

Derbyshire Welfare Rights Service

Job Seeker's Allowance

JSA and the introduction of Universal Credit

The benefit system is changing, and the 'full service' of Universal Credit (UC) has been introduced in Derbyshire. It is now not usually possible to make a new claim for Income-Based Jobseeker's Allowance in Derbyshire. Some severely disabled claimants cannot claim Universal Credit under the current rules and so may make a new claim for the 'legacy benefits' which UC is intended to replace, including Income-Based JSA – see below.

UC does **not** replace 'Contribution Based JSA' and it is possible to claim this form of JSA (which is called 'new-style JSA' in UC areas) without making a claim for UC, or with UC as a top-up benefit if you haven't got sufficient money to live on.

Seek advice – and see our range of leaflets about Universal Credit for more information.

What is Job Seeker's Allowance (JSA)?

You can claim JSA if you are out of work, capable of work, and looking for work. If you are on a zero-hours contract, short-time work or you are laid-off, you may be able to claim – seek advice.

There are two kinds of JSA:

Contribution-Based JSA (CJSA) - This is payable if you have been working and you have paid sufficient National Insurance (NI), as an employee over a set number of recent tax years.

CJSA is not affected by most other income – but see below if you do any part-time work. It is also affected if you are being paid a personal pension over £50 a week.

It is only payable for a maximum of six months.

If you are out of work and you have been self-employed, you cannot get CJSA on the basis of self-employed (Class 2) NI – seek advice.

Income-Based JSA (IBJSA) - This is a 'means-tested' top-up benefit which you may be able to claim if you haven't paid enough National Insurance to get CJSA, or as a top-up to CJSA if your income is low. Please note only some severely disabled people may now be able to make a new claim for IBJSA – see below.

- IBJSA is affected by other income you may have (including CJSA), and by any capital (savings and other assets, but not the home you live in) over £6000.
- If you have over £16000 in capital you cannot get IBJSA at all.

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- If you have a partner, their capital also counts towards this limit. If s/he works, his/her earnings will affect your IBJSA and if s/he earns too much or works over 24 hours a week, you cannot get IBJSA.

IBJSA is not subject to a time limit.

Who can claim?

You must be over 16 and under the age for claiming Pension Credit.

If you are between 16 and 18 years old, seek advice as the rules are very complex.

CJSA – You claim this for yourself, as it is based on your NI record. If you have a partner and s/he is also unemployed and available for work, s/he may make a separate claim on his/her own NI record. You can get CJSA even if your partner has other income, such as wages. See below for what happens if you do any work.

If you are in a Universal Credit area, you may still claim CJSA (renamed 'new-style' JSA), UC does NOT replace this benefit.

You may claim UC as a top-up benefit, but you do not have to make a UC claim in order to get CJSA. If you are told otherwise, seek advice.

IBJSA – If you are single, you can claim this as a top-up to CJSA, or as an alternative to it if you have insufficient National Insurance contributions.

If you are a member of a couple, you claim for yourself and your partner – only one of you may claim, and remember that your claim is affected by any other income and savings you have and by working hours. You may be required to make a 'joint claim' – where both of you are required to be available for and to seek work.

What if I am receiving a 'severe disability premium' in my legacy benefits?

You should normally claim JSA when you are capable of work, but you may need to claim JSA if you were claiming Employment and Support Allowance, have been found fit for work and you wish to challenge this decision. Most claims in this situation must be for new-style JSA/Universal Credit, but you can claim CJSA/Income-Based JSA if you receive a 'severe disability premium' (SDP) as part of a claim for:

- Income Support
- Income-Based Jobseeker's Allowance
- Income-Related Employment and Support Allowance
- Housing Benefit

This also applies if you were entitled to benefit with an SDP up to one month before you make a new claim and your old benefit award has stopped but you still satisfy the SDP rules.

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What is the severe disability premium?

