

Chapter A2: Claims

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Chapter A2: Claims

Introduction

A2001 This chapter is about decision making on claims for

1. UC
2. PIP
3. new style JSA (hereafter referred to as JSA)
4. new style ESA (hereafter referred to as ESA).

Note 1: ADM Chapter M1 contains guidance on the meaning of new style JSA and new style ESA.

Note 2: Guidance on claims for benefits not listed above is in DMG Chapter 02.

Note 3: The guidance comes into effect¹ from 8.4.13 for PIP and from 29.4.13 for UC, JSA and ESA.

1 UC, PIP, JSA & ESA (C&P) Regs, reg 1(2) & 1(3)

National insurance credits

A2002 DWP is responsible for making decisions on NI credits. Because the method of claiming or applying for them is not the same as it is for benefits, information about them is contained in the relevant operational guides.

Definitions used in this chapter

A2003 “Appropriate Office” means¹

1. an office of DWP **or**
2. any other place designated by the Secretary of State in relation to any case or class of case as a place to, or at which, any claim, notice, document, evidence or other information may be sent, delivered or received, including a postal address specified for that purpose **or**
3. in the case of a person who is authorised or required to use an electronic communication for any purpose, an address to which such communications may be sent in accordance with prescribed regulations².

Note: Where an individual office or address has been specified e.g. for PIP then this is where correspondence must be sent.

1 UC, PIP, JSA & ESA (C&P) Regs, reg 2; 2 Sch 2

A2004 “Assessment Period” means a period as defined in prescribed legislation¹ see ADM Chapter C1.

1 UC, PIP, JSA & ESA (C&P) Regs, reg 2; UC Regs, reg 21

A2005 “Benefit” means UC, PIP, ESA or JSA¹.

1 UC, PIP, JSA & ESA (C&P) Regs, reg 2

A2006 – A2007

A2008 “Claimant” means for

1. UC¹, a single claimant or each of joint claimants
2. PIP², a person who has made a claim or is entitled to PIP
3. JSA³, a person who claims JSA
4. ESA⁴, a person who has claimed ESA.

1 WR Act 12, s 40; 2 Part 4, PIP (Regs) 2013, reg 2; 3 JS Act 95, s 35(1); 4 WR Act 07, s 24(1)

A2009 “Couple” means¹

1. two people who are married to, or civil partners of, each other and are members of the same household **or**
2. two people who are not married to, or civil partners of, each other but are
LTAMC **Note:** For guidance on “living together” See ADM Chapter E4.

1 WR Act 12, s 39

A2010 “Earned income” means¹ remuneration or profits derived from

1. employment under a contract of service or in an office, including elective office **or**
2. a trade, profession or vocation **or**
3. any other paid work **or**
4. any income treated as earned income under prescribed legislation².

1 UC Regs, reg 52 & 2 Chapter 2

A2011 “Electronic communications” means¹ a communication transmitted (whether from one person to another, from one device to another or from a person to a device or vice versa) by

1. means of an electronic communications network **or**
2. other means but while in an electronic form.

1 UC, PIP, JSA & ESA (C&P) Regs, reg 2; Electronic Communications Act 2000, s 15(1)

A2012

A2013 “Partner” means one of a couple¹.

1 UC, PIP, JSA & ESA (C&P) Regs, reg 2

A2014 - A2016

A2017 “Writing” includes writing produced by means of an electronic communication¹.

1 UC, PIP, JSA & ESA (C&P) Regs, reg 2 & Sch 2

A2018

Making a claim

General requirement to make a claim

A2019 [\[See Memo ADM 26/14\]](#) In general, it is a condition of entitlement to benefit that a claim is made, or is treated as made, in the time and manner specified for that benefit in the regulations¹. If this condition is not satisfied there is no entitlement to benefit. It is not necessary for the other conditions of entitlement to be considered. There are some instances when a claim is not required for UC or ESA², see A2025 to A2027.

1 SS Act 92, s 1(1); 2 UC, PIP, JSA & ESA (C&P) Regs, reg 6, 7, 9(6) & 9(7)

A2020 A claim ceases to exist once it has been decided by the DM¹. If a claim is disallowed the decision disallowing it cannot be superseded because of a change in circumstances which occurred after the decision. A further claim may be made as a result of the change of circumstances². Further details about the finality of decisions are in ADM Chapter A1. Further details about supersession are in ADM Chapter A4.

1 SS Act 98, s 8(2)(a); 2 s 8(2)(b)

Considering the claimant's entitlement down to the date of decision

A2021 A claim for a future period continues to run until it is decided by the DM¹. When giving a decision on the claim, the DM must consider the claimant's entitlement for each day in the period starting with the first day claimed for and ending with the date of the DM's decision. This may mean that further information should be obtained from the claimant to ensure that there has been no further change of circumstances since the claim was made.

1 SS Act 98, s 8(2)(a)

A2022 If the claimant is entitled to benefit for any day in that period, benefit should be awarded. This is so even if the claimant later ceased to be entitled. If the claimant is entitled to benefit on the date of the DM's decision, a definite or indefinite period award for the future should be made, as appropriate. For PIP awards are made for a fixed term unless it is considered that a fixed term award is inappropriate.

A2023

Staying a decision

A2024 The DM has no power to leave a valid claim undecided but in some circumstances the DM may stay making a decision. Staying means that the DM does not have to make a decision (or may make a restricted decision) in cases which may be affected by the outcome of an appeal to the courts in another case which has yet to be decided¹. Further details about staying are in ADM Chapter A5.

1 SS Act 98, s 25

Circumstances where a claim for UC is not required

A2025 [\[See Memo ADM 26/14\]](#) A claim for UC is not required¹ when

1. a decision is made as a result of a change of circumstances, whether as originally made or revised, that the person is not entitled to UC in cases where but for the receipt of earned income they would have continued to be entitled to an amount of UC **and**
2. at the date of notification to an appropriate office of the change of circumstances referred to in A2025 1. the person was in receipt of earned income **and**
3. not more than 6 months have elapsed since the last day of entitlement to UC **and**
4. the person provides such information as to their income at such times as may be required and the DM is satisfied that the claimant has provided such information as may be required to determine whether an award may be made and if so the amount **and**
5. since the last day of entitlement to UC the person's circumstances have changed such that, if the person were entitled to UC, the amount payable would not be less than the minimum amount of UC under prescribed legislation².

Note: This only applies to Live Service claimants – see ADM M3

1 UC, PIP, JSA & ESA (C&P) Regs, reg 6(1); 2 UC Regs, reg 17

Example 1

David's award of UC ends because his earnings increase. 4 months later his earnings decrease so that a new award of UC can be made. No claim is required.

Example 2

Jackie's award of UC ended because a child for who she had responsibility left the benefit unit. Jackie had income from employment at this time. Four months after her award ended she notifies the department that the child has re-joined the benefit unit. The new award of UC starts from the first day of the assessment period in which the child re-joined the benefit unit. No new claim is required.

A2026 [\[See Memo ADM 26/14\]](#) A claim for UC is also not required¹ where

1. a claim to UC has been made and a decision is made, whether as originally made or revised, that they are not entitled to UC in cases where but for the receipt of earned income they would have been entitled to an amount of UC **and**
2. at the time the decision in A2026 1. was made the person was in receipt of earned income **and**
3. not more than 6 months have elapsed since the date of the claim **and**

4. the person provides information as to their earned income at such times as may be required and the DM is satisfied that the claimant has provided such information as may be required to determine whether an award may be made and if so the amount **and**
5. their circumstances change such that if they were entitled to UC the amount payable would not be less than the minimum amount under prescribed legislation².

Note: This only applies to Live Service claimants – see ADM M3.

1 UC, PIP, JSA & ESA (C&P) Regs, reg 6(2); 2 UC Regs, reg 17

Circumstances when a claim for ESA is not required

A2027 A person may be entitled to ESA without having to make a claim¹ where

1. the claimant has made and is pursuing an appeal against a decision that embodies a determination that they do not have LCW **and**
2. the appeal relates to a decision to terminate or not to award ESA for which a claim was made.

Note: If a pending appeal award made without a claim is terminated a claim is required in order to establish further entitlement to ESA.

1 UC, PIP, JSA & ESA (C&P) Regs, reg 7

Making a claim for UC

A2028 A claim may be made for UC by a single person or members of a couple jointly¹. Unless A2030 applies, a claim for UC must be made by means of an electronic communication as set out in Appendix 1 to this Chapter².

1 WR Act 12 s 2; 2 UC, PIP, JSA & ESA (C&P) Regs, reg 8(1)

A2029 A claim for UC made electronically is defective if it is not completed in accordance with any instructions of the Secretary of State¹.

