ISERBS) they should bring form SR3 or form SR7 to show that they are eligible for redundant steelworker benefits.

315. File these forms in the JSA Wallet as they may be used later if the Department of Trade and Industry needs to be informed of any changes, such as:

- periods of unemployment;
- the rate of JSA;
- the date JSA payment begins and ends;
- any reasons why JSA is not payable;
- periods of approved training;
- any other information affecting payment or assisting the department of trade and industry in answering queries.

316. If ISERBS benefits have been claimed but not paid, or payment has not been verified:

| Step | Action  |
|------|---|
| 1    | send draft letter DLJS151 to the Department for Business, Enterprise and Regulatory Reform                                  |
| 2    | for system maintained claims:<br>access dialogue JA530: Case Controls and set a case control to await a reply; or           |
| 3    | for clerically maintained claims: <ul style="list-style-type: none"> <li>• BF the claim to for 7 days for reply.</li> </ul> |

### Rover Group employee

317. If the claimant states on the claim form that they are a former employee, aged over 55 but do not receive a Rover Group pension:

| Step | Action  |
|------|---|
| 1    | send form JSA81 to the claimant, requesting details of the possible pension;  |
| 2    | for system maintained claims: <ul style="list-style-type: none"> <li>• access dialogue JA530: Case Controls and set a case control to await a reply; or</li> </ul> for clerically maintained claims: <ul style="list-style-type: none"> <li>• BF the claim to await a reply;</li> </ul> |
| 3    | if a reply is not received from the claimant within four weeks, issue another form JSA81 to them, annotated in red 'Duplicate form';  |
| 4    | for system maintained claims: <ul style="list-style-type: none"> <li>• access dialogue JA530: Case Controls and set a 4 week case control to await a reply; or</li> </ul>   |

|  |  |
|--|--|
|  | for clerically maintained claims: <ul style="list-style-type: none"> <li>• BF the claim for 7 days for reply.</li> </ul> |
|--|--|

### **Employers who may make annual compensation payments**

318. Ask claimants who have worked for one of the following employers to complete form JSA81 and return it as soon as possible to:

- Royal Mail;
- Property Service Agency;
- Ministry of Defence (civilian employees only);
- any other public service employer/civil service department known to have operated Voluntary Early Retirement (VER) or CSS.

### **Confirmation of expected week of confinement**

319. If the claimant or partner is pregnant they may only want to satisfy the labour market conditions up to and including the 11 weeks before the expected week of confinement (EWC).

320. They can, if they want and can satisfy the labour market conditions, remain on JSA up until the day before the baby is born. When to stop claiming JSA is the claimant and/or partner's decision. They must not be advised to claim Income Support from 11 weeks before the EWC.

### **Verification of expected date of confinement**

321. Ask the claimant to produce a MATB1. The healthcare professional issues this 20 weeks before the EWC.

### **Verifying a period of detention in custody**

322. When working out the period for which a person is detained in custody count the day on which the detention starts, do not count the day of release from detention as a day on which the person is detained in custody.

323. A member of the prison staff completes a B79, the details contained on the B79 form are basic personal details, and an official prison stamp on the form. The amount of any discharge grant paid to the claimant if any, the date of discharge and a signature of a member of the prison staff.

324. All details can be verified by either phoning or faxing the prison to confirm that the information held on the B79 is accurate.

### **Discharge grant as verification of a prisoner's release**

325. Prison authorities can give prisoners a discharge grant, that is, a sum of money paid on leaving prison to assist with living costs, before the prisoner claims benefit.

326. If the claimant has been on remand they should have discharge papers with the name of the prison and their release date, if not ask them for the name of the prison.

## Verification of jury service

327. If a claimant has been on jury service ask the claimant to provide a certificate of loss of earnings/National Insurance benefits.

## Claimant declares a social security benefit

328. If the claimant declares a social security benefit, verify it by:

- accessing the Common Update and Enquiry Dialogue (CUED) or other benefit systems;
- telephoning the relevant awarding office;
- normal prevention of duplication of payment/combined payment procedures. Do this by requesting confirmation from the appropriate awarding office and either:
  - set a case control for two weeks, to await a reply; or
  - BF the claim for two weeks, to await a reply.

329. Use the most cost effective means available to obtain verification, for example if there is doubt about a claimant's statement regarding a social security benefit, check by using CUED when available, or contact the awarding office rather than writing to the claimant.

