

## **JOBSEEKER'S ALLOWANCE (JSA) New Style**

### **1. What is new style jobseeker's allowance**

New style jobseeker's allowance (JSA) is a benefit for people who are unemployed or working fewer than 16 hours a week and are seeking work.

### **2. Contribution-based JSA**

This is based on the national insurance contributions you have paid in the previous 2 tax years before you claim JSA. It is also only paid for 6 months.

Contribution-based JSA is not paid for dependents so if you have a partner or if you do not have enough national insurance contributions to get this benefit you should apply for income based JSA.

You must be present in the UK to claim Contributions-based JSA (see below for details of presence).

### **3. Income-based JSA**

This is worked out in the same way as income support (see below).

### **4. Residence and Presence Tests**

To claim contributory JSA you must:

- be present in the UK

To claim income based JSA you must:

- be present in the UK
- be habitually resident and
- have the right to reside.

*Present* means physically present in the UK. There are specific rules that may allow you to be treated as present during a temporary absence.

The term *right to reside* is not defined but is dependent on your immigration status and nationality. You might have a right to reside under United Kingdom rules, European Union law or because you are a British citizen.

The habitual residence test is a test to see if you normally live in the United Kingdom, the Channel Islands, the Republic of Ireland or the Isle of Man. The test will be applied if you have been living abroad.

There is no legal definition of 'habitual residence'. Relevant factors are where you normally live, where you expect to live in future, your reasons for coming to this country, the length of time spent abroad before you came here, and any ties you still have with the country where you have come from.

From 1 January 2014 it is not possible to be treated as habitually resident in the UK unless you have:

- been living in the Common Travel Area (the UK, the Channel Islands, the Isle of Man and the Republic of Ireland) for the past three months; and
- a right to reside in the Common Travel Area.

You do not have to satisfy the habitual residence test if you are an EEA national who has 'worker status'.

From 1 March 2014 you are considered to have worker status if you have been working for at least three months immediately before claiming benefits and have been earning enough to have National Insurance (NI) deductions from your pay (have gross pay of £149 a week for the 2013/2014 tax year or £153 a week for the 2014/15 tax year). Or £157 a week for the 2017/18 tax year.

Where you have not earned enough to have NI deductions from your pay or have not worked 3 months you will still be classed as an EEA worker if your employment is considered to be 'genuine and effective'. To decide this a decision maker must consider all factors related to your work such as the hours you do, your work pattern, what your work involves and your employment contract, if you have one.

For guidance on the worker status rules see:

- HB A3/2014 at:  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/284913/a3-2014.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/284913/a3-2014.pdf)
- Memo DMG 1/14 at:  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/283507/m-1-14.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/283507/m-1-14.pdf)

If you are refused worker status you can challenge this decision. For more information contact us on 01736 759500.

## **5. How much is new style jobseeker's allowance?**

### **5.1 Contribution based JSA**

The rate for contribution based JSA is:

- age under 25 - £57.90 (from April 2019)
- age 25 or over - £73.10 (from April 2019)

### **5.2 Income based JSA**

Income based JSA is calculated in the same way as income support so the amount you get will vary depending on your circumstances.

You can view the current rates for new style jobseeker's allowance and other benefits [here](#).

Income based JSA assessments are divided into three parts.

- personal allowances - See 5.3 below.
- premiums - (paid if you or your partner have a disability, care for a disabled person or have reached the qualifying age for pension credit) See 5.4 below.
- housing costs - generally this is help with the payment of mortgage interest plus other allowed costs. See 5.5 below.

### **5.3 Personal allowances**

These are paid to you for the people in your household. The amounts paid depend on your age, whether you are single, a lone parent or part of a couple (whether married or living together or a civil partner).

Your household only includes your partner. Anyone else living with you such as a friend or other relative may be able to make their own claim for income based jobseeker's allowance.

If you have a child or young person living with you then you may be able to get child tax credit. See our [guide to tax credits](#) for more information.

Some people, already on income based jobseeker's allowance, are getting personal allowance payments for their children. These will eventually be phased out and replaced by child tax credit.

### **5.4 Premiums**

You can get extra amounts in the form of premiums if you satisfy certain conditions.

Some people already on income based JSA are getting premiums for their children instead of child tax credit. As above, these will eventually be phased out and replaced by child tax credit.

You can get any or all of the following premiums if you satisfy the rules for them:

- carer premium
- disabled child premium
- enhanced disability premium
- family premium
- severe disability premium.

In addition to these premiums you can get one of the premiums listed below. If you qualify for two of the premiums on this list you will get the one which pays you the most:

- family premium lone parent rate
- disability premium
- pensioner premium.

### **Carer premium**

You or your partner must be entitled to carer's allowance, even if you are not actually paid it because you receive another benefit. This premium is payable for each person who qualifies.

