

## Citizens Advice Camden, GOSH Information Sheet 2: IS, JSA, ESA and UC

020 7829 8896

### *Take home message*

- *Income Support, Jobseekers Allowance and Employment & Support Allowance are the three most common means-tested benefits*
- *They can passport people to other important sources of help*
- *Universal Credit is being rolled out slowly and is intended to replace these and other benefits*
- *Wrong decisions on Income Support claims are often made - affected claimants should be referred to us*
- *Claimants may be subject to arbitrary sanctions - anyone who has been subjected to a sanction should be referred to us*

### *People from abroad*

- Most people will need a right to reside and must not have a 'no recourse' restriction on their visa. See Sheet 8 of this series for more information. If the client is a foreign national, they should be referred to us.

### *The 'safety net' benefits*

- Income Support (IS), Jobseekers Allowance (JSA) and Employment & Support Allowance (ESA) are the three most common 'safety net' benefits. You can only claim one of IS, JSA or ESA. Which you claim depends on your circumstances.
- For JSA and ESA, there are versions which people can get if they have paid sufficient National Insurance contributions. If they can get a contribution-based version, this is preferable because their capital and their partner's income and capital will be ignored. A contribution-based benefit only lasts for a prescribed period of time.
- There is no contribution-based version of IS. For IS and the income-based versions of JSA and ESA, the claimant's income and capital, as well as their partner's, are taken into account. If the income or capital are above a certain amount, they will not be entitled to IS, JSA or ESA.

### *Passport*

- Getting IS, JSA or ESA can act as a passport to other sources of help, such as full Housing Benefit, Child Tax Credit (see Sheet 3), help with Council Tax, free school meals, free prescriptions and hospital transport.

### *Income Support (IS)*

- IS is commonly claimed by families at GOSH. You can get IS if you are not working and any of the following apply (among others):
  - You look after someone in your household who is temporarily ill.
  - You are a lone parent looking after a child under 5 years of age.
  - You get Carer's Allowance (CA, see Sheet 1).
  - You are looking after someone who is waiting to hear about a Disability Living Allowance (DLA) or Personal Independence Payment (PIP, see Sheet 1) claim. You can get IS for up to 26 weeks.
  - You are looking after someone who is entitled to DLA middle or higher rate care or PIP daily living component.
- Very often, IS claims for families at GOSH are refused because the claimant does not get CA or the person for whom they care does not get DLA or PIP. **These decisions are nearly always wrong because the decision-maker fails to consider the alternative routes. All such clients should be referred to us.**

### *Jobseekers Allowance (JSA)*

- JSA is paid to people who do not work more than 16 hours pw and who are able to 'sign on' at the Jobcentre - usually every week or fortnight. They must be available to take up work immediately. If a person has a partner, their partner must be working less than 24 hours pw.
- A claimant is required to sign a Claimant Commitment which outlines what activities they must do or they will face a sanction (see below).
- Normally people are required to look for full-time work. JSA claimants with caring responsibilities can negotiate to look for part-time work (at least 16 hours pw).
- If a JSA claimant becomes unavailable for work because a child they care for becomes ill, they can be deemed to be available for work for up to 8 weeks.

### *Employment & Support Allowance (ESA)*

- ESA is for people who have health problems which mean they have limited capability for work or work-related activity.
- When someone claims ESA, they must supply valid sickness certificates until their work capability assessment.
- The claimant will be awarded a number of points and either their claim will be terminated (if found 'fit for work') or the claimant will be placed into the 'work-related activity group' or the 'support group'.
- People in either of these two groups may be expected to attend work-focused interviews or carry out activity which prepares them for work.

### *Mortgage interest costs*

- People who have mortgages can get support in their IS, ESA or JSA.
- They are entitled to help at a standard rate (currently 3.12%) of interest only - it does not matter what the actual rate charged is.
- The claimant must be getting the benefit for 13 weeks before being eligible. Not all loans are covered.

### *Sanctions*

- Increasingly, JSA, ESA and, more rarely, IS, claimants are being sanctioned for even very minor 'offences'. The impact can be devastating, with many people needing to resort to food banks to feed themselves. **Sanctions can be challenged so any claimants who have been sanctioned should be referred to us.**

### *Universal Credit (UC)*

- UC is slowly being rolled out and is intended to replace the benefits above and others. It currently only applies to a small number of claimants living in certain areas.

#### **Disclaimer**

**June 2016**

We have endeavoured to ensure the information in these sheets is correct at the time of print. Social security law, however, is a rapidly developing area of law and the information in these sheets may soon be out of date. No liability is accepted for their use by any party.

Any queries regarding these sheets should be directed to us on 020 7829 8896.