330. If verification is requested from a member of a joint claim, either member can supply the information required.

331. JSAPS displays details of any social security benefits, which were in payment at the end of any previous claim. However check he:

- dialogue JA091: Maintain Claim Details, screen JA091020: Other Benefits
- CUED to determine if the amount of benefit has changed since the last claim.

## If an adjusted amount of social security benefit is in payment

332. If an adjusted amount of benefit is in payment due to an overpayment or deductions, check the reason for the adjustment and obtain the full, unadjusted rate of benefit from the awarding office.

## Contacting appropriate office to verify benefits

333. This list is for the most commonly used benefits but please note this is not exhaustive.

| Social Security Benefit   | Relevant office to verify benefit   |
|---|---|
| Bereavement Allowance<br>Bereavement Payment<br>Incapacity Benefit<br>Incapacity Benefit for Youth<br>Income Support<br>Jobseekers Allowance<br>Employment Support Allowance (ESA)<br>Maternity Allowance<br>Severe Disablement | If verification cannot be obtained via Common Update Enquiry Dialogue (CUED) contact the office concerned. The contact details for the appropriate office are available via the intranet. |

|  |   |
|--|---|
| Allowance<br>Widowed Parents Allowance<br>Widows Benefit   |   |
| Pension Credit<br>State Pension  | If verification cannot be obtained via CUED contact the appropriate Pension centre. Address details are held on the Pension service website via the intranet.   |
| Industrial Injuries Disablement Benefit<br>Industrial Injuries Death Benefit<br>Reduced Earnings Allowance | These are processed at centralised industrial injuries units throughout the country. Verification is required as this is fully taken into account for a claim to JSA (IB).  |
| Attendance Allowance (AA)<br>Disability Living Allowance (DLA)<br>Motability                               | If the award cannot be confirmed via CUED contact DLA/AA  |
| Statutory Adoption Pay<br>Statutory Maternity Pay<br>Statutory Sick Pay<br>Statutory Paternity Pay         | To verify the payment of these, follow the current guidance on verifying part-time earnings.  |
| Carers Allowance   | This is administered centrally, to obtain verification send a minute to the Carers Allowance Unit,  |
| Child Benefit<br>Guardians Allowance   | <b>Verification required from HMRC.</b>   |
| War Disablement Pension<br>War Widows Pension  | <p>If the claimant claims:</p> <ul style="list-style-type: none"> <li>• JSA (C), War Disablement Allowance is disregarded;</li> <li>• JSA (IB), verification is required as War Disablement Allowance is partially disregarded.</li> </ul> <p>Verification can be obtained by writing to the Service Personnel and Veterans Agency,</p> |
| Employment Rehabilitation Allowance  | This is administered by the jobcentre. For verification contact the appropriate jobcentre office. Office address details can be obtained via the intranet.  |
| Vaccine Damage Payments  | For the purposes of JSA (IB) this can be disregarded during the lifetime of the vaccinated person if it is held in a trust fund. Although payments which are made from the trust to or for the vaccinated person may be taken into account, for verification contact the Vaccine Damage Payments Unit,                                  |

## **Claimant ends training**

334. The action to take for a claimant who ends a period of training depends upon whether the Training Allowance they received was based on JSA(IB) or JSA(C).

335. For further information, see the Allowance Payments guidance

## **Education and/or courses of study**

336. Education and courses of study fall within the following categories:

- Relevant Education
- Full-time Advanced Education
- Part-time courses

For further information and definitions see, Decision Makers Guide, Chapter 30, Students, young claimants and their partners - paras 30023 onwards.

337. To determine the effect a course of study has on a claim to JSA, it is important to establish the type of education or course of study a person is undertaking. For further information, please see the effect of education and/ or courses of study on claims to JSA guidance.

## **Confirmation of the claimant's education course**

338. To confirm the education ask the claimant to provide the required information from one of the following:

- eligibility or financial notification issued by the Local Education Authority;
- completed Learning Agreement from the establishment.

339. This information can be obtained from the claimant over the telephone or during face to face contact. If the claimant cannot provide complete and accurate information ask them to provide either of these forms.

340. Alternatively, ask the claimant to complete form ST1.

## **The effect of education and/ or courses of study on claims to JSA**

### **Relevant Education**

341. Relevant Education is a course at 'A level' standard or below. A person is treated as being in relevant education and a qualifying young person (QYP) for Child Benefit (ChB) purposes, if they are:

- in full time non-advanced education or approved training (up to the appropriate ChB terminal date; and
- aged between 16 -18 years inclusive; or
- aged 19, and the education or course started before their 19<sup>th</sup> birthday.