Note: Notification to the claimant that a claim is defective will be in writing. This includes electronic notification.

1 UC, PIP, JSA & ESA (C&P) Regs, reg 8(3)

A2030 A claim to UC may be made by telephone call to a telephone number specified by the Secretary of State

1. if the claim falls within a class of case for which the Secretary of State accepts telephone claims **or**
2. where in any other case the Secretary of State is willing to do so¹.

A claim so made is properly completed if all the information required to determine the award is provided during the call and defective if not².

Note: Telephone claims will be accepted from claimants who do not have access to or cannot use a computer.

1 UC, PIP, JSA & ESA (C&P) Regs, reg 8(2); 2 reg 8(4)

A2031 If a defective claim to UC is made then the claimant must be informed of the defect(s) and the effect on the date of claim¹. The claim is treated as properly made in the first instance if in the case of

1. a telephone claim, the person corrects the defect **or**
2. an electronic claim, a claim completed in accordance with any instruction of the Secretary of State is received in an appropriate office

within one month or such longer period as the Secretary of State may consider reasonable from the date on which the claimant is first informed of the defect².

1 UC, PIP, JSA & ESA (C&P) Regs, reg 8(5) & reg 10; 2 reg 8(6)

Claims to UC by members of a couple

A2032 Where a claimant is a member of a couple and may make a claim to UC as a single person under prescribed legislation¹ but instead makes a claim for UC jointly then that claim is to be treated as a claim made by that person as a single claimant².

1 UC Regs, reg 3(3); 2 UC, PIP, JSA & ESA (C&P) Regs, reg 9(1)

A2033 A claim to UC made jointly by a member of a polygamous marriage who is not a party to the earliest marriage in the polygamous marriage is to be treated as a claim made by that member as a single person¹. This applies where the other party to the polygamous marriage lives in the same household. A polygamous marriage is a marriage where a party to it is married to more than one person and took place in a country which permits polygamy².

1 UC, PIP, JSA & ESA (C&P) Regs, reg 9(2); 2 reg 9(3)

Example 1

Abdul and Fatima make a joint claim to UC. Fatima is Abdul's second wife. Abdul's first wife, Abida also lives in the same house. The claim to UC is treated as a claim to UC by Fatima as a single person. In order to become entitled to UC Abdul has to make a fresh claim to UC.

Example 2

Abdul and Fatima make a joint claim to UC. Fatima is Abdul's second wife. Abdul's first wife, Abida lives in Pakistan. The claim to UC is a joint claim to UC for Abdul and Fatima.

A2034 A claim made by members of a couple as single persons may be treated as a claim made jointly by the couple where it is determined that they are a couple¹.

1 UC, PIP, JSA & ESA (C&P) Regs, reg 9(4)

Example

Jackie and Colin both make claims to UC as single claimants. However, the DM determines that they are a couple and treats the claims as a joint claim made to UC.

- A2035 Where a DM considers that one member of a couple is unable to make a joint claim with the other member of that couple, the other member of the couple may claim jointly for both of them¹.

1 UC, PIP, JSA & ESA (C&P) Regs, reg 9(5)

Example

David and Jane are members of a couple. Jane is currently undergoing a short spell in hospital following surgery. The DM determines that Jane cannot make a joint claim with David and so David claims jointly for both of them.

- A2036 [\[See Memo ADM 26/14\]](#) Where an award of UC to joint claimants is terminated because they cease to be a couple then no claim to UC is required by the member of the former couple who

1. does not notify that they have ceased to be a couple where the other former member of the couple has already so notified **or**
2. is the second of them to notify that they have ceased to be a couple.

1 UC, PIP, JSA & ESA (C&P) Regs, reg 9(6)

Note: This only applies to Live Service claimants – see ADM M3. For Digital Service claimants the regulation is modified so that

Where an award of UC to joint claimants is terminated because they cease to be a couple an award of UC may be made without a claim to either or each one of them

1. as a single person **or**
2. if either of them has formed a new couple with a person who is already entitled to UC, jointly with that person.

Example – Live Service claimants

Tom and Katie are entitled to UC as a couple. Their assessment period is the 3rd of the month to the 2nd of the following month. They cease to be a couple on 27 November. Tom rings up to notify DWP of this on that date. The DM terminates the award of UC from the first day of the assessment period in which this change occurs – namely 3 November. Tom must make a new claim to UC as a single person. He makes a claim by telephone and is awarded UC from 3 November (he will be advised when he rings up about backdating so that he does not lose out financially). Katie is awarded UC from 3 November as a single claimant. She does not have to make a claim. Her award of UC is suspended until her circumstances are confirmed.

- A2037 Where awards of UC to single claimants are terminated because they form a couple who are joint claimants, an award of UC may be made without the need for a claim¹. The new assessment period can be nominated by the claimant or if they fail to nominate one, the one which the DM determines².

1 UC, PIP, JSA & ESA (C&P) Regs, reg 9(7); 2 UC Regs, reg 21(4)

Example

Dave, a single claimant, is in receipt of UC. His first assessment period started on 7 June. He becomes a member of a couple when he moves in with Poppy on 28 August. Poppy is also in receipt of UC. Her assessment period runs from the 14th of the month. Dave's award of UC is terminated from 7 August. Poppy's award of UC is terminated from 14 August. An award of UC is made to Dave and Poppy without the need for a claim. The joint award takes effect from 7 August as this is the date nominated by them (see ADM Chapter E2 regarding the date of nomination for the start of the new award).

A2038 [\[See Memo ADM 26/14\]](#) A couple who are joint claimants are to be treated as making a claim for UC where

1. one of them was entitled to UC as a single person and ceased to be entitled on becoming a member of the couple **and**
2. that claimant formed the couple with another person who did not previously have an award of UC as a single person before formation of the couple¹.

In these cases the claim is to be treated as made on the day after the person mentioned at paragraph 1. ceased to be entitled to UC

1 UC, PIP, JSA & ESA (C&P) Regs, reg 9(8)

Note: This only applies to Live Service claimants – see ADM M3. For Digital Services claimants the regulation is modified so that

A couple who are joint claimants are to be treated as making a claim for UC where

1. one of them ceased to be entitled to an award of UC (whether as a single person or as a member of a different couple) on the formation of that couple **and**
2. the other member of the couple did not have an award of UC as a single person before formation of the couple.

In these cases the claim is treated as made on the day after the member of the couple mentioned in 1. Ceased to be entitled to UC.

Example – Live Service claimants.

Bertram is in receipt of UC. His assessment period runs from the 12th of each month. He moves in with Clarice on 27 June and contacts the Department to say that he is now part of a couple with Clarice. His award as a single claimant is terminated. Clarice was not previously in receipt of UC. The DM treats this contact as a claim for UC jointly between Bertram and Clarice. The date of the new joint claim is 12 June. The assessment period for this claim still runs from 12 June to 11 July¹. The first payment of UC will be made at the end of this AP.

1 UC Regs, reg 21(3)

A2039 Where a claim is not required as described in A2036 and A2037 a claimant and every person by whom or on whose behalf UC is receivable must furnish in such

manner and at such times as may be determined such information or evidence in connection with the formation or dissolution of the couple¹.

1 UC, PIP, JSA & ESA (C&P) Regs, reg 9(9)

A2040 A claim to UC does not have to be made¹ by a single person in circumstances where a joint award has ended because of the death of the other member of the couple. In these cases the award of UC will continue as if the person had not died for the assessment period in which the death occurs and the following two assessment periods. An award of UC can be made to the single person at the end of this period without the need for a claim.

1 UC, PIP, JSA & ESA (C&P) regs, reg 9(10); UC Regs, reg 37

Example

Patrick and Ann are awarded UC jointly. The first assessment period runs from 21 January. On 12 March Ann dies. Patrick continues to receive UC at the joint claimant rate for the assessment periods starting 21 February, 21 March and 21 April. An award of UC to Patrick at the single claimant rate is made from 21 May without the need for a claim.

Date of claim for UC

A2041 The date on which a claim for UC is made is

1. for a claim made electronically, the date on which the claim is received in an appropriate office¹ **or**
2. for claims made electronically where the claimant receives assistance at home or at an appropriate office (either from the Secretary of State or a person providing services to the Secretary of State), the date of first notification of a need for assistance² **or**
3. for a claim made by telephone, the date on which the claim is properly completed³ **or**
4. where the Secretary of State is unable to accept a telephone claim on the date of first notification of intention to claim, the date of first notification, provided a properly completed claim is made by telephone within one month of that date⁴ **or**
5. the first day in respect of which the claim is made, if later than **1, 2, 3 or 4**

Note: A claim for UC can **only** be made by telephone if it falls within a class of case for which the Secretary of State accepts claims made in this way

1 UC, PIP, JSA & ESA (C&P) Regs, reg 10(1)(a); 2 reg 10(1)(b); 3 reg 10(1)(c); 4 reg 10(1)(d)

Example 1

Sanjay contacts his local Jobcentre Plus office on 1 June to say that because of difficulties speaking English he requires assistance with making a claim to UC on-line. Sanjay is invited into the office where he will receive assistance with making a

claim by a member of staff who speaks his language. Sanjay attends on the 10 June and successfully makes his claim. The date of claim to UC is 1 June.

