

DMG Chapter 30: Students, young claimants and their partners

Subpages

- Introduction 30001 - 30002
- Students 30003 - 30489
- Young claimants and young partners 30490 - 30999
- Appendix 1 - Common courses of study
- Appendix 2 - Student Disregards

Introduction 30001 - 30002

Introduction

30001 This section deals with the

- 1.** entitlement of students (known as F/T students for JSA) **and**
- 2.** calculation and treatment of certain income that is usually paid only to students.

30002 Differences between JSA and IS will be pointed out throughout this guidance. For guidance on part time students and availability see **DMG 21238** et seq.

Students 30003 - 30489

Subpages

- Introduction 30003 - 30011
- Definitions and meaning of terms 30012 - 30109
- Meaning of student and full-time student 30110 - 30160
- Meaning of full-time 30161 - 30205
- Eligibility 30206 - 30254
- Financial support available to students - loans and grants 30255 - 30390
- Overall limit to income disregard 30391 - 30240
- Covenant income and other income and capital 30241 - 30435
- Income of former students 30436 - 30489

Introduction 30003 - 30011

Students - general

[JSA 30003 - 30007](#)

[IS 30008 - 30011](#)

JSA

30003 To be entitled to JSA a claimant must satisfy certain labour market conditions¹. In particular they must be available for employment². The law sets out

1. when F/T students are or are not to be treated as available. For guidance on members of joint-claim couples who are F/T students, see **DMG 20025**
2. special rules that apply when considering the income of a F/T student
3. the circumstances in which a F/T student should be treated as having income that they do not have.

1 JS Act 95, s 1(2); 2 s 1(2)(a); JSA Regs, reg 5 to 17A

30004 For JSA(Cont) it is only a claimant's own earnings and pension payments that can affect the amount payable¹. Any other income of a claimant or their partner cannot. Income paid because the claimant or partner is a F/T student can have no effect.

1 JS Act 95, s 4(1); JSA Regs, reg 80(2) & 81

30005 For JSA(IB) other income of the claimant or their partner may be taken into account¹. This includes any income paid to a F/T student.

1 JS Act 95, s 4(3) & 13(2)

30006 - 30007

IS

30008 In IS there are no labour market conditions. The law sets out

- 1.** when students are excluded from IS¹
- 2.** the special rules that apply when considering a student's income
- 3.** the circumstances in which students should be treated as having income that they do not have
- 4.** a special rule that may apply when considering the income of a student's partner.

1 IS (Gen) Regs, reg 4ZA & Sch 1B

30009 For IS the income of a claimant, or any member of their family, may be taken into account¹. Any income paid because a claimant or partner is a student may affect the amount payable.

1 SS CB Act 92, s 124(1) & 136(1)

30010 - 30011

Definitions and meaning of terms 30012 - 30109

[Claimant](#) 30014

[JSA\(IB\) and IS - income and capital](#) 30015 - 30022

[Meaning of course](#) 30023 - 30025

[Course of advanced education](#) 30026

[Full-time course of advanced education](#) 30027 - 30034

[Course of study](#) 30035 - 30036

[Full-time course of study - IS](#) 30037 - 30044

[Employment-related course](#) 30045 - 30046

[Sandwich course](#) 30047 - 30055

[Meaning of educational establishment](#) 30056 - 30057

[Academic year](#) 30058 - 30065

[Terms used in Scotland](#) 30066 - 30075

[Meaning of guided learning hours](#) 30076 - 30079

[Student loan](#) 30080 - 30085

[Grant](#) 30086

[Access funds](#) 30087 - 30088

[Education maintenance allowance and the 16 - 19 Bursary Fund](#) 30089 - 30095

[Grant income](#) 30096 - 30097

[Standard maintenance grant](#) 30098 - 30099

[Contribution](#) 30100 - 30105

[Education authority](#) 30106 - 30109

30012 Some words and phrases mean the same for both JSA and IS. Some have similar meanings. These are given in **DMG 30014 - 30106**.

30013 Others have different meanings or are used in only one of the benefits. These are dealt with when they are first mentioned in the guidance.

Claimant

30014 Claimant means¹ either

1. one person who claims JSA or IS **or**

2. in the case of a joint claim for JSA

2.1 the couple **or**

2.2 each member of the couple, as the context requires.

1 JS Act 95, s 35(1); IS (Gen) Regs, reg 2(1)

JSA(IB) and IS - income and capital

30015 A reference to a student is a reference to that person alone. It does not include the student's partner or a child or young person. But for JSA(IB) and IS if the student is the claimant's partner, the student's income is treated as the claimant's¹. This happens once the weekly amount to be taken into account has been worked out.

1 JS Act, s 13(2); SS CB Act 92, s 136(1)

30016 A student or a member of their family may have income which is not subject to the special student rules. When considering this income a reference to the claimant may be taken to be a reference to a partner, child, or young person, who is a member of the family¹.

1 JSA Regs, reg 88(1) & 88ZA(1); IS (Gen) Regs, reg 23(1)

30017 There may also be a question about capital. Do not treat the capital of a child or young person as the claimant's¹. Instead consider whether the capital means that the claimant is not entitled to an applicable amount for the child.

1 JSA Regs, reg 109; IS (Gen) Regs, reg 47.

30018 - 30022

Meaning of course

30023 A course is an arrangement of study, tuition or training. It can be academic, practical, or a combination of both. It is usually done at, or by arrangement with, an education or training establishment.

30024 It will often lead to a qualification when it is completed. Some non-advanced study, tuition, or training, may not lead to a qualification. This does not mean that it is not a course.

Modular courses

30025 Modular courses are arranged individually to meet students needs. Each module leads to a credit. When all the modules are successfully completed, a qualification is obtained. The course in such a case is the sequence of modules chosen.

Course of advanced education

30026 Course of advanced education means¹

1. a course leading to a

1.1 postgraduate degree or comparable qualification

1.2 first degree or comparable qualification

1.3 diploma of higher education

1.4 higher national diploma **or**

2. any other course of a standard above that of

2.1 advanced GNVQ or equivalent

2.2 GCE advanced level (A levels)

2.3 a Scottish national qualification (higher or advanced higher).

Full-time course of advanced education

England and Wales

30027 F/T course of advanced education means¹ a course of advanced education that is

1. a F/T course of study that is not wholly or partly funded by the Secretary of State for Education, the Chief Executive of Education and Skills Funding or the Welsh Ministers **or**

2. a course of study which

2.1 is partly or wholly funded by the Secretary of State for Education, the Chief Executive of Education and Skills Funding or the Welsh Ministers **and**

2.2 involves the student in more than 16 guided learning hours per week (seven days) as stated in

2.2.a England in the student's learning agreement **or**

2.2.b Wales in a document signed on behalf of the college.

1 JSA Regs, reg 1(3); IS (Gen) Regs, reg 61(1)

Scotland

30028 In Scotland, F/T course of advanced education means¹ a course of advanced education which is

1. a F/T course of

1.1 study, not wholly or partly funded by the Scottish Ministers at a college of further education **or**

1.2 higher education (see **DMG 30068**), wholly or partly funded by the Scottish Ministers **or**

2. a course of study other than higher education, which is wholly or partly funded by the Scottish Ministers at a college of further education, if it involves **more than**

2.1 16 hours a week of classroom or workshop based programmed learning, under the direct guidance of teaching staff as stated in a document signed on behalf of the college **or**

2.2 21 hours a week in total as stated in a document signed on behalf of the college made up of

2.2.a 16 hours or less of classroom or workshop based programmed learning, under the direct guidance of teaching staff **and**

2.2.b extra hours using structured learning packages, supported by teaching staff.

1 JSA Regs, reg 1(3); IS (Gen) Regs, reg 61(1)

Course of study

30035 A course of study¹ means any course of study including a sandwich course. It does not matter whether a grant is made for attending or undertaking the course.

1 JSA Regs, reg 1(3); IS (Gen) Regs, reg 2(1)

30036 A person who has started a course of study should be treated as attending or undertaking it until

1. the last day of the course (see **DMG 30226**) or

2. such earlier date as they

2.1 abandon the course (see **DMG 30228**) or

2.2 are dismissed from it (see **DMG 30235**).

Full-time course of study - IS

England and Wales

30037 F/T course of study means¹ a F/T course that is

1. not wholly or partly funded by the Secretary of State for Education, the Chief Executive of Education and Skills Funding or the Welsh Ministers or

2. wholly or partly funded by the Secretary of State for Education, the Chief Executive of Education and Skills Funding or the Welsh Ministers, if it involves the person in more than 16 guided learning hours per week, as stated in the student's signed learning agreement in England or, in Wales a document signed on behalf of the college.

1 IS (Gen) Regs, reg 61(1)

Note: If a student attends more than one course the number of guided learning hours should be aggregated.

Scotland

30038 In Scotland F/T course of study means¹ a F/T course of study that is

- 1.** not wholly or partly funded by the Scottish Ministers, at a college of further education **or**
- 2.** higher education (see **DMG 30068**), wholly or partly funded by the Scottish Ministers **or**
- 3.** not higher education and is wholly or partly funded by the Scottish Ministers at a college of further education, if it involves **more than**

3.1 16 hours a week of classroom or workshop based programmed learning, under the direct guidance of teaching staff, as stated in a document signed on behalf of the college **or**

3.2 21 hours a week in total, as stated in a document signed on behalf of the college made up of

3.2.a 16 hours or less of classroom or workshop based programmed learning, under the direct guidance of teaching staff **and**

3.2.b extra hours using structured learning packages, supported by teaching staff.

1 IS (Gen) Regs, reg 61(1)

Note: If a student attends more than one course the number of guided learning hours should be aggregated.

30039 - 30044

Employment-related course

30045 Employment-related course means¹ a course that helps people gain or enhance the skills needed for

- 1.** employment **or**
- 2.** seeking employment **or**
- 3.** a particular occupation.

1 JSA Regs, reg 1(3)

30046

Sandwich course

30047 A sandwich course¹ is a course, other than a course of initial teacher training, made up of alternative periods of F/T study in the educational establishment and work experience. The F/T study must be for an average of at least 18 weeks a year².

The average is worked out by dividing the total number of weeks attendance by the number of years in the course. For this purpose the course starts with the first period of F/T study and ends with the last period of F/T study.

1 JSA Regs, reg 1(3); IS (Gen) Regs, reg 61(1); 2 Support Regs, reg 2(10); SL (Scot) Regs 2007, reg 4(2); Education (Student Support) Regs (Northern Ireland) 2007, reg 2(8)

Periods of experience

30048 Periods of experience means periods of work experience which form part of a sandwich course¹.

1 JSA Regs, reg 130; IS (Gen) Regs, reg 61(1)

Periods of work experience

30049 Periods of work experience are associated with the F/T study but are done outside an educational establishment. The experience has to be

1. industrial **or**
2. professional **or**
3. commercial¹.

1 Support Regs, reg 2(1)

30050 If the course includes¹

1. the study of one or more modern languages for at least half the time spent studying **and**
2. periods of residence in a country whose language is a part of the course

periods of work experience means any periods of overseas residence when the student is in gainful employment.

1 Support Regs, reg 2(1)

Student unable to find placement

30051 A student may not be able to find a placement in the period of work experience. This does not

automatically mean that they have stopped being a student. The DM should consider whether the student has abandoned or been dismissed from the course (see **DMG 30228** et seq).

30052 - 30055

Meaning of educational establishment

30056 The term educational establishment is not defined and so must be given its ordinary everyday meaning. Schools, colleges and universities are clearly such places. But other less obvious places may also be included. For example, the training division of a large organisation specially set up for that purpose.

30057 A person is attending an educational establishment if they are receiving

1. training
2. instruction or
3. schooling

in an organisation, or at an establishment, set up for any of those purposes.

Note: For Open University students see **DMG 30132**.

Academic year

30058 Academic year means¹ a period of twelve months starting on

1. 1 January for courses starting in winter
2. 1 April for courses starting in spring
3. 1 July for courses starting in summer
4. 1 September for courses starting in autumn.

Note: If a student begins a course in August or September and continues to attend throughout autumn, the beginning of the academic year will be the autumn rather than the summer.

Terms used in Scotland

College of further education

30066 College of further education means¹ an educational establishment providing further education.

1 JSA Regs, reg 1(3); IS (Gen) Regs, reg 61(1); F & HE (Scot) Act 92, s 36(1)

Further education

30067 Further education¹ is for people in Scotland who are over school age. The programmes of learning provided

1. prepare a person for

1.1 a vocational qualification **or**

1.2 a Scottish Examination Board qualification **or**

1.3 a GCE qualification of England, Wales or Northern Ireland **or**

1.4 access to higher education **or**

2. are designed to help people whose first language is not English to achieve competence in it **or**

3. provide instruction for people on a programme mentioned in **1.** or **2.** who have a learning difficulty **or**

4. are designed mainly to prepare a person to take part in any programme mentioned in **1.** to **3.**

1 F & HE (Scot) Act 92, s 1(3) & 6

Higher education

30068 Higher education¹ is education provided by means of a

1. course at higher level in preparation for a higher diploma or certificate

2. first degree course

3. course for the education and training of teachers

4. course of post graduate studies, including a higher degree course

5. course at a higher level in preparation for a qualification from a professional body

6. course at a higher level not within **1.** to **5.**

1 JSA Regs, reg 1(3); IS (Gen) Regs, reg 61(1); F & HE (Scot) Act 92, s 38

30069 A course is of a higher level¹, if its standard is higher than courses in preparation for examinations for the

- 1.** Scottish Certificate of Education at higher grade
- 2.** Certificate of Sixth Year Studies
- 3.** GCE of England and Wales or Northern Ireland at advanced level
- 4.** national certificate of the Scottish Qualifications Authority.

1 F & HE (Scot) Act 92, s 38(3)

30070 - 30075

Meaning of guided learning hours

30076 Some establishments may be wholly or partly funded by the Secretary of State for Education, the Chief Executive of Education and Skills Funding or the Welsh Ministers. They agree with each student the number of guided learning hours that will be provided each week. That is normally the number needed to achieve the chosen qualification.

30077 Guided learning hours are hours when a member of staff is present to guide learning on a programme including lectures, tutorials and supervised study.

Libraries, open learning centres and learning workshops are examples of where this may take place. Time spent by staff assessing students' achievements, for example in the assessment of competence for GNVQs, are also included. But it does not include time spent in private study.