A person is **not** in Relevant Education if they attend for less than 12 hours per week.

342. Claimants who reach the age of 20 whilst still in relevant education, or before the terminal date is reached, are not treated as receiving relevant education. They may be considered to be a student.



## Ending Relevant Education

343. Claimants aged over 18 and under 20 who have left Relevant Education (F/T non-advanced education), are deemed to be in Relevant Education and not entitled to claim JSA until after they reach their next ChB terminal date.

344. For claimants aged 16 and 17, see JSA for 16/17 year olds guidance.

## Child Benefit Terminal dates

345. There are four ChB terminal dates:

- The last day in February;
- 31 May;
- 31 August; and
- 30 November.

## Child Benefit Terminal dates in Scotland

346. In the case of a person in **Scotland** who

- (a) undertakes the Higher Certificate or Advanced Higher Certificate immediately before ceasing relevant education, and
- (b) ceases relevant education on a date earlier than they would have done had they taken the comparable examination in England and Wales,

the terminal date is calculated by reference to the date that applies had they taken the examination in England or Wales.

## Claiming JSA after the ChB terminal date

347. ChB is paid up to the Sunday following the next terminal date. A claim to JSA for an 18-19 year old relevant education leaver is therefore not appropriate until the Monday after the terminal date.

348. There is no requirement to consider the Child Benefit Extension period for 18 and 19 year old claimants, as a ChB extension is only payable up to the day before a persons eighteenth birthday.

**Note:** Parents who are existing claimants **cannot** relinquish entitlement to ChB for a qualifying young person who still lives with them, in order to help that young person qualify for JSA in their own right. ChB must continue until the fixed terminal date after the young person left relevant education.

## Full-time Advanced Education

349. A student in full-time advanced education **cannot usually** claim JSA for the duration of their course, including vacations. For exceptions to this rule see Full-time Students entitled to Jobseeker's Allowance.

**Note:** Sandwich Courses also fall under the definition of 'full-time advanced education'.

350. Please see the LMCG for further information about Labour Market Conditionality and full-time study.

## Full-time students entitled to Jobseeker's Allowance

351. Full-time students may be entitled to JSA if they are:

- on their **summer vacation** and are available for work (or treated as available for work) and are either:
  - single and responsible for a child; or
  - part of a couple where both are full-time students and either one or both is responsible for a child; or
- on an **employment related course**, where participation has been approved by DWP before the course started, for a maximum of two weeks and for one course in any twelve month period; or
- attending a **programme provided by the Venture Trust** (in Scotland) under an agreement made by the Secretary of State for the Home Department, for a maximum of four weeks and for one programme in any twelve month period; or
- waiting to go back to a course, having **taken approved time out** because of an illness or caring responsibility that has now come to an end.

352. Students receive income from various sources which must be taken into account. See Types of student income, for information on student income and disregards.

## Term end dates

353. To establish the date a claimant can make a claim to JSA after leaving their course of Full-time Advanced Education, see University term end date guidance.

## Part-time courses of study

354. Certain claimants who are studying but are not in relevant education or attending a full time course are classed as part-time students. (For definition of a full-time course of study see DMG 30037 onwards). To qualify for JSA, part-time students must meet labour market conditionality whilst undertaking their course.

355. See LMCG for further information about Labour Market Conditionality and part-time study.

## Non-dependants in household

356. Non- dependants are people aged 18 or over who normally reside with the claimant. If there is not enough information to decide if there is a non-dependant in the household, take the following action:

| Step | Action   |
|------|--|
| 1    | for system maintained claims: <ul style="list-style-type: none"><li>• send draft letter DLJA104 to the claimant with non-dependant in household; and</li><li>• access dialogue JA530: Case Controls and set a case control to await the reply;</li></ul> for clerically maintained claims: |

|   |   |
|---|---|
|   | <ul style="list-style-type: none"> <li>• send draft letter DLJA104 to the claimant with non-dependant in household; and</li> <li>• BF the claim to for 7 days for reply;</li> </ul>   |
| 2 | <p>if claimant does not provide details of non dependant:<br/>for system maintained claims:</p> <ul style="list-style-type: none"> <li>• send reminder letter to the claimant; and</li> <li>• access dialogue JA530: Case Controls and set a case control to await a reply;</li> </ul> <p>for clerically maintained claims:</p> <ul style="list-style-type: none"> <li>• send reminder letter to the claimant; and</li> <li>• BF the claim to await a reply;</li> </ul> |
| 3 | if the requested details have still not been provided, decide whether to disallow payments of JSA.  |

**See, Decision Makers Guide, Volume 1, Chapter 2, claims and applications and Volume 4, Chapter 20, JSA and IS conditions of entitlement**

### **If the non-dependant is in full time education**

357. If the non-dependant is in full time education and is not a close relative, contact the claimant and ask:

- if the student pays a commercial charge for accommodation; and
- if cooked or prepared meals are included in the charge.