Example 2

James makes a claim to UC electronically on 1 March but does not provide sufficient information about his capital to enable an award of UC to be made. The claim is therefore defective. James is informed of the defect on 4 March and is told that he must provide the missing information by 3 April. He provides the information on the 16 March. The date of claim to UC is 1 March.

Example 3

Mick makes a claim to UC electronically on 1 April. The claim is defective because he does not provide details of the number of shares he has in Barclays Bank. The DM informs Mick of the defect on 5 April and gives him until 4 May to respond. Mick contacts the Department to say that he will not be able to provide the information by that date because Barclays cannot provide the information by then. The DM considers this reasonable and allows Mick a further 3 weeks to provide the information. Mick provides the information on 16 May. The date of claim for UC is 1 April.

A2042 In the case of a defective claim, the date of claim is the first date on which the defective claim is received or made but is treated as properly made in the first instance¹.

1 UC, PIP, JSA & ESA (C&P) Regs, reg 10(2)

Time limit for claiming UC

A2043 The prescribed time for claiming UC is the first day of the period in respect of which the claim is made¹.

1 UC, PIP, JSA & ESA (C&P) Regs, reg 26(1)

A2044 Where the claim to UC is not made within the time specified above then the time limit for claiming it is to be extended, subject to a maximum of one month to the date on which the claim is made, but only where

1. any one or more of the circumstances in A2045 below apply or has applied to the claimant **and**
2. as a result of that circumstance or those circumstances the claimant could not reasonably have been expected to claim earlier¹.

1 UC, PIP, JSA & ESA (C&P) Regs, reg 26(2)

A2045 [\[See Memo ADM 26/14\]](#) The circumstances referred to in A2044 are that¹

1. the claimant was previously in receipt of JSA or ESA or an existing benefit² and notification of expiry of entitlement to that benefit was not sent to the claimant before the date that entitlement expired **or**
2. the claimant has a disability **or**

3. the claimant has supplied the Secretary of State with medical evidence that satisfies the Secretary of State that the claimant had an illness that prevented the claimant from making a claim **or**
4. the claimant was unable to make a claim electronically because the official computer system was inoperative **or**
5. the claimant had an award of UC which was terminated because they are no longer a member of a couple and made a new claim as a single person **or**
6. an award of UC is not made to members of a couple jointly because one of the couple has not accepted a claimant commitment **and**
 - 6.1 they cease to be a couple **and**
 - 6.2 the person who did accept a claimant commitment makes a further claim as a single person
7. an award of UC to joint claimants is terminated because one of the couple has not accepted a claimant commitment **and**
 - 7.1 they cease to be a couple **and**
 - 7.2 the person who did accept a claimant commitment makes a further claim as a single person

Note 1: A2045 4. applies where DWP's system fails and not the failure of the claimant's system.

Note 2: See also M4 para 105 for claimants who meet the gateway conditions.

Note 3: A2045 5. only applies to Live Service claimants

1 UC, PIP, JSA & ESA (C&P) Regs, reg 26(3); 2 UC (TP) Regs 2014

Example 1

Jason makes a claim electronically to UC on 2 May. He indicates that he wishes to claim from 6 April. He says that he delayed claiming UC as he was in receipt of ESA until 5 April but was not informed that this was stopping until the 28 April. The DM decides that the time limit for claiming UC can be extended as Jason could not have been expected to claim earlier as he was away from home until 2 May. The date of claim for UC is 6 April.

Example 2

Joanne makes a claim for UC electronically on 3 July. She wishes to claim UC from 20 June. She says that she was prevented from making a claim on the 20 June because she could not access her on-line account due to system failure. The system was restored on the 21 June but Joanne did not attempt to make a claim the next day due to negligence. The date of claim to UC is 3 July.

A2046 Where a claim to UC is made by each of joint claimants then the prescribed time limit for claiming as above cannot be extended unless both claimants satisfy the criteria¹ as in A2044.

- A2047 In cases where a claimant makes a new claim for UC within 6 months of a previous claim and the new award is to have the same assessment period as the previous award as a result of prescribed legislation¹ then the new claim must be made before the end of the assessment period². This applies for Digital Service claimants only.

1 UC Regs, reg 21 (3C); 2 UC, PIP, JSA & ESA (C&P) Regs, reg 26 (5)

Advance claims to UC – Prisoners and Care Leavers

- A2048 Advance claims to UC may be made if a claimant does not satisfy the conditions of entitlement on the date on which a claim is made but will satisfy them for a future period. The DM must be of the opinion that unless there is a change of circumstances the claimant will satisfy the conditions of entitlement on this future date. The future period must begin on a day not more than a month after the date on which the claim is made. The DM treats the claim as made for a period beginning with the date from which entitlement will begin¹. Advance claims can only be made if the person falls within a class of case for which the Secretary of State is willing to accept them. This class of case is restricted to certain prisoners and care leavers where the claim is made one month before the claimant's 18th birthday.

1 UC, PIP, JSA & ESA (C&P) Regs, reg 32

- A2049 If A2048 applies then UC can be awarded subject to the condition that the person satisfies the requirements for entitlement on the first day of the period¹.

1 UC, PIP, JSA & ESA (C&P) Regs, reg 32(3)

Making a claim for PIP

- A2050 A claim¹ for PIP must be made either
1. in writing on a form authorised by the Secretary of State for that purpose and completed in accordance with the instructions on the form (this includes by means of an electronic communication) **or**
 2. by telephone call to the telephone number specified by the Secretary of State **or**
 3. by receipt by the claimant of a telephone call from the Secretary of State made for the purpose of enabling a claim to be made.

Note: The DM has discretion as to the manner in which a claim can be made.

1 UC, PIP, JSA & ESA (C&P) Regs, reg 11(1)

- A2051 In the case of a claim in writing the claim must be sent to or received at an appropriate office¹.

1 UC, PIP, JSA & ESA (C&P) Regs, reg 11(2)

- A2052 A claim for PIP in writing is defective if it is not completed in accordance with any instructions of the Secretary of State¹. A telephone claim is properly completed if all

the information is provided during the call to determine the award and is defective if not so completed².

1 UC, PIP, JSA & ESA (C&P) Regs, reg 11(3); 2 reg 11(4)

A2053 If the claim is defective the Secretary of State must

1. inform the claimant of the defect and of the effect on the date of claim¹ **and**
2. treat the claim as properly made in the first instance if a claim completed in accordance with any instructions of the Secretary of State is received within one month, or such longer period as the Secretary of State considers reasonable, from the date on which the claimant is first informed of the defect².

1 UC, PIP, JSA & ESA (C&P) Regs, reg 11(5); 2 reg 11(6)

A2054 Where

1. a claim for PIP is made¹ on behalf of a person who is said to be a person unable for the time being to act **and**
2. the Secretary of State has decided not to appoint that person² to act on their behalf

then that claim must be treated as properly made in the first instance if a further claim is made. That further claim must be received within one month, or such longer period as may be considered reasonable, from the date of notification of the decision not to appoint someone as an appointee.

1 UC, PIP, JSA & ESA (C&P) Regs, reg 11(7) & (8); 2 reg 57

Example

A claim for PIP is made by Chris for his wife Rosie on 21 August by telephone. Chris alleges that Rosie is unable to make the claim on her own behalf. Following a home visit on 28 August the visiting officer decides not to appoint Chris to act on Rosie's behalf as she is capable of managing her own affairs. The visiting officer tells Rosie that if she makes a further claim by 27 September then the claim made on 21 August will be treated as properly made.

Date of claim for PIP

A2055 The date on which a claim for PIP is made is,

1. for claims¹ made in writing by means of an electronic communication, the date on which the claim is received at an appropriate office **or**
2. for claims² made by telephone, the date on which a claim made by telephone is properly completed **or**
3. where a person first notifies an intention to make a claim³ and provided that a claim made by writing (produced by means other than electronic communications) is properly completed and received at an appropriate office

within 1 month or such longer period as is considered reasonable of first notification, the date of first notification **or**

4. the first day in respect of which the claim is made if later than **1, 2 or 3.**

Note: If the office is closed, for example at the weekend, and a claim is delivered by hand (or a claim would have been delivered by post if arrangements had not been made that the PO would not deliver mail) a different date of claim applies. In such cases the date of claim is the date the claim is delivered by hand or would have been delivered had the office not been closed⁴.