30078 Always ask for specific written evidence of the number of guided learning hours involved. Only a document signed on behalf of the establishment concerned should be accepted. That is, where the course is funded by the Secretary of State for education, the Chief Executive of Education and Skills Funding or the Welsh Ministers¹

- 1.** for England - the person's learning agreement, signed on behalf of the establishment which is funded to deliver the course **or**
- 2.** for Wales - a document signed on behalf of the establishment which is funded to deliver the course.

30079

Student loan

30080 A student loan¹ is a loan made for a student's maintenance under specific law². The Student Loan Company administers student loans.

1 JSA Regs, reg 130; IS (Gen) Regs, reg 61(1); 2 T & HE Act 98, s 22; ED (Scot) Act 80, s 73;
Support (NI) Order, Article 3

30081 In Scotland only, a 'Young Student's Bursary' may be paid under specific law¹. The DM should treat such a payment in the same way as a student loan.

1 JSA Regs, reg 130; IS (Gen) Regs, reg 61(1); SA (Scot) Regs, reg 4(1)(c)

30082 - 30085

Grant

30086 Grant means¹ any kind of educational grant or award and includes any

1. scholarship
2. studentship
3. exhibition
4. allowance
5. bursary.

DMs should note that it does not include any payment derived from access funds or any payment of education maintenance allowance.

1 JSA Regs, reg 130; IS (Gen) Regs, reg 61(1)

Access funds

30087 Access funds are grants, loans or other payments made under specific law¹ that are paid on a discretionary basis to assist students in financial difficulties².

1 F & HE Act 92, s 68; Ed (Scot) Act 80, s 73(a), (c) & s 74(1); Education and Libraries (Northern Ireland) Order 1993, Art 30; Further Education (Northern Ireland) Order 1997, Art 5;

30088 Access funds also include

1. in England – ‘Learner Support Funds’ which may be made available to students under specific law¹. For those in further education they are paid out of funds provided by the Secretary of State for Education, the Chief Executive of Education and Skills Funding²

2. in Wales – ‘Financial Contingency Funds’ made available by the Welsh Ministers².

1 F & HE Act 92, s 7; L & S Act 2000, s 5, 6 & 9; 2 JSA Regs, reg 130; IS (Gen) Regs, reg 61(1)

Note: Access funds do not include Synedd Learning Grants. Financial Contingency Funds are made available to prevent the financial hardship of students who are not eligible for a Synedd Learning Grant.

Education maintenance allowance and the 16 - 19 Bursary Fund

30089 Education maintenance allowance consists of means-tested payments paid under specific law¹ to support young people who remain in non-advanced education after the age of 16. Payments can be made for up to two years to support young people between the ages of 16 and 19, but in some cases an allowance may continue to be paid for up to three years between the ages of 16 and 20.

1 Education Act 1996, s 518; Ed (Scot) Act 80, s 49 & 73(f);
F & HE (Scot) Act 92, s 12(2)(c) & 21; Education Act 2002, s 14 & 181

30090 From September 2011 education maintenance allowance was replaced in England by payments from the 16 – 19 Bursary Fund¹.

1 Education Act 2002, s 14

Note: The 19+ Bursary, available in most Further Education colleges, falls within the definition of an access fund – see DMG 30087.

30091 - 30095

Grant income

30096 Grant income means¹ any income by way of a grant and normally includes any assessed contribution whether paid or not. However where

1. for JSA, the student is disabled **or**

2. for IS, the student is in a prescribed category of person because they are

2.1 a lone parent **or**

2.2 a lone foster parent **or**

2.3 in relevant education²

an exception applies and only the grant and any contribution actually paid is included as grant income.

Note 1: Any such contribution paid by way of a covenant is also included as grant income.

Note 2: Prior to 30.12.09 disabled and deaf students were included in **DMG 30096 2**. In certain circumstances disabled and deaf students may still fall within **DMG 30096 2**. For these savings provisions for prescribed categories of persons see **DMG Chapter 20, Appendix 5**.

1 JSA Regs, reg 130; IS (Gen) Regs, reg 61(1); 2 Sch 1B, para 15A

30097

Standard maintenance grant

30098 In England and Wales, the standard maintenance grant is the amount set in law¹.

1 Awards Regs, Sch 2(2) & (3); JSA Regs, reg 130; IS (Gen) Regs, reg 61(1)

30099 In Scotland it is the amount given as the 'standard maintenance allowance' in the Student Support in Scotland Guide issued by the Student Awards Agency for Scotland. For bursaries paid under specific law¹ and provided by a college of further education or a LEA, it is the amount given in the nearest equivalent to the guide.

1 JSA Regs, reg 130; IS (Gen) Regs, reg 61(1)

Contribution

30100 The contribution¹ is the income of the student or any other person that the Secretary of State, an education authority or the Scottish Ministers, takes into account when considering the amount of grant or loan payable².

1 JSA Regs, reg 130; IS (Gen) Regs, reg 61(1); 2 Awards Regs, reg 18; Support Regs, reg 23

30101 In Scotland only, the contribution¹ is also the amount that the Scottish Ministers or an education authority, consider that the student, their spouse, civil partner,

parents or parents' partner could reasonably be expected to make towards the student's expenses when

considering the amount of allowance or bursary payable.

1 Ed (Scot) Act 80; JSA Regs, reg 130; IS (Gen) Regs, reg 61(1)

30102 The amount of support awarded to a student is reduced by the amount of assessed contribution.

30103 - 30105

Education authority

30106 An education authority is¹

1. a government department **or**

2. in England and Wales, an LEA, which means² a

2.1 joint education board

2.2 county council

2.3 metropolitan district council **or**

3. in Scotland, a regional or islands council **or**

4. in Northern Ireland, an education and library board **or**

5. any body which is defined as a research council in certain law³ **or**

6. any similar government department, authority, board or body of

6.1 the Channel Islands **or**

6.2 the Isle of Man **or**

6.3 any other country outside GB.

1 JSA Regs, reg 130; IS (Gen) Regs, reg 61(1); 2 Ed Act 44, s 114(1); 3 Science and Technology Act 65

30107 - 30109

Meaning of student and full-time student 30110 - 30160

[General](#) 30110 - 30111

[NHS funded students](#) 30112 - 30113

[New entrepreneur scholarships](#) 30114 - 30120

[General Social Care Council bursaries](#) 30121 - 30130

[Teacher training](#) 30131

[Open university students](#) 30132

[Community orders](#) 30133 - 30140

[IS](#) 30141 - 30145

[JSA](#) 30146 - 30153

[JSA & IS](#) 30154 - 30160

General

30110 In both JSA and IS the DM must decide whether a person is a student. That broadly means a person who is attending or undertaking a F/T course. In JSA such a person is known as a F/T student¹.

1 JSA Regs, reg 1(3)

30111 For JSA and IS, a person who gets a training allowance (see **DMG 20007** et seq) is not a student. A person who has reached pension age is not a student¹.

1 JSA Regs, reg 1(3); IS (Gen) Regs, reg 61

NHS funded students

Healthcare professionals

30112 NHS students may be undertaking a variety of healthcare professional courses e.g. nursing, midwifery, physiotherapy etc. To be eligible for an NHS bursary the student must be accepted for an NHS funded place. An NHS student undertaking a

1. diploma course may receive a non-means tested bursary. Such a student is not entitled to a student loan

2. degree-level course may be entitled to a means tested bursary and is eligible to apply for a student loan.

Return to practice courses

30113 Those taking part in refresher training known as 'return to practice' are students if they are undergoing a course of study at an educational establishment. Any allowances paid to such students over the duration of the course should be treated as grant income and taken into account as such (see **DMG 30351**).

New entrepreneur scholarships

30114 These scholarships have been developed to address the issue of entrepreneurs from deprived areas being given the chance to gain business management skills. Participants receive no funding for their business through the scholarships. Any payment made in respect of travel costs or books and equipment should be disregarded by DMs in the normal way (see **DMG 30326**).

30115 - 30120

General Social Care Council bursaries

30121 The General Social Care Council award two types of bursary which are

1. non-income assessed bursary known as social work bursary

2. additional graduate bursary.

Social work bursary

30122 This is a non-income assessed grant which is paid as an incentive to train. It consists of three elements, grant, tuition fees and a practice learning opportunity. The grant element is payable over 52 weeks at three rates depending on where the student lives. It is offered to both full and part-time students with part-time students receiving 50% of the grant. DMs should take the grant into account over 52 weeks¹ (see **DMG 30351** et seq) disregarding² the items listed at **DMG 30326** and **DMG**

30346³ as appropriate.

1 JSA Regs, reg 131(4)(b); IS (Gen) Regs, reg 62(3)(b); 2 JSA Regs, reg 131(2); IS (Gen) Regs, reg 62(2);
3 JSA Regs, reg 131(3); IS (Gen) Regs, reg 62(2A)

30123 Tuition fees are either paid in full or the balance that has not been met by the LA is paid direct to the University. DMs should disregard any amount paid for tuition fees¹ (see **DMG 30326 1.**).

1 JSA Regs, reg 131(2)(a); IS (Gen) Regs, reg 62(2)(a)

30124 Any amount payable to a student intended for travelling expenses should be disregarded¹.

1 JSA Regs, reg 131(2)(g); IS (Gen) Regs, reg 62(2)(h)

Additional graduate bursary

30125 This is paid to graduates on post-graduate courses who are in receipt of the social work bursary. It is an income assessed grant available to full-time students only. This bursary is paid for 30 weeks to cover the period of the course. There is also an additional days grant which is calculated weekly for courses that extend beyond 30 weeks. However where courses are for 45 weeks or more the bursary is automatically awarded for 52 weeks. Extra allowances may also be payable with the additional graduate bursary e.g. Adult Dependents Allowance and Parents Learning Allowance. These allowances are usually payable over 52 weeks.

30126 Where the income from the additional graduate bursary is payable for the period of study, the DM should take that income into account over the period of study¹. Where the income is payable for a different period (the automatic 52 weeks) it should be taken into account for that period². Income from the extra allowances as mentioned in **DMG 30125** should be taken into account for the period for which they are payable. The DM should disregard³ any amount for items listed at **DMG 30326**.

1 JSA Regs, reg 131(4)(a); IS (Gen) Regs, reg 62(3)(a); 2 JSA Regs, reg 131(4)(b); IS (Gen) Regs, reg 62(3)(b);
3 JSA Regs, reg 131(2); IS (Gen) Regs, reg 62(2)

30127 - 30130

Teacher training

30131 A person undertaking or attending teacher training is a student where a course of study is being undertaken at an educational establishment. Any award made as a direct result of their participation on the course should be treated as student income in the normal way.

Open University students

30132 A claimant who is on an Open University course will fall within the definition of a student¹. Such courses are not F/T and are normally followed at times that would fit in with employment. Most of the course material is done in the person's home and not at an educational establishment however they are still undertaking a course of study². See **DMG 21355** where an Open University student has to attend a residential course. Any award made as a direct result of their participation on the course should be treated as student income in the normal way.

1 IS (Gen) Regs, reg 61(1); 2 R(IS) 1/96

Community Orders

30133 Offenders on specified activity may be undertaking basic skills education which will generally be funded by the Secretary of State for Education, the Chief Executive of Education and Skills Funding in England and the appropriate funding body in Wales. DMs must check the number of guided learning hours and consider if the offender is a F/T student.

30134 - 30140

IS

General

30141 A student is a person who is attending or undertaking a course of study at an educational establishment. A person who gets a training allowance is not a student¹.

1 IS (Gen) Regs, reg 61(1)

Full-time student

30142 A F/T student is a person who is not a qualifying young person or child under specified legislation¹ and is

1. aged less than 19 who is attending or undertaking a F/T course of advanced education **or**
2. aged 19 or over, but under pension age, who is attending or undertaking a F/T course of study at an educational establishment **or**
3. on a sandwich course².

30143 - 30145

JSA

General

30146 When considering whether a person is a F/T student, the DM will need to take into account

- 1.** the person's age **and**
- 2.** the type of course they are doing **and**
- 3.** whether they are in England, Wales, or Scotland.

Student aged less than 19

30147 A person, other than one in receipt of a training allowance or a qualifying young person or child under specified legislation¹, aged less than 19 is a F/T student if they are doing a F/T course of advanced education². See **DMG Chapter 20** for guidance if the course is not advanced and **DMG 30508** for the meaning of qualifying young person.

1 SS CB Act 92, s 142; 2 JSA Regs, reg 1(3)

Student aged 19 or over - England and Wales

30148 A person other than one in receipt of a training allowance or a qualifying young person or child under specified legislation¹ aged 19 or over but under pension age, is a F/T student² if they are attending or undertaking a

1. F/T course of study which is not funded in whole or in part by the Secretary of State for Education, the Chief Executive of Education and Skills Funding or the Welsh Ministers **or**

2. course of study which

2.1 is wholly or partly funded by the Secretary of State for Education, the Chief Executive of Skills Funding or the Welsh Ministers **and**

2.2 involves more than 16 guided learning hours per week (seven days) as stated

2.2.a in England, in the student's signed learning agreement

2.2.b in Wales, in a document signed on behalf of the college.

Note: If a student attends more than one course the number of guided learning hours should be aggregated.

1 SS CB Act 92, s 142; 2 JSA Regs, reg 1(3)

Student aged 19 or over - Scotland

30149 In Scotland, a person other than one in receipt of a training allowance or a qualifying young person or child under specified legislation¹ aged 19 or over, but under pension age, is a F/T student² if they are attending or undertaking a

1. F/T course

1.1 of study, that is not wholly or partly funded by the Scottish Ministers at a college of further education **or**

1.2 of higher education (see **DMG 30068**), that is wholly or partly funded by the Scottish Ministers **or**

2. course of study, other than higher education, which is wholly or partly funded by the Scottish Ministers at a college of further education, if it involves **more than**

2.1 16 hours a week of classroom or workshop based programmed learning, under the direct guidance of teaching staff **or**

2.2 21 hours a week in total made up of

2.2.a 16 hours or less of classroom or workshop based programmed learning, under the direct guidance of teaching staff **and**

2.2.b extra hours using structured learning packages, supported by teaching staff

as stated in a document signed on behalf of the college.

1 SS CB Act 92, s 142; 2 JSA Regs, reg 1(3)

30150 - 30153

JSA and IS

Full-time student

30154 A F/T student is treated as attending or undertaking a F/T course of study from the first day of the course until

1. the last day of the course **or**
2. such earlier date as the student
 - 2.1 abandons the course **or**
 - 2.2 is dismissed from it¹.

