

## **Backdated Claims**

### **Backdating National Insurance Credits**

1. An application for National Insurance credits (NICs) must always be considered when an application for backdating is made. However, the claimant may ask for backdating of NICs only. These are considered by the payment processing section.
2. NICs are awarded under the Social Security (Credits) Regulations 1975. These regulations allow credits to be awarded for periods when the claimant:
  - receives Jobseeker's Allowance (JSA); or
  - satisfies the Labour Market (LM) conditions, apart from having a Jobseekers Agreement (JSAg); and
  - the delay in claiming is reasonable in the circumstances.
3. NICs can be allowed if a JSA backdating application is refused. This is because the rules for awarding NICs differ from those for awarding JSA.
4. Backdating of JSA may be disallowed because the claimant does not satisfy the provision of Claims and Payment Regulation 19, but NICs are awarded, as the availability, actively seeking and reasons for delay conditions of the Social Security (Credits and Contributions) Regulations 1996 are satisfied.
5. There are no time limits for claiming NICs; they can be awarded for a past period of more than three months.

### **Backdating of JSA**

6. A claimant may request that their JSA claim is backdated:
  - when making a new/repeat claim;
  - during the life of an existing claim; or
  - when no claim to JSA has been made.

### **Application made with new/repeat claim**

7. Applications for backdating on a new/repeat claim will normally be made when the claimant makes a claim via CMS or when they attend a New Jobseeker Interview.
8. The procedures to follow for labour market action are detailed in the Get Britain Working Guidance.
9. The procedures to follow for JSA Processing action are detailed in the Initial Assessment Action chapter of the Jobseekers Allowance Procedural Guidance.

### **Application during the life of an existing claim**

10. The procedure to follow when a backdated claim request is received on an existing JSA claim are detailed in the Initial Assessment Action chapter of the Jobseekers Allowance Procedural Guidance.

## **Labour Market Decision Making action**

11. When the LMDM receives form JSA5 the LM question is considered. If the question can be allowed the decision is recorded and the papers returned to the Jobcentre.

12. If further information is required this needs to be obtained before the LM conditions are considered. If the decision is then favourable this is recorded and the papers returned to the Jobcentre immediately.

13. If the LM conditions are not satisfied the LMDM cannot make their decision until they have received details of the payment DM decision on date of claim. Once this information is received, the decision is recorded and returned to the Jobcentre.

14. The LMDM action is undertaken at the same time as the decision on extending the time limit for claiming.

## **Backdated Claims and Failing to Attend Disentitlement Decisions**

15. In certain circumstances a claimant can have a disallowed decision revised by the LMDM. This can cause a problem if a new claim has been made with a backdated claim but the date that was disallowed and revised is before the first date of the backdated claim.

## **Labour Market Decision Makers decision returned to Jobcentre**

16. When the LMDM decision is returned:

Step	Action
1	record the decision in JSAPS dialogue JA070:Backdated Claim Details;
2	access dialogue JA120: Event Maintenance and complete 'ES action complete' field;
3	JSAPS sets case control S172 to alert the BDC that the decision has been made.

## **Backdated Claim Details**

17. If the LMDM decides that the LM conditions are not satisfied a final decision cannot be made until the decision on whether the time limit for claiming has been extended.

18. When the decision to extend the time for claiming is received, made either by the Secretary of State, or decision maker or both, they must check to see if the LM decision has been made. They do this by accessing dialogue JA513: suspension and decision enquiry.

## **Labour market decision made**

19. If the LM decision has been made the BDC records the decision in dialogue JA070: Backdated Claim Details. They can process the remainder of the claim awarding or refusing JSA.

### **Labour Market decision not made**

20. If the adviser has referred the claim to the LMDM they record the LMDMs location and fax number on form JSA5. The BDC must fax a copy of the DM decision to the LMDM immediately.

21. The LMDMs decision is recorded in dialogue JA070: Backdated Claim Details by the adviser. This will trigger case control S172 and an entry on the Work Available Report to prompt the payment processing section to record their decision and decide on the whole claim.

22. The payment processing section can record a claim within the dialogue JA091: Maintain Claim Details before the LM decision is made but they cannot decide on the claim. JSAPS will prevent the user changing the evidence complete flag in dialogue JA091: Maintain Claim details until both decisions are recorded.

### **Interim Payments**

23. If there is a delay in deciding on the claim, either because of the backdating application or another reason, the payment processing section should consider making Interim payments.

### **Application for backdating and no existing claim is held on JSAPS**

24. When the backdating application is made the adviser considers whether a LM doubt exists and notes the JSA5 as straightforward or doubtful.

25. If the labour market conditions are doubtful the application is referred to the LMDM to consider. If the LMDM decides that the LM conditions are satisfied they will make this decision and return the papers to the adviser. The adviser will give the payment processing section a copy of the LMDM decision.

26. If the LMDM decides that the LM conditions are not satisfied a formal decision cannot be made until the date of claim has been decided.

27. When the payment processing section receives the decision to extend the time for claiming, made either by the S of S, decision maker or both, they must check to see if the LM decision has been made. If form JSA5 is marked doubtful they should confirm whether the LMDM has made a decision by liaising with the ES adviser.

### **Labour market decision made**

28. When the LM decision has been made further action depends on whether backdating has been allowed.

29. If backdating is **not** allowed because;

- the LM conditions have not been satisfied; and
- the time for claiming has not been extended for any period whether it is by the whole period applied for.

The claimant must be notified that backdating for that period has been disallowed.

30. Record the decision clerically and issue DLJA103 telling the claimant the period of the application that has been disallowed.

31. Note the National Insurance credits must always be considered.

32. If backdating is allowed for the whole period or a part of the period because:

- the LM conditions have been satisfied; and
- the time for claiming has been extended

The allowed period of backdating must be recorded on JSAPS to allow taxable allowance, linking and cumulative totals to be calculated correctly.

### **Decision received and allowed in part**

33. If the LMDM decision is to allow parts of the backdated period then dialogue 70 cannot be input. In these cases ask the payment processing section to suspend and disallow for the disallowed dates. Clear dialogue 70 by inputting in the LM conditions satisfied field. This will ensure that the correct period in the backdating claim period is paid.

### **Application to backdate National Insurance credits only**

34. The procedures to follow when a claimant request to make a backdated application for National Insurance credits only are detailed in the Get Britain Working guidance for JSA Claimants