1 UC, PIP, JSA & ESA (C&P) Regs, reg 12(1)(a); 2 reg 12(1)(b); 3 reg 12(1)(c); 4 R(SB) 8/89

A2056 If a telephone claim or claim in writing was defective and is then corrected within one month or such longer period as is considered reasonable then the date of claim is the date the defective claim was received or made¹.

1 UC, PIP, JSA & ESA (C&P) Regs, reg 12(2)(a)

A2057 The date of claim¹ is the date of first notification of an intention to make a claim where A2055 **3.** applies where the claim is treated as properly made in the first instance as in A2053 **2..**

1 UC, PIP, JSA & ESA (C&P) Regs, reg 12(2)(b)

A2058 Where A2054 applies and the claimant completes a further claim which is defective then if that further claim is treated as properly made in the first instance as in A2053, the date of claim¹ is the date on which the claim was made by the person that was not appointed.

1 UC, PIP, JSA & ESA (C&P) Regs, reg 12 (4)

A2059 Where an award of PIP cannot be made on the grounds of terminal illness¹, following a claim made by a third party then the date of claim is the date that the initial claim was made

1. if a further claim is received within one month or such longer time as is considered reasonable from the date of notification of the decision not to award PIP on the grounds of terminal illness¹ **or**
2. where the further claim as in **1.** above is defective but is treated as properly made in the first instance²

Note: A third party can make a claim on the grounds that a person is terminally ill, without having to be officially appointed to act on that person's behalf. This does not apply where the claim is being made under the normal rules.

1 WR Act 12, s 82(4); 2 UC, PIP, JSA & ESA (C&P) Regs, reg 12(5)

Example

David makes a claim for PIP for his mother Eleanor on 20 December. David is not Eleanor's appointee or POA. Eleanor has severe arthritis but is not terminally ill or incapable of managing her own affairs. Eleanor is informed that she must claim PIP

on her own behalf. She makes this further claim on 15 January. The date of claim for PIP is 20 December.

Time limit for claiming PIP

A2060 The prescribed time for claiming PIP is the first day of the period in respect of which the claim is made¹.

1 UC, PIP, JSA & ESA (C&P) Regs, reg 27

Advance awards of PIP

A2061 An advance award of PIP may be made if the claimant does not satisfy the conditions of entitlement on the date on which the claim is made but will satisfy them for a future period, providing that there are no anticipated change of circumstances. This future period must begin on a day which is not more than 3 months after the date of the decision on the claim¹. This enables claims to be made during the Qualifying Period for PIP.

1 UC, PIP, JSA & ESA (C&P) Regs, reg 33(1)

Advance claims to PIP

A2062 A person already entitled to an award of PIP may make a further claim during the period of 6 months immediately before the current award ends¹. This claim is an **advance claim to PIP**. Where such a claim is made the Secretary of State may²

1. treat the claim as if made on the first day after the expiry of the existing award
and
2. award benefit accordingly, subject to the condition that the person satisfies the requirement for entitlement on the date in A2062 1.

Note: If the advance claim indicates that the claimant's circumstances are such that the current award can be changed then it may be revised or superseded as appropriate.

1 UC, PIP, JSA & ESA (C&P) Regs, reg 33(2); 2 reg 33(3)

A2063 Where a claim is decided in advance it must be decided on circumstances obtaining at the date of the decision. This excludes any prediction of what a person's circumstances might be at the date of entitlement¹. However, the DM can take account of any change that will inevitably occur. A change of circumstances occurring after the claim is decided but before the date of entitlement should be dealt with by means of revision or supersession.

1 R(DLA) 4/05

A2064 Where an advance claim which is made during existing entitlement is disallowed the disallowance does not subsist after the date of decision. A further claim may therefore be made between the date of the decision and the start date of further

entitlement on the basis of changes that have occurred since the decision was given. Any award of benefit will be effective from the renewal date¹.

1 R(DLA) 4/05

Making a claim for ESA

Claims to ESA by telephone

A2065 A claim to ESA may be made by telephone call to a telephone number specified by the Secretary of State¹. Where the Secretary of State directs that the person approves a written statement of their circumstances then the claim is not valid until the person complies with the direction².

1 UC, PIP, JSA & ESA (C&P) regs, reg 13(1); 2 reg 13(2)

A2066 In most cases it is expected that all the information necessary to determine a claim will be provided during the initial telephone conversation. If the information is not provided during that telephone call (for example, if the conversation is cut short unexpectedly) the claim will be defective¹. In these circumstances the Secretary of State must give the claimant the opportunity to provide the missing information and also tell them what the deadline is if the date of the initial phone call is to be the date on which the claim is treated as made². Information can be sent by the most suitable means i.e. by phone or in writing. A claim will also be defective until full information is provided where, following an initial telephone conversation, the claimant asks for a call back to be arranged at a later date.

1 UC, PIP, JSA & ESA (C&P) regs, reg 13(3); 2 reg 13(4)

A2067 If the missing information is provided within one month of a defect being drawn to the claimant's attention (or within such longer period as the Secretary of State considers reasonable) the claim will be treated as having been properly made in the first instance¹.

1 UC, PIP, JSA & ESA (C&P) regs, reg 13(5)

A2068 The date¹ on which the claim is made or treated as made is the first date on which

1. a claim made by telephone is properly completed **or**
2. a person first notifies the Secretary of State of an intention to make a claim where a claim made by telephone is properly completed within one month or such longer period as the Secretary of State considers reasonable of first notification **or**
3. a defective claim is received but is treated as properly made in the first instance

or the first day in respect of which the claim is made if later than **1. – 3.**

1 UC, PIP, JSA & ESA (C&P) regs, reg 14

Claims to ESA in writing

A2069 A claim for ESA may be made in writing and must be made on an approved form and in accordance with the instructions on the form¹. If the claim form is not completed in accordance with the instructions on the form then the claim is defective².

1 UC, PIP, JSA &ESA (C&P) regs, reg 15(1); 2 reg 15(2)

A2070 If the claim is defective the Secretary of State must advise the person making it of the defect and the provisions relating to the date of claim¹.

1 UC, PIP, JSA &ESA (C&P) regs, reg 15(3)

A2071 If the defects are corrected and are done so within one month, or such longer period as the Secretary of State considers reasonable, of the date the defects were first drawn to their attention then the claim must be treated as if properly made in the first instance¹.

1 UC, PIP, JSA &ESA (C&P) Regs, reg 15(4)

A2072 The date¹ on which the claim is made or treated as made is the first date on which

1. a properly completed claim is received in an appropriate office **or**
2. a person first notifies an intention to make a claim, where a properly completed claim form is received within one month or such longer period as the Secretary of state considers reasonable of first notification **or**
3. a defective claim is received but is treated as properly made in the first instance

or the first day in respect of which the claim is made if later than **1. – 3.** above.

Note: If the office is closed, for example at the weekend, and a claim is delivered by hand (or a claim would have been delivered by post if arrangements had not been made that the PO would not deliver mail) a different date of claim applies. In such cases the date of claim is the date the claim is delivered by hand or would have been delivered had the office not been closed².

1 UC, PIP, JSA & ESA (C&P) regs, reg 16; 2 R(SB) 8/89

Claims to ESA where there is no entitlement to SSP

A2073 A claim for ESA is treated as made on an earlier date where a person

1. has previously given notice of incapacity to an employer **and**
2. has been notified in writing by the employer that there is no entitlement to SSP¹.

1 SSP (Gen) Regs, reg 7

A2074 The claim is treated as made¹ on the date that the employer accepts as the first day of incapacity provided that the claim is made within 3 months beginning with the day on which the claimant is notified in writing that there is no entitlement to SSP².

1 UC, PIP, JSA &ESA (C&P) regs, reg 17(1); 2 reg 17(2)

MA claimed before confinement

A2075 Where

1. it has been certified¹ that a woman is expected to be confined **and**
2. she makes a claim for MA before the confinement

that claim may, unless the DM decides otherwise, be treated as a claim for ESA².

1 SS (Med Ev) Regs; 2 UC, PIP, JSA & ESA (C&P) Regs, reg 18(1)

A2076 The claim for MA can be treated as a claim to ESA¹ for the period

1. from the earlier of
 - 1.1 the beginning of the 6th week before the EWC **or**
 - 1.2 the ADC
2. to the 14th day after the ADC.