1 JSA Regs, reg 1(3A)(b); IS (Gen) Regs, reg 61(2)(b)

Treatment of modular courses

30155 A student attending or undertaking part of a modular course on a F/T basis is treated as a F/T student from the day that part of the course begins until

1. the last day he is registered as attending or undertaking that part as a F/T course of study **or**
2. such earlier date as the student
 - 2.1 abandons the course **or**
 - 2.2 is dismissed from it¹.

1 JSA Regs, reg 1(3A)(a); IS (Gen) Regs, reg 61(2)(a)

30156 The period described in **DMG 30155** above includes any period

1. that the student attends or undertakes the course to retake exams or a module. The student must have been undertaking the original part of the course or modules as a F/T course of study.
2. of vacation falling within the period or immediately following it. This does not include a vacation immediately following the last day of the course¹.

1 JSA Regs, reg 1(3B); IS (Gen) Regs, reg 61(3)

Modular course

30157 In these circumstances a modular course means a course of study consisting of two or more modules. The student must complete a specified number of modules before they are considered to have completed the course¹.

30158 - 30160

Meaning of full-time 30161 - 30205

[General](#) 30161 - 30169

[Evidence from educational establishment](#) 30170 - 30174

[Other Evidence](#) 30175 - 30185

[Number of hours involved](#) 30186 - 30189

[Courses funded by the Secretary of State for Education, the Chief Executive of Skills Funding, the Welsh Ministers or the Scottish Ministers](#) 30190 - 30200

[Non funded courses](#) 30201 - 30210

General

30161 F/T appears in both JSA and IS. The DM has to consider it when deciding whether a person is a student (a F/T student).

30162 For courses funded by the Scottish Ministers, except where it is a course of higher education (see **DMG 30068**), and for those funded by the Secretary of State for Education, the Chief Executive of Education and Skills Funding or the Welsh Ministers, the term F/T is defined by reference to the number and type of hours involved (see **DMG 30190** et seq). But for non funded courses there is no definition.

30163 In courses not funded by the Secretary of State for Education, the Chief Executive of Education and Skills Funding, the Welsh Ministers or the Scottish Ministers and in courses of higher education funded by the Scottish Ministers, the term F/T applies to the course itself and not to a person's attendance on it¹. It is the time spent by a notional reasonable student that is considered. A person who attends a F/T course on a P/T basis is still a student.

1 R(SB) 40/83; R(SB) 41/83

30164 Each case must be decided on its facts¹. The DM must look at the sequence of studies and activities that make up the course itself. The nature of the course is not affected by²

1. a person's reasons for attending it **or**

2. a person's readiness to abandon it, for example, to accept an offer of employment **or**

3. what a particular person happens to be doing.

1 R(SB) 40/83; R(SB) 41/83; 2 R(SB) 2/91

30165 In modular courses a sequence of studies is established once a person has decided which modules to take. This sequence can be distinguished from the work that the person is putting in at any given time.

30166 When deciding whether a course is F/T, all of the studies and activities involved in it should be taken into account. This includes both supervised and unsupervised study and activity, whether done on or off college premises. In the case of courses funded by the Secretary of State for Education, the Chief Executive of Education and Skills Funding, the Welsh Ministers or the Scottish Ministers, take no account of private study (see **DMG 30190** et seq).

30167 Do not compare the total hours involved with what may be regarded as a full working week. One approach is to look at the total time the course might require of an average student. It may take up a substantial part of a week, after allowing for reasonable rest and recreation. The course might then be regarded as F/T.

30168 The DM should determine whether the course is modular or non-modular. Whether a modular course counts as a F/T course is a question of fact. If the educational establishment's description is not conclusive, other relevant evidence may include

1. the education establishment's regulations
2. the educational establishments registration procedures
3. the course regulations
4. the course handbook
5. other relevant information given to the student about his status.

30169

Evidence from educational establishment

30170 The way educational establishments are funded may mean that they no longer classify courses as

1. F/T or

2. P/T.

30171 Educational establishments may still classify courses or may be able to give an opinion on their nature. Accept evidence from the educational establishment as conclusive unless there is strong relevant evidence to the contrary¹.

1 R(SB) 40/83; R(SB) 41/83

30172 Where a course is funded by the Secretary of State for Education, the Chief Executive of Education and Skills Funding, the Welsh Ministers, or the Scottish Ministers (see **DMG 30190** et seq).

30173. Where the course is **not** funded by the Secretary of State for Education, the Chief Executive of Education and Skills Funding, the Welsh Ministers, or the Scottish Ministers, the DM will need to consider other evidence (see **DMG 30175** et seq).

30174

Other evidence

30175 Educational establishments may be unable or unwilling to say whether a course is F/T or P/T. Or where a classification is provided the DM may consider it to be implausible or unreliable. DMs will then have to decide whether the course is F/T.

30176 The DM should consider other evidence, including

1. the type of qualification aimed for

2. the number of hours a week normally required for successful completion of the course, including

2.1 supervised study

2.2 unsupervised study

2.3 homework

2.4 other work carried out on or off the college premises

3. the claimant's own hours of attendance and recommended hours of private study

4. the length of time normally required for successful completion of the course (for example three years)

5. how long the claimant will take to complete the course

6. how the course is funded

7. the course classification for other purposes, for example, grant or student loan awards

8. how the same course has been classified by the college in the past

Note: The DM is not bound to investigate this point where the views of other authorities are not already known.

30177 If the claimant is taking longer than normal to complete the course, it is an indication that the course is P/T¹.

1 R(SB) 41/83

30178 A course may be designed for students to attend as and when they can. With such a course the DM should consider what is actually happening. If the course is F/T it is of no consequence that the student could have attended it P/T.

30179 The course being taken may be new, or the nature of it may have changed. It may then be helpful to compare a similar course, that is F/T, with the claimant's

1. length of study **and**

2. eventual qualification.

30180 Do not give weight to the classification of the other course unless it is very similar to the claimant's course. Also, a classification given by the claimant's own college should normally be preferred to that given on similar courses by different colleges.

30181 A list of the more common courses and their qualifications is included at **Appendix 1** to this Chapter. Do not rely on it as evidence of the nature of a particular course. It is provided for information only.

30182 - 30185

Number of hours involved

30186 The DM must have regard to the hours involved. This includes both time spent

1. receiving instruction or being supervised **and**

2. in private study (unless the course is funded by the Secretary of State for Education, the Chief Executive of Education and Skills Funding, the Welsh Ministers or the Scottish Ministers).

30187 The level of a course may affect the number of hours of attendance in supervised instruction or study. For example, a F/T advanced course may involve less attendance than a F/T non advanced course.

30188 In non advanced courses, hours of supervised instruction or study usually form a larger part of the course. F/T advanced courses may involve only a few such hours. Do not consider that in isolation. Students may also have to put in many hours of private study.

30189

Courses funded by the Secretary of State for Education, the Chief Executive of Skills Funding, the Welsh Ministers or the Scottish Ministers

30190 Courses of study may be wholly or partly funded by

1. the Secretary of State for Education, the Chief Executive of Education and Skills Funding **or**

2. the Welsh Ministers in Wales **or**

3. the Scottish Ministers in Scotland.

30191 The question of such funding is specifically mentioned in the definitions of

1. F/T student (for JSA) (see **DMG 30146 - 30149**)

2. F/T course of advanced education (for both JSA and IS) (see **DMG 30027 - 30028**) **and**

3. F/T course of study (for IS) (see **DMG 30037 - 30038**).

So where courses are funded by the Secretary of State for Education, the Chief Executive of Education and Skills Funding, the Welsh Ministers or the Scottish Ministers, the DM can adopt a common approach in both benefits.

30192

30193 A Secretary of State for Education, the Chief Executive of Education and Skills Funding funded course in England or a course funded in Wales by the Welsh Ministers is F/T if it involves more than 16 guided learning hours per week (see **DMG 30076**).

30194 In Scotland, the term guided learning hours is not used. Classroom or workshop based programmed learning under the direct guidance of teaching staff is used instead. A course funded by the Scottish Ministers is F/T if, amongst other things, it involves more than 16 such hours.

30195 A funded course in Scotland is also F/T if it involves more than 21 hours a week in total made up of

1. 16 or less such hours **and**

2. extra hours using structured learning packages, supported by teaching staff.

Higher education

30196 In higher education the number of hours of attendance in supervised instruction or study may be low (see **DMG 30186**), but that should not be considered in isolation. Such courses usually involve many hours of private study. The classification used in an award of grant or student loan can be a useful factor.

30197 The DM should be satisfied that there is evidence of

1. a learning agreement for Secretary of State for Education, the Chief Executive of Education and Skills Funding funded courses in England **or**

2. a document for

2.1 courses funded by the Welsh Ministers **or**

2.2 courses funded by the Scottish Ministers.

30198 The learning agreement or document which must be signed on behalf of the college should also be signed by the claimant and identify the

1. college

2. student

3. average number of guided learning hours

4. course being undertaken

5. qualification to be achieved, if appropriate.

30199 - 30200

Non funded courses

30201 When considering the question of whether a course is F/T the DM should note the relevant definitions. But for non funded courses the DM may be unable to make a decision based solely on those definitions.

Further education and other courses

30202 Courses not funded by the Secretary of State for Education, the Chief Executive of Education and Skills Funding, the Welsh Ministers or the Scottish Ministers, will involve hours spent under the guidance of teaching staff

1. in guided learning **or**

2. in a classroom or workshop **or**

3. using structured learning packages.

30203 It is for the DM to decide what approach to take in such a case. Where the course is similar to a funded course, it may be helpful to adopt a similar approach to that of funded courses. The number and type of hours involved may then be an important factor. But a different approach may be taken if it is considered more appropriate.

30204 - 30205

Eligibility 30206 - 30254

[General 30206](#)

[JSA 30207](#)

[Full time students eligible for JSA 30208 - 30210](#)

[IS 30211](#)

[Transitional provisions - lone parent obligations 30212 - 30217](#)

[Period of study for entitlement purposes 30218 - 30225](#)

[Last day of course - IS 30226 - 30227](#)

[Meaning of abandons 30228 - 30234](#)

[Meaning of dismissed 30235](#)

[Temporary absences 30236 - 30240](#)

[Re-Enrolment 30241 - 30243](#)

[Part-time student 30244](#)

[Partner only is a full-time student 30245 - 30254](#)

General

30206 Students (F/T students) are not normally eligible for JSA or IS during the period of study. This is because for

1. JSA, they are not regarded as available for employment¹
2. IS, they are not a prescribed category of person².

1 JSA Regs, reg 15(a); 2 IS (Gen) Regs, reg 4ZA(1), (2) & Sch 1B

JSA

30207 Unless **DMG 30208** or **30209** applies a F/T student is not eligible for JSA during the period of study unless

1. they are on an employment related course¹ where participation has been approved before the course started by an Emp O

1.1 for a maximum of two weeks **and**

1.2 one course in any period of twelve months (see **DMG 21340**) **or**

2. they are attending a programme provided by the Venture Trust² under an arrangement made by the Secretary of State for the Home Department

2.1 for a maximum of four weeks **and**

2.2 one programme in any twelve months (see **DMG 21361**) **or**

3. their partner is also a student and one of them is treated as responsible for a child or young person. The claimant is then eligible during the summer vacation if they are available, or treated as available, for employment³

4. the student is treated as responsible for a child or young person. The claimant is then eligible during the summer vacation if they are available, or treated as available for employment⁴.

Note: In England and Wales there are now no programmes provided by Venture Trust which are provided under an arrangement made by the Secretary of State for the Home Department with the Venture Trust. In Scotland Venture Trust programmes continue to operate under an arrangement made with the Scottish Ministers.

1 JSA Regs, reg 14(1)(a) & 15(a); 2 reg 14(1)(k) & 15(a); 3 reg 15(a); 4 reg 15(2)

Full time students eligible for JSA

Student – caring responsibilities ended

30208 A F/T student may be eligible for JSA if he stops attending or undertaking a course with the approval of an educational establishment, because he

1. is engaged in caring for another person **and**

2. has subsequently ceased caring for that person **and**

3. is not eligible for a loan or grant for the period at **DMG 30210**¹.

1 JSA Regs, reg 1(3D)

Student – recovered from illness

30209 A F/T student may be eligible for JSA if he stops attending or undertaking a course with the approval of an educational establishment, because he

- 1.** is ill **and**
- 2.** has subsequently recovered from that illness **and**
- 3.** is not eligible for a loan or grant for the period at **DMG 30210**¹.

1 JSA Regs, reg 1(3D)

30210 A student who satisfies the conditions at **DMG 30208** or **30209** above may be entitled to JSA for a period of up to one year. The period

- 1.** begins on the day the student recovered from the illness or the caring responsibilities ceased **and**
- 2.** ends on the earlier of the day before

2.1 the day the student resumes the course **or**

2.2 the day from which the educational establishment has agreed that the student may resume the course¹.

1 JSA Regs, reg 1(3E)

IS

30211 A student is not eligible for IS during the period of study unless¹

- 1.** they are a lone parent responsible for a child (see **DMG 22007**) who is a member of their household²
or
- 2.** they are a lone foster parent responsible for a child³ (see **DMG 22007**) **or**
- 3.** they are a person who has been granted refugee status who is learning English⁴ **or**
- 4.** their partner is also a student and one of them is treated as responsible for a child or young person. The claimant is then eligible during the summer vacation if they are a prescribed category of person⁵ **or**
- 5.** they are treated as responsible for a child or young person. The claimant is then eligible during the summer vacation if they are a prescribed category of person⁶ (see **DMG Chapter 20**).

Note: Prior to 30.12.09 disabled and deaf students were included in **DMG 30211**. In certain

circumstances disabled and deaf students may still fall within **DMG 30211**. For these savings provisions for prescribed categories of persons see **DMG Chapter 20, Appendix 5**.

1 IS (Gen) Regs, reg 4ZA(3); 2 reg 4ZA(3)(b), Sch 1B, para 1; 3 reg 4ZA(3)(b), Sch 1B, para 2; 4 reg 4ZA(3)(b), Sch 1B, para 18; 5 reg 4ZA(3)(c)(i) & Sch 1B; 6 IS (Gen) Regs, reg 4ZA(3)(c)(ii) & Sch 1B

Transitional provisions - lone parent obligations

30212 This guidance applies to a lone parent if

1. the lone parent¹

1.1 immediately before 21.5.12 was entitled to IS as a lone parent **and**

1.2 no other prescribed category of person² applies to them **and**

1.3 on or after 21.5.12 the lone parent is responsible for a single child or youngest child aged 5 or over **and**

2. immediately before 21.5.12 and on or after that date the lone parent is also³

2.1 a F/T student⁴ attending or undertaking a F/T course of advanced education, a F/T course of study or a sandwich course⁵ **or**

2.2 following a F/T course of training or instruction under

2.2.a arrangements made by the Secretary of State **or**

2.2.b a scheme of approved training⁶.