358. If the non-dependant satisfies the above conditions, treat:

- them as a boarder; and
- their board payments as income.

**See, Decision Maker's Guide, Volume 5, Chapter 25, general rules on income**

### **Students**

359. If the student states they received one of the following:

- loan;
- grant;
- bursary.

360. Ask them to provide the required information from for a copy of the award notification from the relevant authority. This information can be obtained from the claimant over the telephone or during face to face contact. If the claimant cannot provide complete and accurate information ask them to provide a copy of the agreement.

If they have not got a copy instruct them to contact the local education authority or whoever authorised the payment and ask for a copy of the agreement.

### **Circumstances prior to claiming**

361. It should be apparent from the information provided on the claim form what the claimant and/or partner was doing prior to claiming that is previously working, or in receipt of another income.

362. If it is not clear from the details provided on the claim form consider if a Customer Compliance referral is appropriate, if not;

- send form JSA164 asking the claimant to give details and provide verification to show how they have supported themselves financially prior to making the claim; and
- set case control/clerical BF for receipt.

### **Claimant is temporarily unavailable due to sickness**

363. A claimant who is temporarily sick has the option to:

- remain on JSA for a period of up to two weeks twice in any jobseeking period (JSP) or if a JSP exceeds 12 months each successive 12 months (the first 12 months begins on the first day of the JSP); or
- claim Incapacity Benefit/Income Support immediately (Linking claims only), or
- claim ESA .

364. If the period of sickness links with a previous claim to Statutory Sick Pay, they cannot remain on JSA unless they are a member of a joint claim and are granted an exemption.

365. Confirmation of sickness can be obtained from the claimant on:

- medical certificates issued by the healthcare professional or hospital:
  - Med3/Fit note;
  - Med10; or
- using form JSA28 for periods of sickness up to 14 days.

366. If the claimant or partner is registered blind they could be entitled to additional premiums on their JSA (IB) claim.

367. To verify that the claimant or partner is registered blind request a verified copy of the blind registration certificate.

### **Notification of admission to hospital**

368. Notification that the claimant/partner has been admitted to hospital can be obtained from:

- the information on the claimants claim form; or
- on medical certificate form MED10 or form BR409.

369. Most hospitals complete form BR409 when patients are admitted. It gives details:

- of the patient:
  - when admitted;
  - some benefit details;
- of the patient's permission for the hospital to notify the Department for Work And Pensions of their admission.

### **Reserve forces**

370. The reserve forces are:

- Royal Fleet Reserve;
- Royal Naval Reserve;

- Royal Marines Reserve;
- Army Reserve;
- Territorial Army;
- Royal Air Force Reserve;
- Royal Auxiliary Air Force;
- The Royal Irish Regiment.

371. Territorial Army members and other reservists may be required to:

- attend regular drill nights;
- attend an annual training camp;
- take part in other training activities; or
- be called up to active duty.

372. Any training other than the annual camp is voluntary. This includes attendance at annual cadet camps organised by the Air Training Corps, Army Cadet Force and Sea Cadet Corps.

373. Territorial Army members who are called up to active duty are not treated as being in remunerative work while they are serving.

374. For details of the treatment of payments, see Current Work.

## **Creditor insurance payments letter**

### **Jobseeker's Allowance**

|  |                          |
|--|--------------------------|
|  | Our telephone number is  |
|  |                          |
|  | Our textphone number is  |
|  |                          |
|  | Your reference number is |
|  |                          |

## **CREDITOR INSURANCE PAYMENTS**

Dear

On your Jobseeker's Allowance claim form you told us that you or your partner have an insurance policy which is making payments on your loan/ hire purchase/ credit card repayments.

We need some more information about this so that we can work out how much Jobseeker's Allowance you will get.