1 UC, PIP, JSA & ESA (C&P) Regs, reg 18(1)

MA claimed after confinement

A2077 Where

1. it has been certified¹ that a woman has been confined **and**
2. she makes a claim for MA within three months of the date of confinement

that claim may be treated as a claim instead of or also for ESA²

1 SS (Med Ev) Regs; 2 UC, PIP, JSA & ESA (C&P) Regs, reg 18(2)

A2078 The claim to MA can be treated as a claim instead of or also for ESA for the period¹

1. beginning with the ADC **and**
2. ending 14 days after that date.

1 UC, PIP, JSA & ESA (C&P) Regs, reg 18(2)

Time limit for claiming ESA

A2079 The prescribed time for claiming ESA is the day in respect of which the claim is made and the period of 3 months immediately following it¹. A month means a calendar month².

1 UC, PIP, JSA & ESA (C&P) Regs, reg 28; 2 Inte Act 78

Advance claims to ESA

A2080 An advance award may be possible if a claimant does not satisfy the conditions of entitlement on the date on which a claim is made but will satisfy them for a future period. The future period must begin on a day which is no more than three months after the date of claim. The DM treats the claim as made for a period beginning with the date from which entitlement will begin. No disallowance is needed for the period from the date claimed to the date entitlement begins¹.

1 UC, PIP, JSA & ESA (C&P) Regs, reg 34

Making a claim to JSA

Attendance at an appropriate office

A2081 A person wishing to claim JSA must¹, unless directed otherwise, attend in person at an appropriate office or such other place, and at such time as may be specified in the claimant's case.

1 UC, PIP, JSA & ESA (C&P) Regs, reg 19

A2082 Where a person is required to attend an appropriate office attends at the time and place specified and, if so requested, provides a properly completed claim form at or before the time they are required to attend then the claim is to be treated as made on whichever is the later of

1. first notification of intention to make that claim **or**
2. the first day in respect of which the claim is made.

1 UC, PIP, JSA & ESA (C&P) Regs, reg 20(1)

A2083 Where a person is required to attend¹ but either

1. fails to do so without good cause at either the place or time **or**
2. does not provide a properly completed claim form at or before the time when they are required to attend

then the claim is to be treated as made on the first day on which the person does attend at the specified time or place or provides a properly completed claim form, or if later, the first day in respect of which the claim is made.

1 UC, PIP, JSA & ESA (C&P) Regs, reg 20(2)

A2084 The time for providing a properly completed claim form may be extended to a date no later than one month after the first notification of intention to make that claim¹.

1 UC, PIP, JSA & ESA (C&P) Regs, reg 20(3)

Making a claim to JSA in writing

A2085 Except where a person is required to attend at an appropriate office¹, a claim to JSA may be made in writing on a form authorised for the purpose of the claim and delivered or sent to an appropriate office. Such a claim must be made in accordance with the instructions on the form.

1 UC, PIP, JSA & ESA (C&P) Regs, reg 21(1); 2 reg 21(2)

A2086 A written claim is properly completed if completed in accordance with the instruction on the form and defective if not so completed¹. If the claim is defective then the claimant must be advised of that defect and the effect on the date of claim².

1 UC, PIP, JSA & ESA (C&P) Regs, reg 21(3); 2 reg 21(4)

A2087 If the defects are corrected within one month, or such longer period as the Secretary of State considers reasonable, of the date the defects were first brought to the

attention of the claimant, then the claim must be treated as having been properly made in the first instance¹.

1 UC, PIP, JSA & ESA (C&P) Regs, reg 21(5)

A2088 The date on which a written claim to JSA is made¹, or is treated as made, is the first date on which

1. a properly completed claim form is received in an appropriate office **or**
2. a claimant first notifies an intention to make a claim where a properly completed form is received in an appropriate office within one month or such longer period as considered reasonable of first notification **or**
3. a defective claim is received but is treated as properly made in the first instance

or the first day in respect of which the claim is made is later than at **1 – 3**.

1 UC, PIP, JSA & ESA (C&P) Regs, reg 22

Making a claim for JSA by telephone

A2089 Except where

1. a person is required to attend an appropriate office **or**
2. the Secretary of State directs that the claim must be made in writing

a claim to JSA may be made by telephone to the number specified by the Secretary of State if such a claim falls within a class of case for which telephone claims are accepted or in any other case where the Secretary of state is willing to do so¹.

1 UC, PIP, JSA & ESA (C&P) Regs, reg 23(1)

A2090 Claims made by telephone are properly completed if all the information required to determine the claim is provided. A telephone claim is defective if this information is not provided¹.

1 UC, PIP, JSA & ESA (C&P) Regs, reg 23(2)

A2091 Where a telephone claim is defective the claimant must be advised of the defect and the effect on the date of claim¹.

1 UC, PIP, JSA & ESA (C&P) Regs, reg 23(3)

A2092 If the defect is corrected within one month, or such longer period that is considered reasonable, of the date that the defect was first drawn to the claimants attention then the claim must be treated as if it had been properly made in the first instance¹.

1 UC, PIP, JSA & ESA (C&P) Regs, reg 23(4)

A2093 The date¹ on which the claim is made or treated as made is the first date on which

1. a claim is properly completed **or**
2. a claimant first notifies an intention to make a claim where the claim is properly completed within one month or such longer time period as is considered reasonable of first notification **or**

3. a defective claim is received but is treated as properly made in the first instance

or the first day in respect of which the claim is made if later than at **1 – 3.**

1 UC, PIP, JSA & ESA (C&P) Regs, reg 24

A2094

Advance claims to JSA

- A2095 An advance award of JSA may be possible if a claimant does not satisfy the conditions of entitlement on the date on which a claim is made but will satisfy them for a future period. The future period must begin on a day which is no more than three months after the date of claim. The DM treats the claim as made for a period beginning with the date from which entitlement will begin. No disallowance is needed for the period from the date claimed to the date entitlement begins¹.

1 UC, PIP, JSA & ESA (C&P) Regs, reg 34

Time limits for claiming JSA

- A2096 The prescribed time for claiming JSA is the first day of the period in respect of which the claim is made¹. However, if the claim is not made within the prescribed time then the time for claiming can be extended by either 3 months or 1 month. In cases where the time is extended by 1 or 3 months then the claim is treated as made on the first day of the period of which the claim is made².

1 UC, PIP, JSA & ESA (C&P) Regs, reg 29(1); 2 reg 29(6)

Extending the time limit for claiming JSA by 3 months

- A2097 The prescribed time for claiming JSA may be extended by a maximum of 3 months to the date on which the claim is made where

1. the claim is made late **and**
2. one or more of the circumstances specified in A2098 apply **and**
3. as a result of those circumstances the claimant could not reasonably be expected to make the claim earlier¹.

1 UC, PIP, JSA & ESA (C&P) Regs, reg 29(2)

- A2098 The circumstances referred to in A2097 **2.** are¹

1. the claimant has difficulty communicating because of
 - 1.1 learning, language or literacy difficulties **or**
 - 1.2 the claimant is deaf or blind
- and it was not reasonably practicable for the claimant to obtain assistance from another person to make his claim **or**

2. the claimant was caring for a person who is ill or disabled and it was not reasonably practicable for the claimant to obtain assistance from another person to make his claim **or**
3. the claimant was given information by an officer of DWP which led them to believe that a claim to JSA would not succeed **or**
4. the claimant was given written advice by a solicitor or other professional adviser, a medical practitioner, an LA or a person working in a Citizens Advice Bureau or similar advice agency, which led the claimant to believe that a claim for JSA would not succeed **or**
5. the claimant was required to deal with a domestic emergency affecting them and it was not reasonably practicable for them to obtain assistance from another person to make the claim **or**
6. the claimant was prevented by adverse weather conditions from attending the appropriate office.

1 UC, PIP, JSA & ESA (C&P) Regs, reg 29(3)

Extending the time limit for claiming JSA by 1 month

A2099 The prescribed time for claiming JSA may be extended by a maximum of a month to the date on which the claim is made where

1. the claim is made late **and**
2. one or more of the circumstances specified in A2100 apply **and**
3. as a result of those circumstances the claimant could not reasonably be expected to make the claim earlier¹

1 UC, PIP, JSA & ESA (C&P) Regs, reg 29(4)

A2100 The circumstances in A2100 2. are¹

1. the appropriate office where the claimant would be expected to claim was closed and alternative arrangements were not available **or**
2. the claimant was unable to attend the appropriate office due to difficulties with their normal mode of transport and there was no reasonable alternative available **or**
3. there were adverse postal conditions **or**
4. the claimant was previously in receipt of ESA and notification of expiry of entitlement to that benefit was not sent to the claimant before the date that the entitlement expired **or**
5. the claimant had ceased to be a member of a couple within the period of one month before the claim was made **or**
6. during the period of one month before the claim was made a close relative of the claimant had died. Close relative means partner, parent, son, daughter, brother or sister **or**

7. the claimant was unable to make telephone contact with the appropriate office where the claimant would be expected to notify an intention of making a claim because the telephone lines to that office were busy or inoperative **or**
8. the claimant was unable to make contact by means of an electronic communication where the claimant would be expected to notify an intention of making a claim because the official computer system was inoperative.