1 SS (LP & Misc Amdts) Regs 12, reg 7(2) (SI 2012 No. 874); 2 IS (Gen) regs, Sch 1B; 3 SS (LP & Misc Amdts) Regs 12, reg 7(3); 4 IS (Gen) Regs, reg 2(1); 5 reg 61; 6 E&T Act 73, s 2

30213 Where a lone parent satisfies the conditions in **DMG 30212**

1. the definition of lone parent as it was in force when the lone parent began that period of study or approved training, remains in force for them so long as that lone parent remains a F/T student (in the case of student covered by **DMG 30212 2.1**) or follows that F/T course (in the case of a student covered by **DMG 30212 2.2**) **and**

2. during this period the lone parent will still be required to take parting a Wfl every 13 weeks¹.

1 SS (LP & Misc Amdts) Regs 12, reg 7(5)

30214 Where a lone parent makes s further claim to IS on or after 21.5.12, the savings and transitional

provisions within **DMG 30212** and **30213** will **not** apply¹.

1 SS (LP & Misc Amdts) Regs 12, reg 7(4)

30215 - 30217

Period of study for entitlement purposes

IS

30218 For entitlement purposes only, the period of study¹ begins on the date that the student starts attending or undertaking the course and ends on

1. the last day of the course **or**

2. such earlier date as the student

2.1 abandons the course **or**

2.2 is dismissed from the course.

1 IS (Gen) Regs, reg 2(1)

JSA

30219 For entitlement purposes only, the period of study¹ is

1. the period that the student is treated as attending or undertaking the course of study **and**

2. any period of attendance by the student at their educational establishment or any period of study undertaken by a student in connection with their course, which is before or after the period of the course.

1 JSA Regs, reg 4

Note: The definition at **DMG 30218** and **DMG 30219** apply to eligibility only. They should not be used for any other purpose.

30220 The period of study continues throughout all vacations within the course.

30221 A person attending for freshers week will not normally be a student for any part of that week as it is before the start of the course. The exception is where the course starts at some time in that week. A person can only be a student from the date the course starts.

30222 Sandwich course students may not be able to find an industrial, professional or commercial placement in their periods of work experience. They are still F/T students in the period of study during that time¹.

1 R(IS) 6/97

Example

Sally started a three year sandwich course in September 1999. She attended university during the autumn and spring terms of the second year (2000/2001).

Summer term (2001) is a period of work experience to be spent in industry. She is not awarded any grant for the summer term.

Sally is unable to find an industrial placement and claims JSA on 17.6.01. She is not entitled because she is a student during the period of study.

30223 A F/T student is treated as attending or undertaking a F/T course of study from the first day they start attending or undertaking it until

1. the last day of the course **or**

2. such earlier date as they

2.1 abandon the course **or**

2.2 are dismissed from the course¹.

1 JSA Regs, reg 1(3A)(b); IS (Gen) Regs, reg 61(2)(b)

30224 - 30225

Last day of the course - IS

30226 For IS, the last day of the course means¹ the date of the last day of the final academic term for the course in question.

1 IS (Gen) Regs, reg 2(1) & 61(1)

30227 A student may take their last exams before the last day of the final term. They may not then attend for the last few days of term. They are still a student until the last day of that academic term. In

cases of doubt, ask the educational establishment when the academic term officially ends.

Meaning of abandons

30228 The term abandons means¹ total, final and permanent abandonment.

1 R(IS) 25/95

30229 Merely deciding to give up a course is not enough. The claimant must have actually taken enough steps to ensure that their connection with the course is permanently severed. In cases of doubt ask for documentary evidence from the educational establishment.

30230 A student may change from a F/T to a P/T course at the same educational establishment. This can be an abandonment of the F/T course. But the new course may be very similar to the old course.

30231 Make sure that the course itself has changed and not simply the student's attendance on it. When considering whether one course has been abandoned in favour of another compare

1. the course as it was at the time the student started on it **and**
2. the course as it is now.

30232 The DM should consider whether there has been any change in the

1. number of modules accessed or subjects taken
2. qualification being pursued
3. number of hours of tuition and study
4. length of the course
5. fees payable by the student.

30233 The DM should also take into account

1. whether the course could be attended F/T or P/T under the arrangements originally made with the

college **and**

2. any information that may be gained from the college prospectus.

30234

Meaning of dismissed

30235 Dismissed means the total, final and permanent ending of a person's participation on a course by the educational authorities. In cases of doubt ask for documentary evidence from the educational establishment.

Temporary absences

30236 Unless **DMG 30209** applies a person cannot temporarily abandon a course or be temporarily dismissed from it. They will remain a student if

1. they

1.1 take a break from studies for whatever reason **or**

1.2 have not gone on to the next year of the course because they failed their end of year exams **or**

1.3 have either failed or not taken their final exams **and**

2. either

2.1 they have a guaranteed place on the course at some time in the future **or**

2.2 a place on the course at a future date is available to them

2.2.a if they undertake study at home or at the educational establishment **and**

2.2.b a fresh application under the normal enrolment procedures will not be required **and**

2.2.c the student has not refused to undertake the necessary study **or**

2.3 they have remained continuously registered at the educational establishment **or**

2.4 the educational establishment does not regard them as no longer being a student on the course **or**

2.5 a final and definite decision on their status has not yet been made by the educational establishment.

30237 Other than where **DMG 30209** applies, the fact that a grant may not cover such absences or extensions to the course is not relevant.

Example

Alberto is a University student in his final year. He failed his final exams in June. He intends to sit them in a year and is still enrolled at the University. He is still a F/T student through the summer vacation and until he has taken his exams in the following academic year.

30238 A student who has completed the last day of the final academic term may have to submit a thesis or complete course work. This may be required before a qualification can be obtained or enhanced. Such a student has passed the last day of the course. They are not a F/T student during the period after the end of the course when they are expected to complete any course work.

Example

Gemma completed her research working as a post graduate student in a laboratory at the University on 30 September 2001. She is completing a thesis for submission to the University for her PhD. Gemma does not need to attend the University to complete the thesis. She is also applying for jobs at the same time as completing the thesis. The DM decides that Gemma is no longer a F/T student as she has completed her course of study. Gemma is entitled to JSA because she would complete the thesis on a P/T basis if she finds employment.

30239 - 30240

Re-enrolment

30241 A person who has completed a course of study may be going on to do further study. For example, a student with a degree may want to do a postgraduate course. Such a person is not a student in the meantime.

30242 A fresh period of study begins when the next course starts. The usual rules then apply to the new period of study.

30243

Part-time student

30244 P/T student means¹ a person who is attending or undertaking a course of study, who is not a F/T student. Such a person may be able to claim benefit if they are

- 1.** a prescribed category of person², for IS see **DMG Chapter 20** or
- 2.** available for employment³, for JSA see **DMG Chapter 21.**

1 JSA Regs, reg 1(3); 2 IS (Gen) Regs, Sch 1B; 3 JSA Regs, reg 11

Partner only is a full-time student

30245 If the claimant is not a F/T student but their partner is, the claimant is eligible for JSA or IS. This is subject to the normal conditions of entitlement.

JSA(Cont)

30246 Only a claimant's own earnings and pension payments can affect the amount of JSA(Cont) payable¹. A partner's loan or grant income can have no effect.

1 JS Act 95, s 4(1); JSA Regs, reg 80(2) & 81

JSA(IB) and IS

30247 Income of a claimant or their partner can affect the amount of JSA(IB)¹ or IS² payable. Any loan or grant income paid to the partner should be taken into account.

1 JS Act 95, s 4(3) & 13(2); 2 SS CB Act 92, s 124(1) & 136(1)

30248 - 30254

Financial support available to students - loans and grants 30255 - 30390

[General](#) 30255 - 30259

[Loans - eligibility](#) 30260 - 30280

[Student loans treated as income](#) 30281

[Amount of loan](#) 30282 - 30284

[Postgraduate Master's Degree loan](#) 30285 - 30289

[Disregards](#) 30290 - 30295

[Assessed contribution](#) 30296 - 30299

[Calculation of weekly income](#) 30300 - 30309

[Student from Northern Ireland](#) 30310 - 30314

[Grants](#) 30315 - 30325

[Amount of grant income](#) 30326 - 30350

[Period over which grant income taken into account](#) 30351 - 30380

[Access funds](#) 30381 - 30390

General

30255 In the case of students and their partners, some of the normal rules on income are modified¹. This means that their income may be treated differently.

1 JSA Regs, reg 91; IS (Gen) Regs, reg 26

30256 - 30259

Loans - eligibility

30260 Loans are generally available to students on courses of higher education.

Qualifying courses

30261 Courses must¹

1. last for at least one academic year or at least six weeks in the case of flexible postgraduate courses for teacher training **and**
2. be designated **and**
3. be at institutions receiving support from public funds.

1 Support Regs, reg 5(1)

30262 A course is designated¹ if it is a

1. first degree course
2. course for the Diploma of Higher Education
3. course for the Certificate of Higher Education
4. course for the further training of youth and community workers
5. course for the Higher National Diploma or Higher National Certificate of BTEC or Scottish Qualifications Authority
6. course leading to an initial teacher qualification
7. course for which entry does not normally require a first degree (or equivalent) that

7.1 is in preparation for a professional examination of a standard higher than

7.1.a GCE A levels

7.1.b Scottish highers

7.1.c BTEC and Scottish Qualifications Authority National Awards (as distinct from Higher National Certificate and Higher National Diploma) **or**

7.2 provides education of a standard higher than courses in **7.1** but not higher than a first degree course.

1 Support Regs, Sch 2

30263 Institutions receiving support from public funds means¹ that the monies are provided by Parliament. **Except** where the funds have been provided by a local council.

30264 A course is provided by an institution¹ if it supplies the teaching and supervision that makes up the course.

1 Support Regs, reg 5(4)

30265 Loans are generally available for sandwich courses. They are available for the whole of the course. They are not reduced because of the student's periods of experience.

30266 - 30270

Personal eligibility

30271 A student must be personally eligible as well as attending or undertaking a qualifying course. A student is eligible for a loan if

- 1.** they meet the residence conditions¹ (see **DMG 30272**) **and**
- 2.** they have not received an award under certain NHS regulations² **and**
- 3.** they are not eligible to receive an allowance under certain regulations³ **and**
- 4.** they are not in breach of any obligation contained in a loan agreement⁴ **and**
- 5.** after reaching age 18 they confirmed any loan agreement that was made while under that age⁵ **and**
- 6.** they are not, in the opinion of the Secretary of State for Children, Schools and Families, unfit to receive support⁶.

Note: A student is only eligible for a loan on a single designated course, whether F/T or P/T, in any one academic year⁷.

1 Support Regs, reg 4(2); 2 reg 4(3)(c); 3 Education (Student Loans) Act 1990; Education (Student Loans) (NI) Order 1990; 4 Support Regs, reg 4(3)(d); 5 reg 4(3)(e); 6 reg 4(3)(f); 7 reg 4(6)

Residence conditions

30272 To satisfy the residence conditions a student must¹

- 1.** be ordinarily resident in England, Wales or Scotland on the first day of their course **and**
- 2.** throughout the three years before the first day of the course have been ordinarily resident in the

2.1 UK if

2.1.a the student is settled in the UK **or**

2.1.b the student, their spouse, civil partner or their parent have been granted leave to remain by the HO.

2.2 EEA if the student, their spouse, or their partner have established migrant worker status **and** their stay is not wholly or mainly to receive FTE.

1 Support Regs, Sch 1, SA (Scot) Regs, Sch 1

European Economic Area Nationals

30273 A student, who is an EEA national or the child of an EEA national, may be eligible for a student loan if¹

1. the conditions at **DMG 30272 2.** are satisfied **and**

2. the course in

2.1 England and Wales, is provided wholly or partly by an institution in England or Wales **or**

2.2 Scotland, is at a Scottish establishment.

1 Support Regs, Sch 1, SA (Scot) Regs, Sch 1

Refugees

30274 A student may be eligible for a student loan if¹

1. they, their spouse, civil partner or parent are granted refugee status **and**

2. from the time they are recognised as a refugee they are ordinarily resident in the UK **and**

3. they satisfy the conditions at **DMG 30272 1.**

1 Support Regs, Sch 1, SA (Scot) Regs, Sch 1

30275 - 30280

Student loans treated as income

30281 Student loans are treated as income¹. Students are treated as possessing a student loan for an academic year where

1. a student loan has been paid to them for that year² **or**

2. they could acquire a loan in respect of that year by taking reasonable steps to get one³.

Note: If there is a condition of entitlement to a student loan that could not be met by taking reasonable steps the DM should not treat the student as having a student loan. If, exceptionally, the DM needs advice on whether or not a student has taken reasonable steps to acquire a loan, refer the case to DMA Leeds.

1 JSA Regs, reg 136(1); IS (Gen) Regs, reg 66A(1); 2 JSA Regs, reg 136(3)(a); IS (Gen) Regs, reg 66A(3)(a);

3 JSA Regs, reg 136(3)(b); IS (Gen) Regs, reg 66A(3)(b)

Amount of loan

30282 The maximum amount that can be advanced to a student depends on

1. where the student is studying **and**
2. whether the student has reached the final year of the course **and**
3. whether the student lives in the parental home.

30283 Where in any academic year a student loan is made to a student, the DM should take into account as income

1. the maximum amount of student loan the student could get by taking all reasonable steps¹ to do so (even if the student applies for less than the maximum loan) **and**
2. unless an exception at **DMG 30297** applies², the amount of any contribution whether or not it is paid to the student³.

1 JSA Regs, reg 136(4)(a); IS (Gen) Regs, reg 66A(4)(a); 2 JSA Regs, reg 136(4)(a)(ii); IS (Gen) Regs, reg 66A(4)(a)(ii); 3 JSA Regs, reg 136(4)(a)(i); IS (Gen) Regs, reg 66A(4)(a)(i)

30284 Where a student loan has not been made for an academic year, the DM should take into account as income the maximum loan that the student could get if

1. the student took all reasonable steps to obtain the maximum amount¹ **and**
2. no deduction was made from the loan because of a means test².

