

# Department for Work and Pensions

DECISION MAKING AND APPEALS

## Decision Makers Guide

### Volume 4

### Amendment 56 – Oct 2018

1. This letter provides details on Amendment 56; the changes have already been incorporated in to the Intranet and Internet versions of the DMG.
2. PDF amendment packages are also available. These can be printed with the amended pages being reproduced in full. Each page will contain the amendment number in the footer

PDF amendment packages can be found on the **Intranet** at:

<http://intranet/1/lg/acileeds/guidance/decision%20makers%20guide/index.asp>

or on the **Internet** at the 'Amdt Packages' tab on the following link:

<http://www.dwp.gov.uk/publications/specialist-guides/decision-makers-guide/>

Note: When printing PDF packages set the print properties to Duplex/Long Edge in order to produce double sided prints.

3. Amendment 56 affects chapters 24 The changes;
  - make various minor amendments to chapter 24.
4. If using a PDF amendment package remove the sheets as stated in the left hand column of the Remove and Insert table below and insert the new sheets as stated in the right hand column (note the record of amendments at the back of the Volume).

**Remove**  
**Chapter 24**  
24170 – 24184 (1 page)

**Insert**  
**Chapter 24**  
24170 – 24184 (1 page)

# Members of religious orders - Income-based Jobseeker's Allowance and Income Support

## Meaning of religious order

24170 A religious order is

1. a group of people who are
  - 1.1 bound by vows living under the same religious, moral and social regulations observing a discipline according to a particular rule **and**
  - 1.2 offering their services free for the benefit of the order **and**
2. committed to providing all that its members need for their maintenance.

**Note:** Monks and nuns (of the Roman Catholic, Buddhist or any other religion) are the most common examples, but there may be others.

24171

## Applicable amount for members of religious orders

### Member fully maintained

24172 The applicable amount is nil<sup>1</sup> if the claimant is

1. a member of a religious order **and**
2. fully maintained by the order (that is, it provides full BL, clothing and other needs).

**Note:** JSA(Cont) is not affected by this guidance.

*1 JSA Regs, reg 85 & Sch 5, para 4 & Sch 5A, para 3; IS (Gen) Regs, reg 21 & Sch 7, para 7*

### Example

Isobel is a 54 year old nun who is a member of the Poor Clare Religious Order. The local Poor Clare community group to which Isobel belongs does not receive support from the Orders central funds instead she is supported from the groups community funds derived from donations, legacies and the proceeds from the sale of small items made by the nuns. Isobel is fully maintained by the order.

24173 The commitment to a religious order is often for life. There are few situations where a member of a religious order would be entitled to IS or JSA(IB) although entitlement should be calculated in the normal way if a person leaves the order, ceases to be maintained by it and goes to live in separate accommodation.

## Member not fully maintained

24174 JSA(IB) or IS may be awarded if a member of a religious order

1. leaves the order's premises, for example to nurse a sick relative **and**
2. is not fully maintained by the order during the absence.

The fact that the member has been fully maintained by the order in the past does not affect the decision on the change of circumstances.

24175 A member of a religious order may have no apparent income or capital of their own. But the DM should consider whether the rules of the order allow

1. a member to ask for financial support **or**
2. the return of money given to the order on admission.

This information can be obtained from the trust deed of the order, but enquiries should not be made into the order's financial affairs. The DM should submit cases of doubt to DMA Leeds.

24176 A member of a religious order may still be fully maintained by the order even though they may have some funds of their own, out of which they may be contributing to the order<sup>1</sup>.

*1 [2011] EWCA Civ 103*

24177 - 24184