1 UC, PIP, JSA & ESA (C&P) Regs, reg 29(5)

A2101

Interchange with claims for other benefits

A2102 A claim to ESA by a woman may be treated in addition or in the alternative as a claim to MA¹.

1 UC, PIP, JSA & ESA (C&P) Regs, reg 25(1)

A2103 A claim to MA may be treated in addition or in the alternative as a claim to ESA¹.

1 UC, PIP, JSA & ESA (C&P) Regs, reg 25(2)

A2104 Where it appears that a person who has made a claim to PIP is not entitled to it but may be entitled to DLA or AA, the Secretary of State may treat the claim alternatively or in addition to as a claim to either DLA or AA¹.

1 UC, PIP, JSA & ESA (C&P) Regs, reg 25(3)

A2105 Where it appears that a person who has made a claim to DLA or AA is not entitled to it but may be entitled to PIP, the Secretary of State may treat the claim alternatively or in addition to as a claim to PIP¹.

1 UC, PIP, JSA & ESA (C&P) Regs, reg 25(4)

A2106 In determining whether the Secretary of State should treat a claim alternatively or in addition to another claim (the original claim) then the Secretary of State must treat the alternative or additional claim, whenever made, as having been made at the same time as the original claim¹.

1 UC, PIP, JSA & ESA (C&P) Regs, reg 25(5)

After a claim has been disallowed as defective

A2107 If a claimant seeks to correct the defects in a claim after it has been disallowed as defective the DM should

1. decide that the disallowance cannot be revised or superseded because the submission of the new information or evidence is a change of circumstances that occurred after the claim was decided¹ **and**
2. consider whether the new communication can now be taken as the start of an attempt to make a new claim.

1 UC, PIP, JSA & ESA (D&A) Regs, reg 5(2); SS Act 98, s 8(2)(b)

No trace of claim

A2108 It may be contended that a claim has been made in writing but there is no trace of it. There may also be situations where other information suggests that a document was received but is no longer available or cannot be found. The DM must decide, on the balance of probabilities, whether a claim was made and if so the date of receipt. The normal information and evidence conditions for establishing a properly made claim must be satisfied.

A2109 A statement that a claim was sent but never received should be considered carefully as there may be many reasons why enquiries were delayed. The DM should obtain evidence to support the statement if there are grounds to doubt it¹. Grounds for doubt might exist because, for example, there is a long delay between the date it is said that a claim was sent and the date when enquiries are made. The date which is of relevance is the date on which the claim is made and that is the date on which the claim is received by an appropriate office², not the date of sending the claim.

1 R(I) 2/51; R(SB) 33/85; 2 R(G) 2/06

Amendment of claims

A2110 A person who has made a claim may amend¹ it at any time before a determination has been made on the claim. The amendment may be made

1. in writing received at an appropriate office **or**
2. by telephone call to a number specified by the Secretary of State **or**
3. in such other manner as the Secretary of State may decide or accept.

Any claim amended as above may be treated as if it had been amended in the first instance.

1 UC, PIP, JSA & ESA (C&P) Regs, reg 30

Withdrawal of claims

A2111 A person who has made a claim may withdraw¹ it at any time before a determination has been made on the claim. The withdrawal may be made

1. in writing received at an appropriate office **or**
2. by telephone call to a number specified by the Secretary of State **or**
3. in such other manner as the Secretary of State may decide or accept.

Any such notice of withdrawal has effect when it is received.

1 UC, PIP, JSA & ESA (C&P) Regs, reg 31

Evidence and Information in connection with a claim

A2112 A person who makes a claim for benefit, or on whose behalf a claim is made (other than JSA) may be required to¹

1. supply information and evidence in connection with the claim or any question arising out of it, as is considered appropriate **and**
2. do so in a manner as determined within one month of being required to do so or such longer period as is considered reasonable¹.

Note: There are specific information and evidence requirements for PIP - see ADM Chapter P2 for information and evidence requirements for PIP.

1 UC, PIP, JSA & ESA (C&P) Regs, reg 37(1-3)

A2113 Where a claim for UC has been made by joint claimants, information relating to that claim may be supplied by the Secretary of State to either or both members of the couple for any purpose connected with the claim¹.

1 UC, PIP, JSA & ESA (C&P) Regs, reg 37(4)

A2114 Where a person is a member of a couple and may make a claim to UC as a single person¹ and entitlement to UC or the amount of UC may be affected by the circumstances of a partner¹, the Secretary of State may require the partner to

1. confirm the information given about the partner's circumstances **or**
2. to supply information or evidence in connection with the claim, or any question arising out of it, as may be required

within one month of being required to do so, or such longer period as is considered reasonable¹

1 UC Regs, reg 3(3); 2 UC, PIP, JSA & ESA (C&P) Regs, reg 37(5)

A2115 A landlord or rent officer may be required to supply information and evidence in connection with a claim for UC that may include an amount for housing costs. This must be supplied within one month or such longer period as is considered reasonable¹.

1 UC, PIP, JSA & ESA (C&P) Regs, reg 37(6)

A2116 Every person providing relevant childcare¹ where the claimant's award of UC is to include an amount in respect of childcare costs² must supply information and evidence

1. in connection with the claim **or**
2. on any question arising out of it, as may be determined

within one month of being required to do so or such longer period as is considered reasonable³.

1 UC Regs, reg 35; 2 reg 31; 3 UC, PIP, JSA & ESA (C&P) Regs, reg 37(7)

A2117 Guidance at A2112 to A2116 also relate to cases where it is not a condition of entitlement that a claim to benefit be made¹. The guidance also relates to potential awards of benefit².

1 UC, PIP, JSA & ESA (C&P) Regs, reg 37(8); 2 reg 37(9)

Evidence and Information in connection with an award

A2118 A2118 to A2123 apply to any person entitled to benefit, other than JSA, and any other person by whom or on whose behalf, payments of such benefit are receivable¹.

1 UC, PIP, JSA & ESA (C&P) Regs, reg 38(1)

A2119 A person must supply in such manner as may be determined within the period applicable under specified legislation¹ such information or evidence as may be required for determining whether an award should be revised or superseded².

1 UC, PIP, JSA & ESA (D&A) Regs, reg 45(4)(a); 2 UC, PIP, JSA & ESA (C&P) Regs, reg 38(2)

Note: See ADM Chapter A4 for the period in which information or evidence should be supplied.

A2120 A person must supply in such manner and at such times as may be determined such information or evidence as the Secretary of State may require in connection with payment of the benefit awarded¹.

1 UC, PIP, JSA & ESA (C&P) Regs, reg 38(3)

A2121 A person must notify any change of circumstances which the person might reasonably be expected to know might affect¹

1. the continuance of entitlement to benefit **or**
2. the amount of benefit awarded **or**
3. the payment of benefit

as soon as reasonably practicable after the change occurs.

1 UC, PIP, JSA & ESA (C&P) Regs, reg 38(4)

A2122 The notification¹ of a change of circumstances must be

1. given in writing or by telephone **and**
2. sent, delivered to or received at the appropriate office

Note: The Secretary of State may specify that the change in circumstances must be notified in a particular way. There is also discretion to accept notification by methods other than by in writing (including electronic notification) or by telephone

1 UC, PIP, JSA & ESA (C&P) Regs, reg 38(5)

A2123 Where UC has been awarded to joint claimants, information relating to that award may be supplied by the Secretary of State to either or both members of the couple for any purpose connected to that award¹.

1 UC, PIP, JSA & ESA (C&P) Regs, reg 38(6)

A2124 Every person providing relevant childcare¹ where the claimant's award of UC is to include an amount in respect of childcare costs² must supply information and evidence

1. in connection with the award **or**
2. on any question arising out of it, as may be determined

This must be done within one month of being required to do so or such longer period as is considered reasonable³.

1 UC Regs, reg 35; 2 reg 31; 3 UC, PIP, JSA & ESA (C&P) Regs, reg 38(7)

A2125 Where the award of UC includes an amount as a result of the claimant regularly and substantially caring for a severely disabled person¹, the Secretary of State may require the claimant to furnish a declaration signed by the severely disabled person confirming the particulars of that severely disabled person, which have been given by the claimant². See ADM Chapter F6.

1 UC Regs, reg 29; 2 UC, PIP, JSA & ESA (C&P) Regs, reg 38(8)

Example

Quentin is in receipt of UC which includes the carer element as he has caring responsibility for his disabled partner Julian. The DM asks Quentin to obtain a written statement, signed by Julian to determine whether the details given by Quentin are correct.