If you are single, you qualify for the SDP where:

- you receive a 'qualifying' (disability) benefit such as:
 - Attendance Allowance
 - Disability Living Allowance (at the middle or higher rate for personal care)
 - Personal Independence Payment (at the 'standard' or 'enhanced' rate for daily living)
 - Armed Forces Independence Payment
 - Constant Attendance Allowance (part of the Industrial Injuries benefits scheme)
 - Exceptionally Severe Disablement Allowance (part of the industrial injuries scheme) - or the equivalent war pension
- **and** you don't have a 'non-dependant' (a grown-up member of your family) living with you – but that person won't affect your claim if they too are disabled and on a qualifying benefit, or if they are separately liable to pay for the accommodation (they are joint tenants with you, for instance)
- **and** nobody is paid a Carer's Allowance or the 'carer element' of Universal Credit for looking after you.

If you are a member of a couple, SDP is payable where all of these conditions are met:

- You both receive a qualifying benefit
- **and** you don't have a 'non-dependant' (a grown-up member of your family) living with you – but that person won't affect your claim if they too are disabled and on a qualifying benefit, or if they are separately liable to pay for the accommodation (they are joint tenants with you, for instance)
- **and** nobody is paid a Carer's Allowance or the 'carer element' of Universal Credit for looking after either of you
- **or** one of you gets a qualifying benefit and the other is certified – or treated as certified – as severely sight-impaired or blind
- **or** someone is paid a Carer's Allowance or the 'carer element' of Universal Credit for looking after only one of you.

How can I tell if I get an SDP in my benefit?

Any letters from the DWP which show how your benefit is made up will include a sum of £66.95 a week (one SDP) or £133.90 a week (two SDPs) as part of your benefit assessment. Next to the figures it will usually say 'because you/your partner are severely disabled'. Seek advice if you are not sure.

If you are affected by this rule it also means that you may claim legacy benefits even if you have a change in your circumstances. Seek advice, as the rules are complicated and will change again on 27/1/2021.

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Conditionality’ - what you have to do to qualify for JSA

Your claim for JSA and your entitlement to payment depend upon your keeping to the conditions set by the law such as signing on regularly for JSA and showing what you have done to look for work. This is often referred to as ‘conditionality’ or the ‘labour-market conditions’.

The conditions for claiming JSA are likely to continue to change in the future, with increased ‘conditionality’ such as more frequent signing-on and reviews of your job-searches.

Remember that not only must your conduct as a claimant be reasonable, but what the Jobcentre asks you to do must be reasonable too. If you think any of the conditions imposed upon you are unreasonable, seek advice.

Capable of work

To get JSA you must be ‘capable of work’ – fit and able to take a job. But see above if you have been found ‘fit work’ on ESA and you are severely disabled and see our leaflets ‘Challenging Benefits Decisions’ and ‘Challenging a decision that you are fit for work’.

If you are not capable of work, seek advice on alternative benefit entitlements.

What if I’m on JSA and I fall ill?

If you are a jobseeker and you become too ill to work, you may usually remain on Jobseeker’s Allowance for up to thirteen weeks. The requirements on you to seek work should be reduced during this period; you will need to tell the Jobcentre, and they will require a doctor’s note if you are ill for more than a week. If you are still unwell after your allowed period of sickness, seek advice – you may be able to claim Employment and Support Allowance on the basis of your National Insurance contributions, and you may be able to claim Income-Related ESA or (more usually) Universal Credit as a top-up benefit.

Available for work

You will usually be expected to look for work that is full-time (40 hours a week or more) be available immediately for interviews for jobs within ninety minutes’ travel (by public transport, one way) of your home.

If you have a disability that affects the hours you can do or the distance you can travel, the requirement to seek full time hours etc. may be reduced by agreement with the Jobcentre.

You will be expected to be available for work immediately – but you may be allowed more time to get ready for work or for interviews if for instance you have part-time caring duties, you do part-time or voluntary work.

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You can't usually restrict the type of work or rate of pay that you should look for – but you may be allowed to do so if you have an illness or disability that means you cannot do certain work (or for instance you are pregnant but still able to work up to 11 weeks before your baby is due).

You may also be able to restrict the type of work if you have a sincerely-held conscientious or religious objection to certain types of work.