### **What to do now**

Please fill in the enclosed sheet and send it back to us in the prepaid envelope provided. Please send us any letters that you have received from your insurance

company, which gives details of the payments.

**If you want to know more**

If you want more information about anything in this letter, please get in touch with us. Our phone number and address are at the top of this letter.

Yours sincerely

for Manager

**Jobseeker's Allowance**

**CREDITOR INSURANCE PAYMENTS (REPLY)**

\_\_\_\_\_

\_\_\_\_\_

**Name:** \_\_\_\_\_

**National insurance number:**

\_\_\_\_\_

Your reply

Do you have more than one credit arrangement?

**No**

☐

**Yes**

☐

If you receive more than one insurance payment, please answer the following questions for each arrangement you have. If there is not enough space on this form please continue on a separate sheet.

\_\_\_\_\_

Which insurance company is each  
policy with?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

What is the reference number for each  
policy you have?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

What is their  
address?

|       |       |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

\_\_\_\_\_

## Jobseeker's Allowance

### CREDITOR INSURANCE PAYMENTS (REPLY) continued

---

When did you get your first payment ...../...../.....  
from them?

If you have not had a payment yet,  
please tell us:

When you expect to get the first  
payment?

How much was the first payment? £.....

What period did the first payment cover? From...../...../.....  
to...../...../.....

How much are the payments now? £.....

When will the payments stop? ...../...../.....

---

Is the payment made direct to your credit company?    **No** ☐    **Yes** ☐

How much of the payment is used for repaying the loan? £.....

**Please send us proof of your loan repayments. For example, a payment book, bank/ building society statement or credit agreement. Please send the original documents, not photocopies. We will send these back to you.**

---

What is the remainder (if any) \_\_\_\_\_  
of the money used for? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

---



## Jobseeker's Allowance

### CREDITOR INSURANCE PAYMENTS (REPLY) continued

---

Are you still paying a premium to protect your loan?      **No** ☐      **Yes** ☐

How much do you pay?      £.....      Weekly/4 Weekly/Monthly/other\*  
\*delete as appropriate

If other, please state how often? \_\_\_\_\_

**Please send us proof of the amount of premium you are paying.  
For example, a payment book, bank/ building society statement or credit agreement.**

**Please send the original documents, not photocopies.  
We will send these back to you.**

Does the insurance payment include an amount for the premium?      **No** ☐      **Yes** ☐

---

Please make sure that you:

- have answered all the questions that apply to you;
- fill in the signature box and the date box;
- send this reply back to us, along with any letters received from your insurance company giving a breakdown of the payment, in the envelope provided.

Signature:

Date:

## Appendix 1

### FMU assistance letter

#### RE: Habitual Residence

**Name, NINO: DOB: Address (if applicable as may be refuge)**

I am writing from the Forced Marriage Unit (FMU), a joint Foreign and Commonwealth Office and Home Office initiative providing confidential advice and support to victims and practitioners in cases of forced marriage. This is done

in conjunction with government departments, statutory agencies and voluntary organisations.

The person named above, has recently received assistance from the FMU in returning to the UK after a forced absence abroad for the period xxxx to xxxx.

Under current Social Security regulations, people returning to the UK from abroad may make an immediate claim for income-related benefits. In addition to satisfying the normal conditions of entitlement, anyone who claims these benefits must demonstrate that they have a right to reside and are habitually resident in the UK.

The individual named here will have been taken from the UK, where they are normally habitually resident, and detained outside the country against their will. As such they will have been forcefully prevented from fulfilling their desire to reside in the UK. This means that they have not lost their habitual residence in the UK throughout any forced absence from the country.

DWP guidance allows that under such circumstances individuals **do not lose their habitual residence in the UK and are therefore viewed as being habitually resident from the outset of their claim.**

Please treat this letter as acceptance that the period spent outside the UK, stated above, was a forced absence and should not count against xxxxx when considering their entitlement to housing or other support.

For further information about this case please contact me on the above telephone number. General advice regarding forced marriages can be found at: [www.fco.gov.uk/forcedmarriage](http://www.fco.gov.uk/forcedmarriage)

The FMU may be contacted on the above telephone number in cases where identity is in doubt. If this is the case please quote the FMU reference stated on this letter.

**Please DO NOT contact the FMU as a means of routine ID checking.**

Yours sincerely,

(staff name)

Forced Marriage Unit

## **Useful Contacts**

- Valuation of Capital
- Jobcentre Plus Special Valuations
- Forced Marriage Unit