Alternative means of notifying changes of circumstances

A2126 In such cases and subject to such conditions as the Secretary of State may specify, the duty to notify a change of circumstances may be discharged by notifying the Secretary of State as soon as reasonably practicable where the change of circumstances is a

1. birth or death, through an LA or a county council in England, by personal attendance at an office specified that LA or county council, provided the Secretary of State has agreed for it to facilitate such notification¹ **or**
2. death, by telephone to a telephone number specified for that purpose by the Secretary of State².

1 UC, PIP, JSA & ESA (C&P) Regs, reg 39(a); 2 reg 39(b)

Information provided to rent officers

A2127 DWP must provide rent officers with information that is requested to enable the rent officer to carry out functions as in prescribed legislation¹.

1 UC, PIP, JSA & ESA (C&P) Regs, reg 40(1); Housing Act 1996, s 122

A2128 The information referred to may include information required to make a determination and may include¹

1. the name and address of the UC claimant in respect of whom the Secretary of State has applied for a determination
2. the amount of any rent

3. the amount of any service charge payments
4. the number of bedrooms
5. the name and address of the claimant's landlord.

Note: Landlord means any person to whom a claimant or partner is liable to make payments in respect of the occupation of the claimant's accommodation.

1 UC, PIP, JSA & ESA (C&P) Regs, reg 40(2)

AS129 The landlord must provide the rent officer with information or evidence as is reasonably required to make a determination¹ and which the rent officer is not able to obtain from DWP². This evidence may include whether the property is let at an affordable rent as defined in prescribed legislation³.

*1 Rent Officers (universal Credit Functions) Order 2013;
2 UC, PIP, JSA & ESA (C&P) Regs, reg 40(3); 3 reg 40(4)*

Evidence and Information required from pension fund holders

A2130 Where a claimant or their partner is aged not less than 60 and is a

1. member of, or is a person deriving entitlement to a pension under a personal pension scheme **or**
2. an occupational pension scheme

they must provide information where required to do so¹.

1 UC, PIP, JSA & ESA (C&P) Regs, reg 41(1)

A2131 The information¹ required in A2130 is

1. the name and address of the pension fund holder **and**
2. such other information including any reference or policy number needed to enable the personal pension scheme or occupational pension scheme to be identified

1 UC, PIP, JSA & ESA (C&P) Regs, reg 41(1)(a-b)

A2132 Where the pension fund holder receives a request for details of the personal pension scheme or occupational pension scheme then they must provide the Secretary of State with information calculated in prescribed legislation¹.

1 UC, PIP, JSA & ESA (C&P) Regs, reg 41(2)

A2133 The guidance at A2130 – A2132 does not apply to PIP¹. Any reference to “claimant” also includes a person where it is not a condition of entitlement to benefit that a claim is made.

1 UC, PIP, JSA & ESA (C&P) Regs, reg 41(5)

Attendance in Person

A2134 Every person who makes a claim for benefit (apart from JSA), or any person entitled to benefit (except JSA) and any other person by whom or on whose behalf payments by way of such a benefit are receivable must

1. attend at such place and on such days and at such times as the Secretary of State may direct **and**
2. supply information or evidence under prescribed regulations¹.

This applies to PIP claimants in cases where they are required to attend to provide information or evidence. Prescribed legislation² applies to PIP claimants who may be called for a consultation.

1 UC, PIP, JSA & ESA (C&P) Regs, reg 35, reg 37-39 & reg 41; 2 SS (PIP) Regs, reg 9

Duration of awards

A2135 Claims for UC¹ are to be treated as made for an indefinite period and any award is to be made for an indefinite period.

1 UC, PIP, JSA & ESA (C&P) Regs, reg 36(1)

A2136

Claims to JSA made during periods connected with public holidays

A2137 See Appendix 2 of this Chapter in relation to claims for JSA made during periods connected with public holidays¹.

1 UC, PIP, JSA & ESA (C&P) Regs, reg 36(2)

Appointees

A2138 The Secretary of State can appoint a person to act on behalf of someone who is or may be entitled to benefit and is unable to act, for example because of mental health problems. The DM should treat any action of an appointee as if it had been taken by the claimant, noting that

1. appointments are not possible if someone has already been legally appointed to act on behalf of the claimant. This may be a deputy, attorney or a receiver¹. In Scotland this might be a judicial factor or any guardian acting or appointed under specific legislation² who has the power to act on behalf of the claimant
2. the person must apply in writing. Individual appointees must be over 18 years old²
3. an appointee can be a body of people such as a firm of solicitors or a health authority³.

For further details about the appointment of appointees, the DM should refer to the Agents, Appointees, Attorneys and Deputies Guide.

1 UC, PIP, JSA & ESA (C&P) Regs, reg 57;

2 Adults with Incapacity (Scotland) Act 2000; 3 R(SB) 2/87; R(A) 2/81

A2139 Where an appointment¹ has been made

1. it may be revoked by the Secretary of State at any time
2. the person appointed may resign after giving one months notice to do so
3. any appointment is to be terminated when the Secretary of State is notified when a deputy, receiver, attorney or judicial factor/guardian in Scotland is appointed with full powers.

1 UC, PIP, JSA & ESA (C&P) Regs, reg 57(8)

Power of attorney

A2140 A POA is a legal document (a deed) by which one person gives another person authority to handle their affairs. The power may be a

1. general power - to handle all the person's affairs
2. specific power - to handle some of the person's affairs
3. power for a limited period - for example, while the person is ill or abroad¹.

1 Power of Attorney Act 71

A2141 In England and Wales the validity of POA depends on whether it is a General or Lasting POA¹. A General POA expires when the customer becomes mentally incapable. A Lasting POA must be registered before it can be used. It remains valid even after capacity is lost².

Note: For more information see the Agents, Attorneys, Appointees and Deputies Guide.

1 Enduring Power of Attorney Act 85; 2 Mental Capacity Act 05

A2142 In Scotland the validity of a POA when a person becomes mentally incapable depends on the authority used to grant the power and the date it was granted¹.

Note: For further details about POA, see the Agents, Appointees, Attorneys and Deputies Guide.

1 Adults with Incapacity (Scotland) Act 2000

Deputies/Guardians

A2143 Where a person is incapable of managing their own affairs and therefore incapable of authorising someone else to act on their behalf, the Court of Protection may appoint a deputy to act for the person. A deputy who is appointed to act in all matters may make claims to benefit without further authority from the Secretary of State. Deputies replaced receivers in England and Wales as a consequence of specific legislation¹. People already appointed as receivers under specified legislation² will continue in that capacity but will be treated as deputies³.

1 Mental Capacity Act 2005; 2 Mental Health Act 1983; 3 UC, PIP, JSA & ESA (C&P) Regs, reg 57

A2144 In Scotland a Sheriff may appoint a guardian to act in a similar way to a deputy¹.

Note: For further details about Deputies/Guardians, see the Agents, Appointees, Attorneys and Deputies Guide.

1 Adults with Incapacity (Scotland) Act, s 57(1)

Claims at Death

A2145 On the death of a person who has made a claim for benefit the Secretary of State may appoint such a person as they may think fit to proceed with the claim and any related issue of revision, supersession or appeal¹. See ADM Chapter B1 for further guidance on payments after death.

Note: There are no provisions that enable a posthumous claim to UC, JSA, ESA or PIP to succeed.

1 UC, PIP, JSA & ESA (C&P) Regs, reg 56(1)

Requirement to attend for a consultation

A2146 Before making a decision on a claim for PIP¹ the claimant may be required to attend and participate in a consultation with a person approved by the Secretary of State. This also applies where a re-determination of a claimant's ability to carry out activities is required². Decisions on whether a consultation is required are made by the Health Professional. This does not apply to ESA and UC which have separate provisions.

1 WR Act 12, s 80; PIP Regs, reg 8; reg 11

Provision of NINOs

A2147 The provision of sufficient information or evidence to establish the NINO is a specific requirement for¹

1. PIP
2. UC
3. ESA
4. JSA

Note: This does not apply to a child or qualifying young person in respect of whom UC is claimed².

1 SS A Act 92, s 1(1A) & (1B); 2 UC, PIP, JSA & ESA (C&P) Regs, reg 5

A2148 There is no entitlement to benefits unless the claim is accompanied by sufficient information or evidence

1. to confirm the NINO quoted belongs to the claimant and any adult affected by the provisions
2. to enable the NINO to be traced where the NINO is unknown
3. to enable a NINO to be allocated where the claimant or adult does not have a NINO and they apply for one¹.