It may be possible to restrict your search for work to a type of work and rate of pay you had before, but for a maximum of 13 weeks and only when you can show that you have done this work for a long time, that you have relevant skills and qualifications and that new work may realistically be available.

You can only place these restrictions on your availability with the agreement of Jobcentre Plus.

Actively seeking work

You must be able to show that you are 'actively seeking work' – it is very important not just to seek work as required but to keep proper records of what you have done. This may help you to challenge any decisions to sanction your benefits (see below for information about sanctions).

You must take sufficient 'steps' each week to find work – these should be actions that you can reasonably be expected to take in order to get a job. You must usually take more than two 'steps' per week, but you will almost certainly be required to take far more than this.

'Steps' include:

- Applying for jobs in writing, by phone
- Seeking information via adverts, from agencies or employers
- Registering with job agencies
- Checking with employers if they are recruiting
- Preparing a CV and asking previous employers for references
- Getting help from a job adviser at Jobcentre Plus
- Improving your chances of finding work, such as attending courses.

Searching for jobs via the internet and email also counts but make sure you keep a full record of what you do online so that you can show what steps you have taken.

Claimant Commitment (Jobseeker's Agreement)

Some claimants will have a 'Jobseeker's Agreement', newer claimants will have a 'Claimant Commitment' – the rules are the same for both if you are claiming JSA.

You will discuss this in your initial interviews after you claim JSA.

The agreement will show what type of job you are looking for, the hours you can work, how quickly you can be available and the steps you are going to take.

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It is very important that you mention at this stage any restrictions upon your ability to find work – ill health or disability, caring duties for someone who is ill or for children, difficulties reading or writing, objections to certain types of work, or any other matter within reason that will affect your ability to seek work.

If you place any restrictions on your search for work, they must be reasonable and you must have reasonable prospects of finding work within those restrictions.

The agreement is not legally binding on you or the Jobcentre, but if you do not keep to it, the Jobcentre may argue you are not available for work or actively seeking work.

It is possible to dispute the contents of an agreement or to change what is in it, but it is best to seek advice on this first.

Jobseeker's Direction

A Jobseeker's Direction is issued by Jobcentre Plus when you are required to do something specific in order to find work or improve your prospects of finding work.

If you fail to follow a JS Direction your benefit may be sanctioned (see below) – remember that any Direction must be reasonable. If you are having problems, seek help at once.

'Find A Job' and job-search web sites

'Find A Job' has replaced Universal Jobmatch; it is a jobs website created for the government; it is intended to be the best available site for seeking work.

At the moment you cannot be forced to use this site as a part of your JSA claim unless as part of a 'Jobseeker's Direction'.

The Jobcentre is not allowed to require you to authorise them to view your Universal Job match account and job-seeking activity.

Whatever web sites you use, make sure you keep a full record of whatever you do to search for jobs.

Claiming JSA

- In writing using form JSA1 – only available from your Jobcentre.
- By phone on 0800 328 9344 Textphone: 0800 328 1344
- Monday to Friday, 8am to 6pm
- in a Universal Credit area, you can claim new-style JSA online at <https://www.dwp-services.direct.gov.uk/portal/page/portal/jsaol/lp> (gov.uk) or call the number above if you are already on UC but you are not in a UC 'full service' area.

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Seek advice if you struggle claiming by phone or online.

You will also need to attend an interview at the Jobcentre to get your claim started and your Claimant Commitment written. It is very important to attend this interview: if you have problems attending, seek advice.

Waiting Days

There is usually a seven-day 'waiting period' before JSA can be paid.

How much is JSA?

CJSA – Under 25 - £58.90 weekly
Over 25 - £74.35 weekly

IBJSA – The amount you get depends your age (see above) upon whether you are single or have a partner, and if you qualify for additional benefit because you are disabled or you are a carer.

You may also get help with mortgage interest payments if you are a home-owner but the help you get will almost certainly be less than your monthly mortgage. Seek advice on your entitlement to IBJSA, as the calculation can be complicated.

Signing On

You will be given a regular date and time to 'sign on' for JSA at the Jobcentre; if you fail to do so and can't give a good reason why you didn't attend, your benefit will stop.