## **Disability premium**

You must be under the qualifying age for pension credit and one of the following applies to you or your partner:

- are certified as severely sight impaired or blind by a consultant ophthalmologist, or have ceased to be certified in the past 28 weeks
- are getting one of the following qualifying benefits:
  1. attendance allowance
  2. disability living allowance (DLA)
  3. long-term incapacity benefit (IB)
  4. severe disablement allowance (SDA)
  5. the disability element or severe disability element of working tax credit
  6. war pensioner's mobility supplement
  7. constant attendance allowance
  8. personal independence payment
  9. armed forces independence payment
  10. you are the claimant and you have been incapable of work or entitled to statutory sick pay during the qualifying period of 52 weeks (or 28 weeks if you are terminally ill) and still be incapable of work.

If you have a partner you will be paid a higher couple rate of this premium.

## **Disabled child premium**

You must:

- have claimed JSA before April 2004
- have a dependent child or qualifying young person under age 20 and one of the following applies:
  1. they are getting disability living allowance, personal independence payment or armed forces independence payment
  2. they are certified as severely sight impaired or blind by a consultant ophthalmologist, or have ceased to be certified in the past 28 weeks.

The premium is paid for each child who qualifies.

## **Enhanced disability premium**

You or your partner must satisfy one of the following:

- be in the employment and support allowance support group
- be under the qualifying age for pension credit and receiving the high rate care component of disability living allowance, the personal independence payment enhanced rate of the daily living component or armed forces independence payment.

If you have a partner you will be paid the couple rate of this premium.

## **Family premium**

You must have a dependent child or qualifying young person under age 20.

You may get this premium if you are already on income based jobseeker's allowance. You cannot get this premium if you are making a new claim for income based JSA.

## **Family premium lone parent rate**

This premium is paid instead of ordinary family premium. You may get it if you have been on income based jobseeker's allowance since before 6.4.98.

You cannot get this premium if you are making a new claim for income based JSA.

## **Pensioner premium**

You or your partner must be the qualifying age for pension credit or over. If you have a partner you will be paid a higher couple rate of this premium.

## **Severe disability premium**

You must satisfy all of the following:

- be receiving the care component of disability living allowance (middle or higher rate), attendance allowance, daily living component of the personal independence payment or armed forces independence payment
- live alone (there are exceptions to this rule)
- no one else must be getting carer's allowance for looking after you.

There is a couple rate if both of you qualify. In this case your partner can also qualify, even if he or she is not on a qualifying benefit, if they are certified as severely sight impaired or blind by a consultant ophthalmologist, or have ceased to be certified in the past 28 weeks.

## **5.5 Housing costs**

The standard interest rate used by the DWP to calculate housing costs help is set at a level equal to the Bank of England's published monthly average mortgage interest rate.

Since 5 January 2009 most job seeker's allowance claims that include mortgage and related housing costs help came under new rules including:

- waiting 13 weeks from the date you claim before you get housing costs help;
- being able to claim for mortgage interest on up to £200,000 of your mortgage; and
- getting paid housing costs help for up to 2 years.

The 2 year limit will not apply if you (or your partner in the case of a joint claim) were claiming either income support or ESA in the 12 weeks prior to your JSA award. In calculating the 104 week period, some temporary breaks in your claim can be disregarded.

From April 2018, the payments towards mortgage interest will be replaced by 'support for mortgage interest' (SMI) loans. These must be repaid with interest once your property has been sold. The SMI loans may be secured by a charge on your property. You do not need to accept an offer of these loans; the scheme is voluntary. If you are already getting your mortgage interest covered by your jobseeker's allowance, the DWP should contact you to offer the SMI loans; you will not be able to stay on the existing system of support.

## **6 Capital**

New style JSA is not means-tested, so it is not generally affected by other income or savings you may have. Any earnings of a partner are ignored.

However, if you receive an income of over £50 a week from an occupational or personal pension, the excess will be deducted from your new style JSA.

For example, if your pension is £55 a week, £5 is deducted from your benefit. If your pension income is below £50 a week, your new style JSA is unaffected.

## **7. How long can you claim new style JSA for?**

New style JSA can be paid for up to six months (either in one spell, or several shorter periods where your entitlement is still based on the same two tax years).

## **8. How do I claim?**

You claim by completing forms JSA1 and ES2 (ES9 if you are age 16 to 17) available from your local Jobcentre Plus office and also by signing a jobseeker's agreement.

You can also make an online claim at [www.gov.uk/jobseekers-allowance/how-to-claim](http://www.gov.uk/jobseekers-allowance/how-to-claim) or phone the following:

Tel:	0800 0 55 66 88
Textphone:	0800 0 23 48 88
Welsh language:	0800 0 12 18 88

Lines are open from 8:00 am - 6:00 pm, Monday to Friday. Charges may apply to calls from mobile phones, but the contact centre will call the customer back if requested.