1 SS (NINO: Exemption) Reg 97

Example

The claimant does not hold a NINO. The claimant should make an application for a NINO and provide sufficient information and evidence to enable a NINO to be traced or allocated. Notional entitlement to benefit should first be established and then the claimant referred to the NINO allocation service.

- A2149 The requirements must be satisfied each time a relevant claim to benefit is made. The DM should not accept that they are satisfied simply because they were accepted as satisfied on an earlier claim. Conflicts in the evidence from the claimant and Departmental records should be resolved before the claim is referred to the DM.
- A2150 If the provisions are not satisfied the DM decides that there is no entitlement because a condition of entitlement is not met. If the NINO is produced after a disallowance, or there is a doubt about a number during an award, reconsideration may be appropriate.
- A2151 Where a claim is made jointly from a couple the NINO provisions must be satisfied for both claimants. If the conditions are not satisfied for either claimant the benefit should be disallowed. If a single claimant forms a joint claim couple with someone who was not a UC claimant and that person does not have a NINO or does apply for one to be allocated then no award should be made.

NINO Exemptions

- A2152 Where a claim to benefit is received a NINO is required for both the claimant and any adult jointly entitled to claim. In the majority of cases where a NINO cannot be allocated to either the claimant or any adult in the claim there are grounds for deciding that the claimant is not entitled to the benefit.
- A2153 In a small number of cases a NINO will not be allocated to a partner of the claimant where these individuals have no right to be in the UK and do not already have a NINO. These claims should not be disallowed for this reason. However if the partner already possesses a NINO they are required to state this on the claim form.
- A2154 Where a claimant's partner is ineligible to claim UC but is part of the assessment unit (e.g. they do not meet the HRT) they will be referred to the NINO allocation unit. It is not a condition of entitlement that the ineligible partner must have a NINO.

Appendix 1

Use of Electronic Communications

Definition

- 1 "Official computer system" means¹ a computer system maintained by or on behalf of the Secretary of State to

1. send or receive any claim or information **or**

2. process or store any claim or information

Note : “information” includes evidence and information authorised or required to be given in a notice or certificate

1 UC, PIP, JSA & ESA (C&P) Regs, reg 2

Use of electronic communications

- 2 The Secretary of State may use an electronic communication in connection with claims for, and awards of any benefit¹.

1 UC, PIP, JSA & ESA (C&P) Regs, Sch 2, para 1

Conditions for the use of electronic communications by other persons

- 3 A person other than the Secretary of State may use an electronic communication in connection with the matters specified in paragraph 2 if the conditions in paragraphs 4 to 8 are met¹.

Note : “Approved” means approved by means of a direction given by the Secretary of State.

1 UC, PIP, JSA & ESA (C&P) Regs, Sch 2, para 2(1)

- 4 The first condition is that there is in force an authorisation given by the Secretary of State by means of a direction permitting the person concerned to use electronic communication¹.

1 UC, PIP, JSA & ESA (C&P) Regs, Sch 2, para 2(2)

- 5 The second condition is¹ that the person uses an approved method of

1. authenticating the identity of the sender
2. electronic communication
3. authenticating any claim or information delivered by means of electronic communication
4. submitting any claim or information to the Secretary of State.

1 UC, PIP, JSA & ESA (C&P) Regs, Sch 2, para 2(3)

- 6 The third condition is that any claim or information sent by electronic communication is in an approved form¹.

1 UC, PIP, JSA & ESA (C&P) Regs, Sch 2, para 2(4)

- 7 The fourth condition is that the person keeps such records in written or electronic form as may be specified by the Secretary of State¹ in a direction.

1 UC, PIP, JSA & ESA (C&P) Regs, Sch 2, para 2(5)

- 8 Where a person submits a claim or evidence by a method other than that approved by the Secretary of State then that claim or evidence **shall be treated as not having been submitted**¹.

1 UC, PIP, JSA & ESA (C&P) Regs, Sch 2, para 2(6)

Use of Intermediaries

9 The Secretary of State may use, and may require other persons to use, intermediaries in connection with¹

1. the delivery of any claim or evidence by means of an electronic communication **and**
2. the authentication or security of anything transmitted by electronic means.

1 UC, PIP, JSA & ESA (C&P) Regs, Sch 2, para 3

Effect of delivering information by electronic means

10 Any claim or information which is delivered by electronic means is to be treated as having been delivered on the day the conditions

1. in paragraphs 4 to 7 above **and**
2. under any applicable Act or regulation

are satisfied¹.

1 UC, PIP, JSA & ESA (C&P) Regs, Sch 2, para 4(1)

11 The Secretary of State may make a direction determining that any claim or information is to be treated as delivered on a different day from that set out in paragraph 10 above¹.

1 UC, PIP, JSA & ESA (C&P) Regs, Sch 2, para 4(2)

12 Information shall not be taken to have been delivered to an official computer system by means of an electronic communication unless it is accepted by the system to which it is delivered¹.

1 UC, PIP, JSA & ESA (C&P) Regs, Sch 2, para 4(3)

Proof of delivery

13 The use of an approved method of electronic communications is to be presumed¹, unless the contrary is proved, to have resulted in delivery, in the case of any

1. claim or information falling to be delivered to the Secretary of State, if the delivery is recorded on an official computer system **or**
2. information that falls to be delivered by the Secretary of State, if the despatch of that information is recorded on an official computer system.

1 UC, PIP, JSA & ESA (C&P) Regs, Sch 2, para 5(1)

14 If delivery has not been recorded on an official computer system it will be presumed that it has not taken place¹.

1 UC, PIP, JSA & ESA (C&P) Regs, Sch 2, para 5(2)

15 The time and date of receipt of a claim or information shall be presumed, unless the contrary is proved, to be that recorded on an official computer system¹.

1 UC, PIP, JSA & ESA (C&P) Regs, Sch 2, para 5(3)

Proving the identity of a sender or recipient

- 16 If it is necessary to prove the identity of
1. a person who sent a claim or information to an official computer by electronic means **or**
 2. the recipient of a claim or information from an official computer system

the sender or recipient shall be presumed to be the person recorded as such on the official computer system¹.

1 UC, PIP, JSA & ESA (C&P) Regs, Sch 2, para 6(1)

- 17 Any claim or information delivered by an approved method of electronic communication on behalf of another person is to be deemed to have been delivered by that person unless they prove that it was delivered without their knowledge or connivance¹.

1 UC, PIP, JSA & ESA (C&P) Regs, Sch 2, para 6(2)

- 18 If it is necessary to prove the content of a claim or information sent by electronic means, the content will be presumed to be that recorded on an official computer system¹.

1 UC, PIP, JSA & ESA (C&P) Regs, Sch 2, para 7

Appendix 2

Claims for JSA during periods connected with public holidays

- 1 Special provisions apply where a claim to JSA is made¹
1. in the case of Christmas and New Year holidays, in the period beginning with the start of the 35th day before the first day of the office closure and ending on midnight between the last day of office closure and the following day
 2. in the case of Easter Holidays, in the period beginning with the start of the 16th day before the first day of the office closure and ending at midnight between the last day of office closure and the following day
 3. in the case of any other public holiday, a period beginning with the start of the 14th day before the first day of office closure and ending at midnight between the last day of office closure and the following day

1 UC, PIP, JSA & ESA (C&P) Regs, Sch 4, para 3

- 2 A claim for JSA may be treated as a claim for that benefit for a period¹ (specified in the decision) not exceeding 35 days after the date of claim where that claim is made during the period specified in paragraph 1.1 above.

1 UC, PIP, JSA & ESA (C&P) Regs, Sch 4, para 2(a)

3 A claim for JSA may be treated as a claim for that benefit for a period¹ (specified in the decision) not exceeding 21 days after the date of claim where that claim is made during the period specified in paragraph 1.2 or 1.3 above.

1 UC, PIP, JSA & ESA (C&P) Regs, Sch 4, para 2(b)

4 “Public Holiday” means Christmas Day, Good Friday or a bank holiday, or in Scotland a bank holiday or local holidays¹.

1 UC, PIP, JSA & ESA (C&P) Regs, Sch 4, para 1(a)

5 “Christmas and New Year holidays” means in

1. England and Wales, the period beginning at the start of Christmas Day and terminating on the end of New Years Day. If New Year Day is a Sunday the period ends at the end of 2nd January.
2. Scotland, the period beginning at the start of Christmas Day and ending on the end of 2nd January. If New Year Day is a Saturday or Sunday the period terminates at the end of 3rd January.

6 Easter Holidays means the period beginning at the start of Good Friday and terminating at the end of Easter Monday.

7 “Office closure” means a period during which an appropriate office is closed in connection with a public holiday¹.

1 UC, PIP, JSA & ESA (C&P) Regs, Sch 4, para 1(d)

The content of the examples in this document (including use of imagery) is for illustrative purposes only