

Department for Work and Pensions

DECISION MAKING AND APPEALS

Decision Makers Guide

Volume 5 Amendment 58 – October 2019

PLEASE NOTE

THIS WILL BE THE LAST AMENDMENT PACKAGE PROVIDED IN THIS FORMAT. FROM 2020 A “SUMMARY OF CHANGES” DOCUMENT WILL BE PRODUCED THAT WILL COVER ALL THE CHANGES MADE IN A DMG AMENDMENT PACKAGE

1. This letter provides details on Amendment 58; the changes have already been incorporated in to the Intranet and Internet versions of the DMG.
2. PDF amendment packages are also available on the Internet (see link below). These can be printed with the amended pages being reproduced in full. Each page will contain the amendment number in the footer

<https://www.gov.uk/government/publications/decision-makers-guide-vols-4-5-6-and-7-jobseekers-allowance-and-income-support-staff-guide>

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

3. Amendment 58 affects chapters 28 and 29. The changes:

Chapter 28 – add an additional line and reference in paragraph 28090 to reflect a recent UT decision.

Chapter 29 – minor amends made at paragraphs 29495 and 29605.
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 28

28090 – 28099 (1 page)

Chapter 29

29495 – 29498 (1 page)

29605 – 29609 (1 page)

Insert

Chapter 28

28090 – 28099 (1 page)

Chapter 29

29495 – 29498 (1 page)

29605 – 29609 (1 page)

Pension payments taken fully into account for income support and income based jobseeker's allowance

Occupational pensions

Treatment of occupational pensions in IS and JSA(IB)

28090 Payments of income from occupational pensions should be taken fully into account. Occupational pension schemes are set up by employers to provide pensions for employees and their dependants. Payments under the

1. British Coal Voluntary Employment Redundancy Scheme **or**
2. British Coal Industrial Death and Retirement Scheme **or**
3. British Coal RMPS **or**
4. Armed Forces Pensions¹

are included. Occupational pension payments do not include discretionary payments from a fund set up to relieve hardship². This type of payment is a charitable or voluntary payment.

1 CE/2265/2017; 2 JSA Regs, reg 1(3); IS (Gen) Regs, reg 2(1)

Treatment of occupational pensions in JSA(Cont)

28091 Any occupational pension over £50 per week may be taken into account in the calculation of JSA(Cont)¹. (See DMG Chapter 23).

1 JSA Regs, reg 81

Personal pensions

Treatment of personal pensions in IS and JSA(IB)

28092 Income from personal pension schemes should be fully taken into account. Personal pension schemes provide pensions on retirement for

1. S/E people **or**
2. employees who are not members of occupational pension schemes.

Personal pension schemes may also make payments to dependants following the death of the scheme member.

Treatment of personal pensions in JSA(Cont)

28093 Any personal pension (except one arising on death) above £50 per week shall be taken into account when calculating JSA(Cont)¹ (see DMG Chapter 23).

1 JSA Regs, reg 81

28094 - 28099

Capital disregarded for 52 weeks

Arrears of allowances and benefits

The law

29495 Arrears of certain allowances and benefits are disregarded for 52 weeks from the date the payment of arrears is received¹ (but see DMG 29511 if the arrears and any concessionary payment total £5000 or more). The disregard applies to arrears of

1. AA²
2. CAA which is paid with a disablement pension because disablement has been assessed at 100%³
3. ESDA paid because industrial disablement has been assessed at 100%⁴
4. CAA and ESDA paid because the claimant is entitled to workmen's compensation⁴
5. an attendance allowance paid under the PB and MDB scheme
6. payments for attendance under the Civilian's Personal Injury Scheme⁵ or any similar payment. These payments are made to people who receive a DP because of war injuries suffered as civilians or civil defence volunteers
7. any payment for attendance which is part of a WDisP. This includes severe disablement occupational allowance paid with CAA
8. the care component of DLA
9. the mobility component of DLA
10. the mobility component of PIP
11. Mobility Supplement
12. Mobility Allowance which people could get under repealed social security law⁶
13. CTB
14. HB
15. IS
16. for JSA only - JSA(IB)
17. for IS only - JSA(IB)
18. discretionary housing payment
19. CTC
20. WTC
21. ESA(IR)
22. any payment made to the claimant for travel or other expenses in respect of participation in

22.1 MWA Scheme **or**

22.2 SAPOE

23. UC

24. BSP⁶.

The disregard also applies to a concessionary payment which is made to compensate for arrears of those benefits or allowances. The disregard applies from the date the concessionary payment is received¹.

Note: The disregard at **17.** will not apply after 28.3.04.

*1 JSA Regs, Sch 8, para 12; IS (Gen) Regs, Sch 10, para 7; 2 SS CB Act 92, s 64; 3 s 104 or 105;
4 Workmen's Compensation Acts 1925 to 1945; 5 Personal Injuries (Civilians) Scheme 1983,
Art 14, 15, 16, 43 or 44; 6 SS Act 75, s 37A; 6 Pensions Act 14, s.30*

Meaning of concessionary payment

29496 Concessionary payment means a payment made under arrangements made by the Secretary of State with the consent of the Treasury which is charged to

1. the NI Fund **or**
2. a Departmental Expenditure Vote to which payments of benefit under SS law¹ are charged².

1 JS Act 95; SS CB Act 92; 2 JSA Regs, reg 1(3); IS (Gen) Regs, reg 2(1)

Additional payment of bereavement support payment

29497 Where a claimant in receipt of IS or JSA

1. makes a claim for BSP 12 months or less after their spouse or civil partner died **and**
2. receives the additional payment of BSP for the first month of their BSP period at either the higher (£3,500) or standard (£2,500) rate¹

that first additional payment is disregarded when calculating that person's capital for a period of 52 weeks from the date of receipt².

1 BSP Regs, reg 3(2) & (5); 2 IS (Gen) Regs, Sch 10, para 72; JSA Regs, Sch 8, para 65

Arrears of payments to certain war widows or surviving civil partners

29498 Payments to certain war widows and surviving civil partners are disregarded for 52 weeks from the date the payment of arrears is received. The disregard applies to arrears of

1. a supplementary pension paid to a widow or surviving civil partner, or where a person is not entitled to such a payment but to whom the Secretary of State has made a similar payment, for

1.1 the disablement **or**

Capital disregarded for a prescribed period

Housing costs run-on

29605 For IS purposes only, when a person satisfies the conditions of paragraph DMG 20530, any capital should be disregarded in full¹.

1 IS (Gen) Regs, Sch 10, para 62

29606 - 29609