1 JSA Regs, reg 136(4)(b)(i); IS (Gen) Regs, reg 66A(4)(b)(i); 2 JSA Regs, reg 136(4)(b)(ii); IS (Gen) Regs, reg 66A(4)(b)(ii)

Postgraduate Master's Degree Loan

30285 [[See Memo DMG 15/20](#)] Postgraduate master's degree loans were introduced for eligible full-time or part-time courses starting in September 2016. The loan is not specifically paid for tuition fees and/ or maintenance costs. It is paid directly to the student and it will be at the student's discretion what they use it for. Eligible students can apply for a loan of up to:

1. £10,000 for courses that began in the 2016/17 academic year
2. £10,280 for courses that began in the 2017/18 academic year
3. £10,609 for courses that began in the 2018/19 academic year
4. £10,906 for courses that began in the 2019/20 academic year
5. £11,222 for courses that began in the 2020/21 academic year

Note: for courses that began in the:

1. Academic year 2016/17, the loan is only paid in the first and second academic years of a course (£5,000 in each year), regardless of the total course length;

2. Academic year 2017 onwards, the loan will be divided equally across each year of the course (typically in three installments of 33%, 33% and 34% for courses lasting three years for example).

30286 For income purposes, 30%¹ of the maximum postgraduate master's degree loan² will be the amount taken into account in the calculation of IS, ESA (IR) and JSA (IB). This figure reflects the amount which will typically be available to spend on maintenance costs, taking account of typical master's course tuition fees.

1 SS (Treatment of Postgrad Master's Degree Loans and Special Support Loans) (Amdt) Regs 2016;

2 ESA Regs, reg 137(5A), IS (Gen) Regs, reg 66A(4A) & JSA Regs, reg 136(4A)

30287 If a claimant is eligible for a new postgraduate loan but has failed to take all reasonable steps to acquire it they will usually be treated as if they are in receipt of the maximum postgraduate master's loan to which they would be entitled to¹ for:

1. that academic year **or**

2. where the course lasts for two or more academic years, the maximum amount that would be paid in each academic year (see note at **DMG 30285**).

See **DMG 30306** for an example of how to calculate student income for these loans.

1 ESA Regs, reg 137(4)(b) and (4A), JSA Regs, reg 136(3)(b); IS (Gen) Regs, reg 66A(3)(b)

Note: for any other type of student funding not covered by this guidance, please contact DMA Leeds for advice.

30288 - 30289

Disregards

30290 The amount of student loan to be taken into account under **DMG 30283** and **DMG 30284** should be reduced by¹ a fixed amount for

1. travel costs **and**

2. the cost of books and equipment

whether or not the student has to meet the cost of those items.

Note: See **Appendix 2** to this Chapter for the amounts to be disregarded.

1 JSA Regs, reg 136(5); IS (Gen) Regs, reg 66A(5)

Example

Leslie is undertaking a P/T course of study for which she receives a loan of £500. After taking into account the disregards for travelling costs and books and equipment the DM fully disregards the loan.

30291 The disregard for books, travel and equipment applies only once in every academic year¹.

1 JSA Regs, reg 136(5); IS (Gen) Regs, reg 66A(5)

Disregard for fee loans

30292 In England and Wales changes to the student support system¹ mean that loans for course fees will be paid directly to the university or college. DMs should disregard² a loan for fees, known as a fee loan or a fee contribution loan paid under specified legislation³.

1 Support Regs, regs 19-24 & 31-32; 2 JSA Regs, reg 136B; IS (Gen) Regs, reg 66C;

3 Support (NI) Order, Art 3; T & HE Act 98, s 22; Ed (Scot) Act 80, s 73(f)

30293 - 30295

Assessed contribution

30296 The education authority may decide that the student, their spouse, civil partner, parents or parents' partner should contribute to the loan. The contribution is assessed according to the income of

the student, their spouse, civil partner, parent or parents' partner. The amount of loan awarded is then cut by the assessed contribution¹.

1 JSA Regs, reg 130; IS (Gen) Regs, reg 61(1)

30297 The amount of contribution assessed by the education authority may not be paid to the student in part or in full. But the full amount of the contribution should still be treated as possessed by the student unless for

1. JSA¹, the student is entitled to a disability premium **or**

2. IS², the student is in a prescribed category of person because they are

2.1 a lone parent **or**

2.2 a lone foster parent **or**

2.3 in relevant education³.

Note: Prior to 30.12.09 disabled and deaf students were included in **DMG 30297 2.** In certain circumstances disabled and deaf students may still fall within **DMG 30297 2.** For these savings provisions for prescribed categories of persons see **DMG Chapter 20, Appendix 5.**

1 JSA Regs, reg 130, reg 136(4)(a)(ii); 2 IS (Gen) Regs, reg 61(1), reg 66A(4)(a)(ii); 3 Sch 1B, para 15A

30298 - 30299

Calculation of weekly income

Course duration is for one academic year or less

30300 Where a student loan is made in respect of any academic year and the course is for one academic year or less, the student loan should be divided equally between the weeks in the period beginning with

1. the first benefit week that begins on or after the start of the academic year **or**

2. if the student starts attending the course in August or the course is for less than an academic years duration, the first benefit week that begins on or after the start of the course

and ending with the last benefit week that ends on or before the last day of the course¹.

1 JSA Regs, reg 136(2)(a); IS (Gen) Regs, reg 66A(2)(a)

Course duration more than one academic year, any year except final academic year

30301 Where a student loan is made in respect of an academic year that begins other than on 1 September the DM should divide the student loan equally between the period which

- 1.** starts at the beginning of the first benefit week starting on or after the first day of the academic year **and**
- 2.** ends on the last day of the last benefit week which ends on or before the last day of the academic year **and**

excludes any complete benefit weeks which fall entirely within the quarter where, in the opinion of the Secretary of State, the longest holiday period is taken¹.

Note: Quarter means² one of the periods in the academic year from

1. 1 January to 31 March **or**

2. 1 April to 30 June **or**

3. 1 July to 31 August **or**

4. 1 September to 31 December.

1 JSA Regs, reg 136(2)(aa); IS (Gen) Regs, reg 66A(2)(aa); 2 Support Regs, reg 2

30302 Where a student loan is made in respect of an academic year that begins on 1 September the DM should divide the student loan equally between the weeks in the period beginning with the earlier of the first day of the first benefit week

- 1.** in September **or**
- 2.** that begins on or after the first day of the autumn term

and ending with the last benefit week that ends on or before the last day of June¹.

1 JSA Regs, reg 136(2)(c); IS (Gen) Regs, reg 66A(2)(c)

30303

Final academic year, other than a course of one academic year or less

30304 Where a student loan is made in respect of a final academic year of a course of more than one year that begins other than on 1 September the DM should divide the student loan equally between the period beginning with

- 1.** the first benefit week that begins on or after the start of the academic year **and**

2. ending with the last benefit week that ends on or before the last day of the course¹.

1 JSA Regs, reg 136(2)(b)(i); IS (Gen) Regs, reg 66A(2)(b)(i)

30305 Where a student loan is made in respect of a final academic year that begins on 1 September the DM should divide the student loan equally between the weeks in the period beginning with the first benefit week that begins on or after the earlier of

1. 1 September **or**

2. the first day of the autumn term

and ending with the last benefit week that ends on or before the last day of the course¹.

1 JSA Regs, reg 136(2)(b)(ii); IS (Gen) Regs, reg 66A(2)(b)(ii)

Disregard

30306 When the weekly amount has been calculated the DM should disregard up to £10 a week. This is subject to the overall limit on the disregarded income of students (see **DMG 30391**).

Example 1

Dilip is attending a course which lasts for less than a year. The course starts on 9.12.02 and ends on 18.4.03. He is a Tuesday BWE. He has a student loan which, after deducting the appropriate disregards, is taken into account from 11.12.02 until 15.4.03.

Example 2

Martha starts the final year of her course on 7.10.02 and ends it on 6.6.03. She is a Thursday BWE. The DM takes her student loan into account from 6.9.02 until 5.6.03 after deducting the appropriate disregards.

Example 3

Ellis is in his second year of a course. The autumn term begins on 14.10.02. Ellis is a Monday BWE. The DM takes his student loan into account, after deducting the appropriate disregards, from 3.9.02 until 30.6.03.

Example 4

Nasser's university course starts on 13.1.03. The main holiday period is between 30.6.03 and 12.10.03. He is a Wednesday BWE. After deducting the appropriate disregards the DM calculates the weekly income by dividing the loan equally between the periods 2.1.03 to 2.7.03 and 28.8.03 and 31.12.03. The DM takes the weekly amount into account from 16.1.03 because Nasser does not become a student until 13.1.03.

Example 5 (postgraduate master's degree loans)

Julia is in receipt of IS as a lone parent, she is responsible for her 1 year old daughter who lives with her. On 5.9.16 Julia begins a full-time postgraduate master's degree in Health and Social Care. The course will last for one year and she successfully applies for a new loan of £10,000. Julia remains entitled to IS as a prescribed person when she begins her full-time course of study¹. The amount of student income for IS purposes is calculated as follows:

Step 1: calculate the annual amount of the loan: £10,000 - £7,000 = £3,000 (30% of the new loan)

Step 2: deduct a fixed amount per academic year for travel costs and the cost of books and equipment²:
£3000 - £303 - £390 = £2307

Step 3: divide the figure in step 2 equally between the weeks in the period beginning with the first benefit week that begins on or after the start of the academic year, and ending with last benefit week that ends on or before the last day of the course³. In this example this will be 52 weeks: £2307 ÷ 52 = £44.36

Step 4: deduct the general weekly disregard⁴: £44.36 - £10 = £34.36

This means that for IS purposes, Julia will have a weekly student income of £36.36.

1 IS (Gen) Regs, reg 4ZA(3)(b), Sch 1B, para 1; 2, reg 66A(5); 3 reg 66A(2)(a);
4 reg 66A(2)(c)

Example 6 (part-time postgraduate master's degree loan)

Rick is undertaking a postgraduate Sociology course. The course is part-time and will last for two academic years. He has successfully obtained a postgraduate master's degree loan of £9,000. He will receive £4,500 in each academic year. The amount of student income for these two years will be calculated on the basis that Rick could obtain the maximum loan of £10,280. Rick will be assessed as receiving £5,140 in each of the two years of the course. The calculation of his student income is as follows:

Step 1: calculate the amount of the loan:

For each year of the course: £5,140 - £3,598 = £1,542 (30% of the maximum loan available).

Step 2: deduct fixed amount per academic year for travel costs and the cost of books and equipment:

For each year of the course: £1,542 - £303 - £390 = £849

Step 3: divide the figure in step 2 equally between the weeks in the period beginning with the first benefit week that begins on or after the start of the academic year, and ending with last benefit week that ends on or before the last day of the course in the academic year. In this example this will be 40 weeks in year one and 30 weeks in year two:

1st year of the course: $£849 \div 40 = £21.22$

2nd and final year of the course: $£849 \div 30 = £28.30$

Step 4: deduct the general weekly disregard:

1st year of the course: $£21.22 - £10 = £11.22$.

2nd and final year of the course: $£28.30 - £10 = £18.30$

Note: A student loan should not be taken into account until the student commences their course of study because prior to this day they are not a student. As the weekly amount is calculated by apportioning the loan to full benefit weeks it should similarly be attributed to full benefit weeks.

30307 - 30309

Student from Northern Ireland

30310 A student from Northern Ireland may be eligible for a student loan under Northern Ireland law¹. The qualifying conditions are the same as in the rest of the UK. Treat any loan for which the student is eligible in the same way.

1 Education (Student Loans) (Northern Ireland) Order 1990, art 3

30311 - 30314

Grants

30315 A student may receive a grant from a number of different sources. Grants, bursaries or allowances etc may be paid in respect of various types of study such as Nursing and Teacher training.

30316 Students who are paid under specific law¹ may be entitled to supplementary grants

1. for extra costs incurred because they are disabled students²
2. to prevent hardship, for weeks during the long vacation that the student is not attending the place of study³. These grants can be paid to students under the age of 21 at the start of their course and who have been in the care of the LA.
3. towards fees⁴
4. for childcare⁵

5. for living costs⁶

6. for adult dependants⁷

7. for Parents' Learning Allowance⁸.

Note: This list is not exhaustive.

1 Student Support Regs 2005; 2 reg 14; 3 reg 15; 4 reg 11; 5 reg 18; 6 reg 13; 7 reg 17; 8 reg 19

30317 - 30325

Amount of grant income

Initial disregard

[\[See DMG Memo JSA/IS 64\]](#)

30326 The DM should disregard from the student's grant income any payment

1. intended to meet tuition or examination fees¹

2. intended to meet additional expense a disabled student has for attending a course²

3. intended to meet additional expenses connected with term time residential study away from the student's educational establishment³

4. on account of the student maintaining a home at a place other than where they live during the course⁴

5. on account of any other person if⁵ that person lives outside the UK and there is no applicable amount for them

6. intended to meet the cost of books and equipment⁶

7. intended to meet travel expenses caused by the student's attendance on the course⁷

8. intended for the maintenance of a child dependant⁸

9. intended for the child care costs of a child dependant⁹

10. of higher education bursary for care leavers made under specified legislation¹⁰.

Note: DMG 30326 4. applies only to the extent that the student's rent is not met by HB.

1 JSA Regs, reg 131(2)(a); IS (Gen) Regs, reg 62(2)(a); 2 JSA Regs, reg 131(2)(b); IS (Gen) Regs, reg 62(2)(c);

3 JSA Regs, reg 131(2)(c); IS (Gen) Regs, reg 62(2)(d); 4 JSA Regs, reg 131(2)(d); IS (Gen) Regs, reg 62(2)(e);
5 JSA Regs, reg 131(2)(e); IS (Gen) Regs, reg 62(2)(f); 6 JSA Regs, reg 131(2)(f); IS (Gen) Regs, reg 62(2)(g);
7 JSA Regs, reg 131(2)(g); IS (Gen) Regs, reg 62(2)(h) 8 JSA Regs, ref 131(2)(h); IS (Gen) Regs, reg 62(2)(i);
9 JSA Regs, reg 131(2)(i); IS (Gen) Regs, reg 62(2)(j); 10 JSA Regs, reg 131(2)(j); IS (Gen) Regs, reg 62(2)(k);
Children Act 1989, Part III, Social Services and Well-being (Wales) Act 2014, Part 6

30327 Disregard amounts under **DMG 30326** only if the grant is specifically intended to be used for one of those purposes.

