EMA and Jobcentre Plus Benefits Update

Providers in some areas have experienced issues with Jobcentre Plus administration of benefits for young people. The following guidance has been agreed as correct by Jobcentre Plus head office. Where there are practices which vary from this, and where young people are encountering difficulties in accessing their entitlement to benefits, experience has shown that local intervention with the support of the LSC is proving the most effective way to resolve these issues.

If Providers experience issues with the advice issued by Child Benefit / Child Tax Credit, please email mft-ema@lsc.gov.uk, and they will be forwarded to HMRC.

Estrangement

Jobcentre Plus guidance on dealing with claims of estrangement was revised and reissued as action from the cross departmental review of 16-19 support. 16-17 year olds who are estranged from their parent or carer, and need therefore to claim benefit through Jobcentre Plus, should not be asked to ‘prove’ that they are estranged. Confirmation should only be sought if the claimant’s evidence is “self-contradictory or inherently improbable”. Confirmation of estrangement should not delay payment where it appears that all other conditions for receipt are met. Confirmation can still be sought if there are any grounds for doubt on the estrangement – but this can be provided by a ‘trusted third party’. Confirmation should not be sought from a parent where the young person does not agree to that.

Claiming Income Support

16-17 year olds in certain groups, including those who are estranged, can claim Jobseekers Allowance, Severe Hardship, or ‘JSA (SH)’ for short. Young people who re-enter full time education or approved training (in England this includes E2E and PLP) are entitled to claim Income Support and consequently may wish to change their claim from Jobseeker’s Allowance to Income Support (IS). Providers have reported instances of young people experiencing a complete stop in their benefits when they try to switch to IS (sometimes for weeks at a time). Providers report this means that many young people simply refuse to risk their benefits, and therefore won’t engage in learning. As a result the following actions were taken:

- A reminder bulletin was issued to Jobcentre Plus offices, to reinforce and reiterate the correct approach to young claimants.
There has been some good practice happening for example some Jobcentre Plus offices encourage learners to apply for their Income Support in advance of starting learning, resulting in more seamless payments for young people. It shouldn’t be a major change when a person moves from getting JSA (SH) to claiming IS – the guidance regarding estrangement is the same. It may be that some Jobcentre Plus advisers are failing to appreciate the urgency of the young person’s situation, or the impact that delay in processing benefit changes is likely to have on individuals and on other young people.

Jobcentre Plus can also make payments on account (known as interim payments) if they have enough information to decide a claim but there are administrative hold-ups, under the Social Security (Payments on account, Overpayments and Recovery) Regulations 1988. (http://www.opsi.gov.uk/si/si1988/Uksi_19880664_en_1.htm)

16/17 year olds do not have to use the Customer Management System (i.e. they don’t need to go through Jobcentre Plus call centres).

EMA is paid in addition to any Jobcentre Plus administered benefits, and in addition to any family or partners benefits and Housing Benefit. Where a young person is living away from their parents/ carers and is in receipt of IS, it acts as proof that a young person be assessed as a household in their own right and that their family income is irrelevant to their EMA application for EMA purposes. If a learner is in receipt of Income Support and is living with their parent/ carer, the household should still apply.

18 year olds

Providers have reported difficulties for 18 year olds who attempt to switch to IS when they enter training. 18 year old learners should not be treated any differently to 16 and 17 year olds. One reform from the 16-19 Financial Support review was to ensure that, where a young person starts a course, up to level 3, before their 19th birthday, then financial support will continue until they complete the course or until their 20th birthday, whichever is sooner. This includes Child Benefit and Child Tax Credits for the parent or carer of learners living at home, and IS for estranged young learners living independently.

The Income Support General Regulations 1987, regulation 13, gives the circumstances under which persons in relevant education or training are entitled to claim IS. The Regulation was updated through Statutory Instrument (SI) 2006/718.