You should take details of what you have done to seek work with you whenever you go to sign on.

Signing on is usually fortnightly but you can be required to attend more frequently. If this requirement seems unreasonable or causes problems such as regular, costly travel, seek advice.

Regular interviews

You should also expect regular interviews at the Jobcentre to review your search for work and update your Claimant Commitment. If there is a specific step that Jobcentre feels you need to take in order to improve your chances of getting a job, this is where a Jobseeker's Direction may be issued.

If you fail to attend or to participate in interviews without good cause, your benefit will stop. You will need to tell the Jobcentre within five days if you have good cause – if in doubt, seek advice.

Working part-time

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It is possible to do some part-time work whilst claiming JSA – but you must be prepared to give this up if full time work is available, and you should continue actively to seek work.

If you work 16 hours a week or more you will lose JSA altogether – seek advice on what other benefits you could claim if your pay is low.

Any income you get from working will reduce your JSA:

CJSA – Any earnings over £5 will usually affect your CJSA and a small weekly income may stop your entitlement altogether. Seek advice if you are thinking about doing part-time work when on CJSA.

IBJSA – Your benefit will be affected by part-time income and will go down for pound-for-pound if you get:

- Over £5 weekly if you are single
- Over £10 weekly if you are a couple (on your joint earnings)
- Over £20 weekly if you are disabled

Remember that IBJSA is also affected by lots of other forms of income such as other benefits and that it will stop altogether if you work 16 hours or more, or your partner works 24 hours or more in a week.

Voluntary Work

You may do voluntary work while you are looking for full time paid work: this must not be paid in any way other than your reasonable expenses.

You must still search for full-time work and you must be willing to give up your voluntary work in order to take up full-time work.

If you do voluntary work, think about the ways in which you are improving your ability to work and your skills and keep a note of this.

Jobcentre Plus can help you find voluntary work through their 'Work Together' programme.

Sanctions – when your JSA may be reduced or stopped

For full details about sanctions see our leaflet 'Benefit Sanctions – information for Jobseekers'.

Your JSA payments (but not your entitlement to JSA unless you do something that ends your claim such as failing to sign on) can be stopped, or your payments reduced, for periods of 4 weeks, 13 weeks or a maximum of 26 weeks (DWP policy changed from 27/11/2019; previous sanctions could be up to three years in some circumstances)

- You stop being available for work or actively seeking work
- You fail to participate in an interview

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- You fail to participate in a scheme assisting you to obtain a job
- You give up a place on a training scheme or employment programme, or fail to attend, you don't take a place up when offered, or you lose your place owing to misconduct
- Fail to follow a Jobseeker's Direction
- Fail to take part in 'Mandatory Work Activity' (periods of up to 4 weeks of unpaid work or work-related activity) without good reason
- Fail to apply for a particular job without good reason
- Fail to take up an offer of work without good reason
- 'Neglect to avail yourself' of a job opportunity
- Leave a job voluntarily (does not include voluntary redundancy).

Seek advice if your entitlement to JSA stops – you may need to claim UC and any sanction may apply to your new claim.

Can I appeal against a JSA decision?

Yes – but you must ask Jobcentre Plus to look at its decision again ('Mandatory Reconsideration') before you may appeal to an independent tribunal.

You should take action as soon as possible – there is a one-month limit for requesting reconsideration, unless you can show why your request was late.

If you are challenging a sanction, this time limit does not apply.

Call our Helpline for more information and support with Mandatory Reconsiderations and appeals.

If you wish to appeal or have an appeal pending, please tell us as soon as you can , as owing to the number of appeals that we do, we cannot take on new work at short notice.

Additional information can be found on our website, visit www.derbyshire.gov.uk/welfarebenefits

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To keep up-to-date with benefit changes in Derbyshire go to
www.derbyshire.gov.uk/benefitnews

Benefits Helpline – 01629 531535 or email
welfarebenefits@derbyshire.gov.uk

Monday, Tuesday, Thursday, Friday
11.00am – 4.00pm