Higher education grant

30328 The Higher Education Grant¹ was introduced in September 2004. A student qualified for this grant if he began the designated course on or after 1 September 2004. The grant is to defray the cost of books, equipment, travel or childcare for the purpose of attending that course. DMs should disregard² the amount of Higher Education Grant paid to an existing student.

1 Support Regs, reg 66; 2 JSA Regs, reg 131(2); IS (Gen) Regs, reg 62(2)

Special support grant (England and Wales only)

30329 The Special Support Grant¹ was introduced from 1 September 2006. The grant is to defray the cost of books, equipment, travel or childcare incurred for the purpose of attending that course. DMs should disregard² the amount of Special Support Grant paid to students from 1 September 2006 if it falls within the disregards listed at **DMG 30326**.

1 Support Regs 2006, reg 50; 2 JSA Regs, reg 131(2); IS (Gen) Regs, reg 62(2)

Special Support Loan (England only)

30330 [[See DMG Memo 01/24](#)] From the beginning of the 2016/17 academic year, Special Support Loans replaced Special Support Grants¹ for new students. Special Support Loans are awarded for the same purposes as a Special Support Grant and are also disregarded² subject to the disregards listed at **DMG 30326**.

1 Support Regs 2011 (S.I. 2011/1986), reg 68;
2 ESA Regs, reg 64B, IS (Gen) Reg, reg 66D, JSA Regs, reg 136Cs

30331 - 30340

Disregards for students with child care responsibilities

[[See DMG Memo JSA/IS 64](#)]

30341 In England and Wales, a Parents Learning Allowance is available to F/T students with child care responsibilities. DMs should disregard this allowance in full¹.

30342 - 30345

Extra disregards

30346 Where a student does not have a student loan and is not treated as having a student loan, the DM should disregard from the grant a fixed amount¹ for

- 1.** travelling expenses **and**
- 2.** books and equipment.

Note: These disregards apply whether or not the student spends that amount on those items. See **Appendix 2** to this Chapter for the amounts to be disregarded.

1 JSA Regs, reg 136(5), IS (Gen) Regs, reg 62(2A)

Example 1

Georgia is a student nurse attending a diploma course. She is not entitled to a student loan. She receives a NHS bursary which includes £200 for travelling expenses but no additional amount for books and equipment. The DM disregards a total, of £779 from Georgia's allowance. This is made up of an amount awarded specifically to meet travelling expenses - £200; extra disregard for travelling costs - £260 (2001/2002); extra disregard for books and equipment - £319 (2001/2002).

Example 2

Isobella is a student teacher completing her last year of teacher training in a school. She receives a training bursary which does not specifically include any amount for travelling costs or books and equipment. She is not entitled to a student loan. The DM disregards a total of £579 from Isobella's income. This is made up of extra disregard for travelling costs - £260 (2001/2002) extra disregard for books and equipment - £319 (2001/2002).

30347 The disregard for books, travel and equipment applies only once in every academic year¹.

1 JSA Regs, reg 131(3); IS (Gen) Regs, reg 62(2A)

30348 - 30350

Period over which grant income taken into account

30351 The amount of grant income to be taken into account should be spread equally over the relevant period. The length of that period depends on

- 1.** what elements of grant are involved **and**

2. whether the grant is paid for the period of study.

Dependant and lone parent grants

30352 [[See DMG Memo JSA/IS 64](#)] The DM should take these grants into account

1. for the same period as the loan **or**

2. for the period a loan would have been taken into account had the student taken reasonable steps to get one¹.

1 JSA Regs, reg 131(5A), IS (Gen) Regs, reg 62(3B)

Example

Gregg is a student with two children who started his course in September 2000. He receives a loan for living expenses. He is also entitled to an extra amount for the children and because he is a lone parent, this is a non-repayable grant. The DM takes the extra grant income into account for the same period as the loan.

30353 - 30360

NHS dependant grants

30361 [[See DMG Memo JSA/IS 64](#)] A grant or bursary paid for dependants, under relevant law¹, to an NHS student should be taken into account over

1. 52 weeks **or**

2. 53 weeks, if there are 53 benefit weeks (including part-weeks) in the year².

Note: These grants are apportioned over the number of benefit weeks in the year rather than over the period of study.

1 Health Services and Public Health Act 1968, s 63(6); 2 JSA Regs, reg 131(5), IS (Gen) Regs, reg 62 (3A)

Students who started their course of study before 1.9.98

30362 A grant awarded under specific law¹ to a student who started the course of study before 1.9.98 may include additional amounts for

1. the maintenance of one or more dependants, including adult dependants or

2. a lone parent.

30363 The DM should take these elements into account from the first day of the period of study for¹

1. 52 weeks **or**

2. 53 weeks, if there are 53 whole or part benefit weeks in the year.

1 JSA Regs, reg 131(5), IS (Gen) Regs, reg 62(3A)

Other grant income

30364 Other grant income should be taken into account equally between the weeks in the period

1. of study, where it is paid for the period of study **or**

2. for which it is payable.

Period of study for grant income purposes

30365 Period of study has two different meanings. One for grant income purposes¹ and one for eligibility² (see DMG 30218 - 30219). DMs should not confuse the two definitions.

1 JSA Regs, reg 1(3); IS (Gen) Regs, reg 61(1); 2 JSA Regs, reg 4; IS (Gen) Regs, reg 2(1)

30366 For grant income purposes¹, each year of a course has a separate period of study. That period

1. starts with

1.1 the first day of the course, in the first or only year **or**

1.2 the first day of that years course, in any later year **and**

2. ends with

2.1 the last day of the course, in the last or only year **or**

2.2 the day before the summer holiday, where the grant is not for study throughout the whole year
or

2.3 the day before the start date of the next years course where

2.3.a the grant is for study throughout the year **or**

2.3.b if the student does not have a grant, where a loan would have been assessed as

payable throughout the year.

1 JSA Regs, reg 1(3); IS (Gen) Regs, reg 61(1)

Example

Jenny is on a standard three year degree course commencing in the Autumn. Her grant is not for study throughout the whole year. She has three periods of study. These are

- 1.** the first year - the first day of the course to the day before the summer holiday separating the first and second years
- 2.** the second year - the first day of that years course to the day before the summer holiday separating the second and third years
- 3.** the third (final) year - the first day of that years course to the last day of the course.

Last day of course

30367 For IS and JSA the last day of the course means¹ the date on which the last day of the final academic term falls in respect of the course in which the student is enrolled.

30368- 30370

1 JSA Regs, reg 130; IS (Gen) Regs, reg 61(1)

Grant payable for period of study

30371 Grant income may be payable for the period of study. If so the DM should take the income into account equally between the weeks in the period beginning with the first benefit week that begins on or after the first day of the period of study and ending with the last benefit week which ends on or before the last day of the period of study¹.

1 JSA Regs, reg 131(4)(a); IS (Gen) Regs, reg 62(3)(a)

Sandwich course

30372 Where a student is on a sandwich course, any periods of experience should be excluded from the period of study. Grant income is then spread equally between the weeks in the period beginning with the benefit week that begins on or after the last day of the period of experience and ends with the last benefit week which ends on or before the last day of the period of study¹.

1 JSA Regs, reg 131(6); IS (Gen) Regs, reg 62(4)

Grant not payable for period of study

30373 Grant income may be awarded for a specific period. In these cases the grant income should be taken into account equally between the weeks in the period beginning with the first benefit week that begins on or after the first day of the period for which the grant is payable and ending with the last benefit week which ends on or before the last day of the period for which the grant is payable¹.

1 JSA Regs, reg 131(4)(b); IS (Gen) Regs, reg 62(3)(b)

30374 - 30380

Access funds

30381 [[See DMG Memo JSA/IS 64](#)] Students who are in financial difficulties may receive payments from access funds (see **DMG 30087**). Treatment of these payments depends upon

1. when the payment is made
2. what the payment is intended for **and**
3. whether the payment is a
 - 3.1 regular payment **or**
 - 3.2 single lump sum.

30382 The DM should fully disregard an access fund payment where it is made¹

1. before the first day of the course in anticipation of the person becoming a student **or**
2. on or after the earlier of
 - 2.1 1 September **or**
 - 2.2 the first day of the course **and**
 - 2.3 the student loan has not been received **and**
 - 2.4 the payment is intended to help them manage financially until they receive their loan.

1 JSA Regs, reg 136A(4), IS (Gen) Regs, reg 66B(4)

Regular payments

30383 Any access fund payment should be fully disregarded unless it is intended and used for

1. food
2. ordinary clothing or footwear
3. household fuel
4. rent for which HB is payable
5. housing costs met in the applicable amount
6. council tax
7. water charges.

Note: The DM should disregard £20 from any payments that are intended and used for the above items. This is subject to the overall limit on disregarded income¹ (see **DMG 30391** et seq).

1 JSA Regs, reg 136A(3), IS (Gen) Regs, reg 66B(3)

Lump sum payments

30384 Any lump sum payment from an access fund should be treated as capital¹.

1 JSA Regs, reg 138(2), IS (Gen) Regs, reg 68(2)

30385 Where a lump sum payment is intended and used for items other than those listed at **DMG 30383** the DM should disregard the capital for 52 weeks from the date of payment¹.

1 JSA Regs, reg 138(3); IS (Gen) Regs, reg 68(3)

30386 - 30390

Overall limit to income disregard 30391 - 30240

[Income for necessary course expenses](#) 30393 - 30410

[Disregard of partner's contribution](#) 30411

[Disregard of student's contribution](#) 30412 - 30420

30391 A student may have income other than grant income, covenant income or a student loan. The amount of any disregard will depend on

1. what type of income is paid **and**
2. whether it is paid for a specific purpose.

30392 Do not disregard any part of a student's grant income or covenant income as a charitable or voluntary payment¹.

1 JSA Regs, reg 134; IS (Gen) Regs, reg 65

Income for necessary course expenses

30393 The income may be specifically intended (in whole or in part) to meet the cost of any item

1. set out in **DMG 30326 and**
2. necessary as a result of attendance on the course.

30394 In such a case disregard¹

1. the total amount specifically intended for the purposes in **DMG 30393 less**
2. the total amount of any grant and covenant income already disregarded for the particular item.

1 JSA Regs, reg 135(1); IS (Gen) Regs, reg 66(1)

30395 Where the income does not include an amount specifically intended for books and equipment a disregard cannot be made for those items.

30396 If after the disregard in **DMG 30394** there is a balance to take into account, the normal rules on attribution of income apply (see **DMG Chapter 25**).

30397- 30410

Disregard of partner's contribution

30411 The student's loan or grant income may include an assessed contribution from their partner. The DM should disregard this amount when considering the income of the partner¹.

1 JSA Regs, reg 137, IS (Gen) Regs, reg 67

Note: The student may complain because their partner does not have an income on which the assessment was based. The DM should advise such a student to contact the authority responsible for the grant. The authority may then reassess the amount of their grant.

Disregard of student's contribution

30412 Where the student's own income is taken into account when assessing the loan or grant the DM should disregard this amount when calculating the student's income¹.

1 JSA Regs, reg 137A; IS (Gen) Regs, reg 67A

30413 The amount to be disregarded under **DMG 30411** and **DMG 30412** should be spread equally between the period that the loan or grant income has been taken into account. It should be applied to the income of the spouse or the partner respectively. It cannot all be applied to the student's own income.

30414 - 30420

Covenant income and other income and capital 30241 - 30435

[Covenant income](#) 30422

[Student's tax refund](#) 30425

[Other types of loan](#) 30426 - 30435

30421 Where a student has other income, the normal rules apply. This is subject to the overall limit on disregarded income (see **DMG 30391**). Where a student has capital other than a student loan (see **DMG 30260** et seq), normal rules apply.

Covenant income

30422 Covenant income is¹ income payable to a student under a deed of covenant by a person whose income is

1. taken into account or
2. likely to be taken into account

in assessing the student's grant or award.

1 JSA Regs, reg 130; IS (Gen) Regs, reg 61(1)

30423 There are special rules which cover the assessment and attribution of covenant income. If a student declares that they are in receipt of covenant income the DM should forward the case urgently to DMA Leeds, Room GS36, Quarry House, Leeds.

30424 DMs are, however, unlikely to see this type of case as the Income Tax advantages associated with Deeds of Covenant were abolished some years ago.

Student's tax refund

30425 Treat any refund of tax taken from a student's income as capital¹. This is not restricted to tax taken from grant income. It applies to any income related tax refund.

Other types of loan

30426 Students may have loans that are not made under the relevant law¹. The treatment of these loans depends on whether they are capital or income. For guidance on Career Development Loans see **DMG 28542** et seq.

1 T & HE Act 98, s 22; Ed (Scot) Act 80, s 73(f), 73B & 74; Support (NI) Order, Article 3;
Students' Allowances (Scot) Regs 2007, reg 4(1)(c)

30427 - 30435

Income of former students 30436 - 30489

[Course completed](#) 30438 - 30445

[Course not completed - treatment of grant income](#) 30446

[Period income is taken into account](#) 30447 - 30460

[Calculation of weeekly income](#) 30461 - 30465

[Course not completed, treatment of loan and dependant grant income](#) 30466

[Calculation of weekly income](#) 30467 - 30470

[Calculation of weekly income when student loan paid in two or more instalments](#) 30471 - 30489

30436 A person stops being a student for JSA/IS from the day after the

1. last day of the course **or**
2. date they abandon or are dismissed from the course.

30437 From the date that the person stops being a student the treatment of income depends on whether the course has been completed.

Course completed

30438 When a student has completed a course the DM should disregard from the day after the last day of the course¹ any

1. grant or covenant income
2. loan
3. income assessed contribution.

¹ JSA Regs, Sch 7, para 59; IS (Gen) Regs, Sch 9, para 61

30439 - 30445

Course not completed - treatment of grant income

30446 A person has not completed the course if they have abandoned or were dismissed from it.

Special rules¹ apply to income that

1. is grant income (that is not taken into account in **DMG 30466** et seq) **and**
2. was paid to a person who ceased to be a student before the end of the period for which the income was payable **and**
3. has to be repaid because the person ceased to be a student before the end of the period for which the income was payable.