## **9. Available for work**

You will be required to sign a jobseeker's agreement, which contains a description of the type of work you're looking for, the hours you are available and the action you're expected to take to look for work and to improve your job prospects, details of any restrictions on your availability for work.

You must be prepared to take up employment of at least 40 hours a week and less than 40 hours if required to do so. In most cases, you don't have to accept a job of less than 24 hours a week.

For a 'permitted period' of up to 13 weeks from the beginning of your claim, you may be allowed to restrict your availability and jobseeking to your usual occupation and/or to your usual pay. After this you must be prepared to widen your availability for work and job searching activity.

You can restrict the hours available if you are providing care. If you have a disability you can also restrict your availability in any way (eg pay, hours, travel time, type of work), providing the restrictions are reasonable given your physical or mental condition. If you are a lone parent and your youngest child is under 13 you can restrict your availability for work to the child's normal school hours.

Either you or the adviser can propose to vary the agreement at a later date.

You will have to sign on every fortnight at a Jobcentre Plus to confirm that you are following your agreement.

If you have a partner, but no dependent children, and either of you are over 18 and born after 28 October 1947 you must both be available for work and meet all the other JSA rules. This does not apply if one of you is eligible to claim income support.

## 10. Sanctions and suspended claims

Sanctions can be applied if you fail to comply with the conditions relating to JSA. These failures are referred to as 'sanctionable failures'. For more information about sanctions and hardship payments contact DIAL on 01736 759500.

## 11. Students and JSA

Students attending a full-time course are normally excluded from JSA until the end of the course, or until they abandon it or are dismissed from it but there are exceptions.

If you have a partner who is also a student and you have responsibility for a child (aged under 16 years) or a young person (aged under 20 years old, undertaking a full-time course of non-advanced education) you can get JSA during the long vacation as long as you are available for work.

You can also get JSA temporarily while you are waiting to return to your course after an agreed break because you were ill or because you had to care for someone. You can claim JSA once you have recovered or your caring responsibilities have ended until either the date you go back to your course or the date your education establishment has agreed that you can go back, whichever is earlier, but only for a maximum period of one year and providing you are not eligible for a student loan or grant during this time.

### Disability Rights UK Student Helpline

For further information on the above and the support that is available for disabled students, please contact the [Disabled Students Helpline](#):

Tel: 0330 995 0414

Tues 11am-1pm and Thurs 11am-1pm

Email: [students@disabilityrightsuk.org](mailto:students@disabilityrightsuk.org)

The helpline provides free information and advice to disabled students in England, their parents, carers and key advisers about opportunities in post-16 education and training. This includes further and higher education and apprenticeships. The helpline also provides general information on the Equality Act as it applies to education and give advice on UK students' entitlement to welfare benefits.

### 11.1 Part-time study

You can study part-time and get income-based or contribution-based JSA if your course or training takes place outside of the hours you are required to be available for work. These times are usually recorded in your jobseeker's agreement.

If the course overlaps with the hours in which you must be available for work, you can still get JSA for part-time study if you are willing and able to rearrange the hours of your course immediately to take up employment or willing and able to give up the course if a job becomes available.

## 12. Universal Credit

Universal credit (UC) is a new benefit which will replace the following benefits, for anyone under state pension credit age, nationwide in Great Britain from October 2013 and in Northern Ireland from April 2014:

- child tax credit
- housing benefit
- income related employment and support allowance
- income based jobseekers allowance
- income support
- parts of the social fund
- working tax credit.

Between October 2013 and 2018 income based jobseekers allowance will be abolished and will be paid as part of universal credit. If you are already getting income based jobseekers allowance you will be moved, at some point, over to universal credit.

For more information see our [Guide to Universal Credit](#)

## 13. Age 16 or 17

You are unlikely to have worked for long enough to satisfy the contribution test for contribution-based JSA.

You may qualify for income-based JSA if you satisfy the normal conditions and fall into one of the specified groups of people who can claim income support. You can find out more about income support [here](#), and employment support allowance [here](#). You may qualify for a limited period if you are laid off or on short time working.

You may also be able to get income-based JSA for a short period in special circumstances such as if you are forced to live away from your parents or will suffer severe hardship if you do not get JSA or you are a member of a couple who has responsibility for a child.

The DWP has issued [guidance on severe hardship payments](#).

To qualify for income based JSA you must register for work and training with the Careers Service.

If you need any further support or information please contact DIAL on 01736 759500 or you can refer directly to the link below:

[www.disabilityrightsuk.org](http://www.disabilityrightsuk.org)

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