1 reg 29(2B), 32(6A) & 40(3B); JSA Regs, reg 94(2B), 97(7) & 103(5A)

Period income is taken into account

30447 Other than where DMG 30466 applies, grant income is taken into account over a period that

1. begins on the date that the income was treated as paid **and**
2. ends on the earlier of
 - 2.1 the date when the repayable grant income is repaid **or**
 - 2.2 the last day of the term or holiday in which the person ceased to be a student **or**
 - 2.3 where the grant is paid in instalments, on the day before the next instalment would have been paid had the person remained a student¹.

1 JSA Regs, reg 94(2B); IS (Gen) Regs, reg 29(2B)

30448 Students who have not completed the course, and have to repay grant income who

1. are already receiving JSA/IS, will continue to have the same weekly grant income deducted from the day they stopped being a student (see **DMG 30461**)
2. make a new claim to JSA/IS, will have the net weekly grant income attributed from the date that the last payment of grant income was treated as paid

until the date established at **DMG 30447 2**.

30449 When considering the date income is treated as paid the guidance at **DMG Chapter 25** applies. The DM will first need to establish the due date of the last grant payment which will usually be the last

instalment.

30450 A decision on the due date of a grant instalment must be based on evidence from the paying authority. The DM can get this

1. directly from the authority **or**
2. from documents produced by them.

30451 If the paying authority gives a due date this should generally be followed. Notices of award or authorities' general literature may say that payments are to be made available on a set date. This date should usually be accepted as the due date.

30452 It may not be possible to get specific evidence of the due date from the paying authority. The due date should then be accepted as the date of the actual payment.

30453 In Scotland the Student Awards Agency sends payable orders for the maintenance element of mandatory awards to the college or university. The payable orders are then ready for collection at the beginning of each term. Take such a payment as being due on the first day of the relevant term.

30454 In England and Wales the arrangements for payment of student grants vary between LAs.

30455 - 30460

Calculation of weekly income

30461 The weekly grant income of a former student to be taken into account for the period in **DMG 30447** is equal to the amount which would have applied if the person was still a student¹. This means that the

1. appropriate deductions and disregards apply (see **DMG 30326 - 30346**)
2. weekly amount is calculated in the same way (see **DMG 30351** et seq).

30462 The amount of income to be taken into account for each benefit week is calculated on the basis that the person is still a student and none of the income has been repaid¹. The weekly amount is not reduced by repayments of the grant.

1 JSA Regs, reg 103(5) & (5A); IS (Gen) Regs, reg 40(3B)

30463 - 30465

Course not completed, treatment of loan and dependant grant income

Relevant payment

30466 A relevant payment is either a student loan or an amount for the maintenance of dependants, or both¹, paid to a student who started their course of study after 1 September 1998.

1 JSA Regs, reg 103(5ZB); IS (Gen) Regs, reg 40(3AB)

Calculation of weekly income

30467 If a person abandons or is dismissed from the course of study before the final instalment of a relevant payment has been paid, the DM should calculate the weekly amount to take into account using the formula¹.

$$\frac{A - (B \times C)}{D}$$

Where

1. A is the total amount of relevant payment which the person would have received, less the appropriate deduction for travel costs, books and equipment, had he remained a student until the last day of the term in which he abandoned or was dismissed from the course.

2. B is the number of benefit weeks from the benefit week immediately following the one which includes the first day of the academic year to the benefit week

immediately before the one which includes the day on which the person abandoned or was dismissed from the course.

3. C is the weekly amount of the relevant payment, before a £10 disregard, that would have been taken into account as income had the person remained a student. (This is the weekly amount, before disregard, that would have been taken into account had the student been entitled to JSA/IS).

4. D is the number of benefit weeks in the assessment period. This is the number of weeks in the period²

4.1 beginning with the benefit week that includes the day on which the course was abandoned, or the person was dismissed, **and**

4.2 ending with the benefit week which includes the last day of the last quarter for which an instalment of the relevant payment was payable.

Note: A quarter is one of the periods from 1 January to 31 March, 1 April to 30 June, 1 July to 31 August and 1 September to 31 December³.

1 JSA Regs, reg 103(5ZA), IS (Gen) Regs, reg 40(3AA); 2 JSA Regs, reg 103(5ZB),
IS (Gen) Regs, reg 40(3AB) 3 Support Regs, reg 6

30468 The weekly amount calculated as in **DMG 30467** should be taken into account for the period in DMG 30467 **4**.¹

1 JSA Regs, reg 103(5ZA), IS (Gen) Regs, reg 40(3AA)

Example

Erin abandons her course of study on 22.2.02 in her second year after £2020 of her student loan allocation has been paid. Had she remained a student for the full year she would have been entitled to a loan of £3020 which is paid in three instalments; £1020 in October, £1000 in January and £1000 in April. She is a Tuesday BWE.

The DM calculates a weekly amount of £7.69 to take into account from 20.2.02 to 2.4.02;

A = £1441 (£2020 - £260 - £319)

B = 24 (number of weeks between 5.9.01 and 19.2.02)

C = £58.12 (£3020 - £260 - £319 = £2441/42 = £58.12 per week which would have been taken into account (before a £10 disregard) had she remained a student.)

$$\frac{\pounds 1441 - (24 \times \pounds 58.12)}{6} = \pounds 7.69.$$

D = 6 (number of weeks between 20.2.02 and 2.4.02)

30469 A student who has prematurely stopped being a student may voluntarily repay some or all of their student loan. In such a case there are no grounds to revise or supersede the award. This is because the repayment of a student loan is not a relevant change of circumstances¹.

1 SS (D&A) Regs, reg 6(6)(a)

30470 Where the former student repays the loan because the loan company has requested repayment, the claimant is under a certain and immediate liability to repay. Under such circumstances the DM should not treat the loan as income from the date that such a liability arises.

Calculation of weekly income when student loan paid in two or more instalments

30471 Where the student loan is paid in two or more instalments the DM should calculate the weekly amount to take into account using the formula¹

$$\frac{A - (B \times C)}{D}$$

Where

1. A is the total amount of the relevant payments which the person received or would have received from the first day of the academic year to the day the person abandoned or was dismissed from the course, less the appropriate deduction for travel costs, books and equipment.

2. B is the number of benefit weeks from the benefit week immediately following the one which includes the first day of the academic year to the benefit week immediately before the one which includes the day on which the person abandoned or was dismissed from the course.

3. C is the weekly amount of the relevant payment, before a £10 disregard, that would have been taken into account as income had the person remained a student. (This is the weekly amount, before disregard, that would have been taken into account had the student been entitled to JSA/IS).

4. D is the number of weeks in the assessment period. This is the number of weeks in the period²

4.1 beginning with the benefit week which includes the day on which the person abandoned or was dismissed from the course, **and**

4.2 ending on the earlier of the benefit week which includes

4.2.a the day immediately before the day on which the next instalment of the relevant payment would have been due had the payments continued **or**

4.2.b the last day of the last quarter for which an instalment of the relevant payment was payable.

Note: A quarter is one of the periods from 1 January to 31 March, 1 April to 30 June, 1 July to 31 August and 1 September to 31 December³.

2 JSA Regs, reg 103(5ZB); IS (Gen) Regs, reg 40(3AB);

3 JSA Regs, reg 103(5ZB); IS (Gen) Regs, reg 40(3AB)

30472 The weekly amount calculated as in **DMG 30471** should be taken into account for the period in **DMG 30471 4.**

Example

Alan abandons his course of study on 9.2.09 in his second year after receiving £2,000 of his student loan allocation. He was entitled to a student loan of £3,570 and this was being paid in monthly instalments of £400 on the 1st of each month from 1 October - 1 May with a final payment of £370 due on 1 June. He is a Wednesday BWE.

The DM calculates that there is nothing to be taken into account from the student loan:

$$A = £1,325 (£2,000 - £295 - £380)$$

$$B = 22 \text{ (number of weeks from 4.9.08 - 4.2.09)}$$

C = £68.92 (£3,570 - £295 - £380 = £2,895/42 weeks (4.9.08 - 24.6.08) = £68.92 per week which would have been taken into account had he remained a student)

$$D = 4 \text{ (number of weeks between 5.2.09 and 4.3.09)}$$

$$\frac{£1,325 - (22 \times £68.92)}{4} = \text{Nil}$$

30473 - 30489

Young claimants and young partners 30490 - 30999

Subpages

- Introduction 30490 - 30493
- JSA & IS 30494 - 30528
- Definitions - income based jobseeker's allowance and income support 30529 - 30575
- Income based Jobseeker's Allowance - registration 30576 - 30596
- Young people - further conditions 30597 - 30679
- Young people entitled to income based Jobseeker's Allowance at the end of the Child Benefit extension period 30680 - 30715
- Other circumstances where a young person is entitled to income based Jobseeker's Allowance 30716 - 30769
- Secretary of State directions - income based Jobseeker's Allowance 30771 - 30785
- Jobseeker's Allowance applicable amounts 30786 - 30839
- Jobseeker's allowance - circumstances in which the personal allowance should be reduced 30840 - 30879
- Income support applicable amounts 30880 - 30889
- Personal allowance for couples and members of a polygamous marriage 30890 - 30919
- Treatment of resources - income based jobseeker's allowance and income support 30920 - 30999

Introduction 30490 - 30493

Introduction

30490 This section contains guidance on

1. claimants who are

1.1 entitled to JSA(IB) or IS **and**

1.2 aged 16 or 17 **and**

2. partners

2.1 of JSA and IS claimants **and**

2.2 who are aged 16 or 17.

30491 This section also contains guidance on the

1. JSA(IB) entitlement conditions for young people (see **DMG 30506**) **and**

2. calculation of applicable amounts and treatment of income for claims from, and involving

2.1 young people for JSA **and**

2.2 16 and 17 year olds for IS.

30492 Guidance on entitlement conditions for JSA(Cont) and IS is in **DMG Chapters 20** and **21**.

30493

JSA & IS 30494 - 30528

[JSA\(IB\) 30494 - 30496](#)

[JSA - Young Person 30497 - 30498](#)

[IS - Young person 30499 - 30500](#)

[JSA and IS - Qualifying young person 30501 - 30508](#)

[JSA - Traineeship - relevant education and qualifying young persons 30509 - 30512](#)

[JSA - Entitlement for a young person 30513 - 30516](#)

[Young persons leaving care \(England and Wales\) 30517 - 30519](#)

[Young persons leaving care \(Scotland\) 30520 - 30527](#)

[Applicable amounts and resources - JSA\(IB\) and IS 30528](#)

JSA(IB)

30494 One of the conditions of entitlement to JSA(IB) is that the claimant must be 18¹. But certain JSA claimants aged 16 or 17 are entitled to JSA(IB). These claimants are called young people.

1 JS Act 95, s 3(1)(f)(i)

30495 The DM should not confuse young people who are entitled to JSA(IB) with the young people for whom JSA and IS claimants can receive an increase in their applicable amount (see **DMG Chapter 22**).

30496

JSA - Young person

30497 A young person is a person¹

1. who has reached the age of 16 but not 18 **and**

2. who

2.1 does not satisfy the contribution conditions (see **DMG Chapter 21**) for JSA(Cont) **or**

2.2 has had full entitlement to JSA(Cont) (see **DMG Chapter 21**).

3. who is not excluded from IS or JSA under relevant legislation² after leaving the care of an LA.

1 JSA Regs, reg 57(1); 2 CLC Act 2000, s 6

30498

IS - Young person

30499 Claimants over the age of 16 may become entitled to IS if they meet any of the qualifying conditions¹ (see **DMG Chapter 20**) unless they have recently left care and are an eligible child or relevant child under relevant legislation² (see **DMG 30546** and **30565**).

1 IS (Gen) Regs, reg 4ZA (3A); 2 CLC Act 2000, s 6

30500

JSA and IS - Qualifying young person

30501 A person remains a qualifying young person until the later of

- 1.** the 31st August following their 16th birthday
- 2.** the terminal date (see DMG 30536 et seq) **or**
- 3.** the end of the Child Benefit extension period (see **DMG 30532** et seq)¹.

1 CHB (Gen) Regs, regs 4 - 7

30502 A qualifying young person is

- 1.** a person aged 16 years, from the date he attains that age up to and including the 31 August that next follows that date¹ **or**
- 2.** a person aged 16 years and over who is undertaking a course of F/T education which is not advanced education² and which is not provided by virtue of his employment or any office held by him provided
 - 2.1** at a school or college **or**
 - 2.2** elsewhere but is approved by HMRC Commissioners and the F/T education was being received there when that person was still a child **or**
- 3.** a person aged 16 years or over who is undertaking approved training that is not provided through a contract of employment³ **or**
- 4.** a person who having undertaken such a course/approved training as is mentioned in **DMG 30502 2.** or

3. above, has been accepted or is enrolled on a further such course/approved training⁴.

Note: Any person aged 19 years before 10.4.06 is not a qualifying young person⁵.

1 CHB (Gen) Regs, reg 4; 2 reg 3(2)(a); 3 reg 3(2)(c); 4 reg 3(2)(d); 5 reg 2(5)

30503 For the purposes of **DMG 30502 2.** and **3.** above the person

1. shall have commenced the course of FTE or approved training or was accepted or enrolled on the education or training before reaching the age of 19 years¹ **and**

2. shall not have reached 20 years of age².

1 CHB (Gen) Regs, reg 3(4); 2 reg 3(1)

30504 For the purposes of **DMG 30502 2.** above education shall be treated as F/T where over 12 hours per week during term time is spent receiving tuition, engaged in practical work or supervised study or taking examinations¹.

1 CHB (Gen) Regs, reg 1

30505 For the purposes of **DMG 30502 2.** above a person shall be treated as undertaking a course of FTE during the period between the end of one course and the start of another where the person is enrolled or has been accepted on the latter course¹.

Note: Guidance on interruptions to education is at **DMG 20564** et seq.

1 CHB (Gen) Regs, reg 3(2)(b)

30506 Approved training means arrangements made by the government¹

1. in England arrangements known as “Foundation Learning” or “Access to Apprenticeships”

2. in Wales arrangements known as “Skillbuild”, “Skillbuild Plus” or “Traineeships” or “Foundation Apprenticeships”

3. in Scotland arrangements known as “Employability Fund activity” **or**

4. in Northern Ireland arrangements known as “Training for Success” including “Programme Led Apprenticeships”, the “Pathways for Young People” element of “Pathways for Success” or the “Collaboration and Innovation Programme”.

1 CHB (Gen) Regs, reg 1(3)

30507 Within **DMG 30506**, “arrangements made by the government” means arrangements¹

1. in England and Wales, made by the Secretary of State under specified legislation² or

2. in Scotland, made –

2.1 by the Scottish Ministers under specified legislation³ or

2.2 by Scottish Enterprise or Highlands and Islands Enterprise under specified legislation⁴ or

3. in Northern Ireland, made by the Department for Employment and Learning under specified legislation⁵.

1 CHB (Gen) Regs, reg 1(3); 2 E & T Act 73, s 2; 3 s 2; 4 Enterprise and New Towns (Scotland) Act 1990, s 2;
5 E & T (Northern Ireland) Act 1950, s 1 & s 3

30508 Where there is doubt that the claimant is in relevant education or the nature of the establishment he is attending, the case should be referred to HMRC and in the interim decide the case on the basis that the reply will not be favourable to the claimant (see **DMG 20578** and **20579**)

JSA - Traineeship - relevant education and qualifying young persons

30509 A person aged between 16 and 19 who is undertaking a Traineeship is treated as receiving education. Traineeships are not courses of advanced education for the purposes of the Regulations. A young person who is treated as receiving relevant education is not entitled to JSA (see **DMG 30502** et seq). An exception to this rule is made, to allow a young person to participate in Traineeships and maintain entitlement to JSA.

Note: In order to fall within the definition of QYP, a person aged 19 must have been enrolled on, been accepted for, or started the relevant course before 1st September following their 19th birthday.

30510 For the purposes of **DMG 30502 2.**, a young person who is participating in a Traineeship is not treated as receiving education (see **DMG 20556**)¹.

1 JSA Regs, reg 54(4A)

30511 - 30512

JSA - entitlement for a young person

Conditions of entitlement for JSA

30513 A young person will be entitled to JSA(IB) if the young person

- 1.** is in certain circumstances¹ **or**
- 2.** has a severe hardship direction from the Secretary of State² (see **DMG 30770**).

1 JS Act 95, s 3(1)(f)(iii); 2 s 3(1)(f)(ii)

30514 The young person may be entitled to JSA(IB)

- 1.** during the CHB extension period (see **DMG 30597**) **or**
- 2.** for a period at the end of the CHB extension period (see **DMG 30680**) **or**
- 3.** for another period of time (see **DMG 30716**).

30515 To be entitled to JSA(IB) a young person has to satisfy the normal conditions of entitlement. But there are also special rules that apply to a young person for

- 1.** availability
- 2.** ASE
- 3.** JSAg
- 4.** sanctions **and**
- 5.** registration.

This Chapter provides guidance on registration. Guidance on the special rules in **1.** to **4.** is in the relevant DMG Chapter.

Hardship

30516 A young person who is in one of the circumstances that lead to entitlement to JSA(IB), may be entitled to a hardship payment if the young person

- 1.** has received an adverse labour market entitlement decision because the young person does not satisfy certain labour market entitlement conditions. (**Note:** This does not apply to young persons who have applied for JSA through the Severe Hardship Route)
- 2.** has had a sanction imposed by the DM resulting in a stoppage of JSA

3. is waiting for a decision by the DM about whether they satisfy certain labour market entitlement conditions at the start of a claim and their JSA claim has not been processed

4. has had their JSA suspended because a doubt exists about whether they satisfy certain labour market entitlement conditions.

Note: JSA Hardship payments are not the same thing as payments under the Severe Hardship Provisions.

Young persons leaving care (England and Wales)

30517 A young person leaving LA care will not be entitled to JSA(IB) or IS if they are an eligible child or a relevant child (see **DMG 30546** and **30565**).

30518 A young person is treated as not being an eligible child or a relevant child for the purposes of benefit entitlement where the child is an eligible child or a relevant child **and** is either¹

1. a lone parent

2. a single person looking after foster children

3. incapable of work

4. a disabled worker

5. appealing against a decision that they are not incapable of work

6. in relevant education, severely mentally handicapped and unlikely to obtain employment within the next twelve months

7. in relevant education, a lone parent of a child for whom they are treated as responsible and is treated as a member of their household.

Note: Prior to 30.12.09 disabled, blind and deaf students were included in **DMG 30518**. In certain circumstances disabled, blind and deaf students may still fall within **DMG 30518**. For these savings provisions for prescribed categories of persons see **DMG Chapter 20, Appendix 5**.

¹ Children (Leaving Care) Social Security Benefits Regs 2001, reg 2(1)

30519 In addition, relevant legislation¹ now provides that a young person who is looked after immediately prior to their 18th birthday (as an eligible child) and continues to reside with their former

foster carer beyond the age of 18 under staying put arrangements² are eligible to claim IS, JSA or ESA if they satisfy the basic conditions of entitlement for that benefit.

Once a young person in foster care turns age 18, they may choose to stay with their former foster carer under the staying put arrangements. The young person is no longer treated as in care, and the former foster parent is no longer acting in place of a parent.

The staying put arrangement extends until:

- 1.** the young person first leaves the “Staying Put” arrangement; **or**
- 2.** the young person reaches their twenty-first birthday, if continuously, and still living in the arrangement; **or**
- 3.** the young person completes the agreed programme of education or training being undertaken on their twenty-first birthday, if continuously living in the arrangement since their eighteenth birthday.

1 Children and Families Act 2014 (s 98), 2 the Children Act 1989 (s 23 CZA)
(Arrangements for certain former relevant children to live with former foster parents).

Young persons leaving care (Scotland)

30520 Care leavers in Scotland will not be entitled to JSA(IB) or IS if they are a person of a prescribed description¹ (see **DMG 30520**).

1 CLC Act 2000; s 6(2)(c); Children (Leaving Care) Social Security Benefits (Scotland) Regs, reg 2(1)

30521 A person of a prescribed description is a young person who is financially supported by an LA and not entitled to benefits if they

- 1.** are less than 18 years of age and who at the time they left school or at any subsequent time were looked after by an LA under relevant legislation¹
- 2.** ceased to be looked after on or after 1.4.04 and since the age of 14 have been looked after and accommodated for a period of, or periods totalling 13 weeks or more and are

2.1 not living with their family **or**

2.2 living with their family and are receiving regular financial assistance from an LA under relevant legislation¹.

1 Children (Scotland) Act 1995, s 29(1)

30522 In calculating¹ the period of, or periods, totalling 13 weeks referred to in **DMG 30520 2.** the DM should exclude any periods where

1. an LA has placed the person in a pre-planned series of short term placements none of which individually exceeds four weeks **and**

2. at the end of each such placement the person returns to his family.

1 Children (Leaving Care) Social Security Benefits (Scotland) Regs, reg 2(4)(a)

30523 Family¹ in DMG **30521 2.** also includes any person who has parental responsibility and any person with whom the person was living prior to being looked after by an LA.

1 Children (Leaving Care) Social Security Benefits (Scotland) Regs, reg 2(4)(c)

30524 Accommodated¹ in DMG **30520 2.** means provided with accommodation by an LA under relevant legislation² but does not include circumstances where a person has been placed with his family under specified legislation³.

1 Children (Leaving Care) Social Security Benefits (Scotland) Regs, reg 2(4)(b);

2 Children (Scotland) Act 95, s 25 or 70(3); 3 s 26(1)(c)

30525 Care leavers who satisfy the conditions at **DMG 30520** but who are also

1. lone parents **or**

2. sick **or**

3. disabled

remain entitled¹ to JSA(IB) or IS.

1 Children (Leaving Care) Social Security Benefits (Scotland) Regs, reg 2(3)(b)

30526 Persons covered by **DMG 30524 2.** and **3.** are¹

1. in relevant education and have the disability premium or severe disability premium included in their applicable amount²

2. disabled workers

3. persons appealing against a decision that they are not incapable of work.

Note: Prior to 30.12.09 disabled, blind and deaf students were included in **DMG 30525**. In certain circumstances disabled, blind and deaf students may still fall within **DMG 30525**. For these savings provisions for prescribed categories of persons see **DMG Chapter 20, Appendix 5**.

1 Children (Leaving Care) Social Security Benefits (Scotland) Regs, reg 2(3)(b)(iii);

Cross border arrangements

30527 Children leaving care in England and Wales after 1.4.04 who subsequently move to Scotland will be treated as relevant or eligible children (see **DMG 30546** and **30565**) and excluded from income related benefits. Children leaving care in Scotland after 1.4.04 who subsequently move to England or Wales will be a person of a prescribed description as described in **DMG 30519 - 30520¹** and will be excluded from income related benefits.

1 SS (Misc Amdt) Regs 2004, reg 12; Children Leaving Care Regs 2001, reg 2(3)

Applicable amounts and resources - JSA(IB) and IS

30528 There are special rules for

1. applicable amounts (see **DMG 30786** and **DMG 30880**) for

1.1 couples **and**

1.2 certain single claimants **and**

1.3 members of polygamous marriages **and**

2. treatment of resources (see **DMG 30920**).

Note: In the case of couples or members of polygamous marriages the DM may need to advise that a change of claimant is required for there to be entitlement to benefit.

Definitions - income based jobseeker's allowance and income support 30529 - 30575

Definitions

30529 The following terms are used when deciding entitlement to JSA(IB) and IS.

[CHB extension period 30530 - 30535](#)

[Terminal Dates 30536 - 30539](#)

[Chronically sick or mentally or physically disabled 30540 - 30543](#)

[Close relative 30544 - 30545](#)

[Eligible child 30546 - 30548](#)

[Children who have been looked after 30549 - 30556](#)

[Great Britain 30557](#)

[Person acting in the place of parents 30558 - 30564](#)

[Relevant child 30565 - 30571](#)

[Training 30572](#)

[Treatment 30573 - 30575](#)

CHB extension period

30530 The CHB extension period is the period that entitlement to CHB is extended beyond the date the young person ceased education¹. If the young person reaches age 18 during the extension period, unless they count as a qualifying young person on another ground, CHB ends from the first CHB payday after the 18th birthday².

1 JSA Regs, reg 57(1); 2 CHB (Gen) Regs, reg 5(1)

30531 When deciding if a young person is entitled to JSA the CHB extension period is important. Because the young person will probably be living away from parents or people acting in place of parents

1. there will not be an award of CHB **and**
2. the CHB extension period should be decided.

30532 Where the 16/17 year old in a CHB extension period is orphaned or estranged they have to satisfy the conditions laid down in **DMG 30533**. It is unlikely that they will be able to satisfy the condition at **DMG 30533 5**. so estranged or orphaned young people are treated as satisfying this condition¹ and will therefore still be entitled, subject to other conditions of entitlement, to IS. There is no requirement that these young people should transfer to JSA(IB) prior to being placed back in education.

1 IS (Gen) Regs, reg 13(2A)(b); CHB (Gen) Regs, reg 5(2)(e) & (f)

Conditions

30533 CHB can be extended for 16 and 17 year olds where¹

1. they have ceased to be in relevant education or training
2. they are registered for work, education or training with a qualifying body
3. they are not engaged in remunerative work
4. the extension period has not expired **and**
5. the person who is responsible for the 16/17 year old

5.1 was entitled to CHB for them immediately before the extension period began **and**

5.2 has made a written request to the HMRC Commissioners within three months of the education or training ceasing for the payment of CHB during the extension period.

1 CHB (Gen) Regs, reg 5(2)

30534 In **DMG 30533 2**. “qualifying body” means¹

1. the Careers Service (Wales), Careers Scotland or local education authority² (England)
2. the Ministry of Defence
3. in Northern Ireland, the Department for Employment and Learning or an Education and Library Board established under specified legislation³ **or**
4. any corresponding body in another member State.

Period

30535 The CHB extension period¹

1. begins on the first day of the week after that in which the 16/17 year old ceased to be in education or training **and**
2. ends 20 weeks later.

Note: It is not to be calculated from the compulsory school leaving dates.

1 CHB (Gen) Regs, reg 5(3); JSA Regs, reg 57

Example 1

Jenny is 16 years old and left school after completing her last exam on 13.6.06. She lives at home with her parents. CHB will cease to be payable from Monday 4.9.06 but if she registers for work and training and meets other related conditions, CHB could be payable for the extension period which would run to 5.11.06, 20 weeks from the first day of the week following that in which she ceased education

Example 2

Craig is 17 years old and lives with his parents. He stayed on at school into the 6th form but last attended on 12.4.06. CHB will be payable up to the next terminal date which will be the Monday following 31.5.06. The CHB extension would be 20 weeks from 17.4.06 so CHB would cease to be payable from 4.9.06, unless they reach age 18 before that date.

Terminal dates

England and Wales

30536 A person continues to be treated as a qualifying young person and entitled to CHB where they have left relevant education or approved training up to and including

1. the week including the terminal date **or**
2. if they attain the age of 20 on or before that date, the week including the last Monday before they were 20¹.

30537 For the purposes of **DMG 30536** above the terminal dates are

1. the last day in February
2. the last day in May
3. the last day in August
4. the last day in November

whichever occurs first after they have ceased relevant education or approved training¹.

1 CHB (Gen) Regs, reg 7(2), Case 1.2

Scotland

30538 In Scotland where a person

1. undertakes the Higher Certificate or Advanced Higher Certificate immediately before ceasing relevant education **and**
2. ceases relevant education earlier than they would have done had they taken the comparable examination in England and Wales

the terminal date is calculated by reference to the date that applies had they taken the examination in England and Wales¹.

1 CHB (Gen) Regs, reg 7(2), Case 1.3

30539

Chronically sick or mentally or physically disabled

30540 People are chronically sick or mentally or physically disabled¹

1. if they satisfy the IS conditions for

1.1 DP or

1.2 HPP² or

2. if³

2.1 they are disabled former members of the forces **and**

2.2 an amount is paid to them for the cost of providing and maintaining a vehicle **or**

3. if they are substantially and permanently disabled⁴.

1 JSA Regs, reg 57(1); IS (Gen) Regs, reg 13(3)(b); 2 reg 13(3)(b)(i); Sch 2, para 12(1);
3 reg 13(3)(b)(ii); 4 reg 13(3)(b)(iii)

Substantially and permanently disabled

30541 People are substantially and permanently disabled if

1. they have suffered some loss of

1.1 physical **or**

1.2 mental

faculty so that their abilities are impaired **and**

2. the impairment is both substantial and permanent.

30542 The DM should accept people who are registered with an LA¹ as disabled. If they have been refused registration and their condition has not worsened the DM should not accept them as disabled.

1 Chronically Sick and Disabled Persons Act 70

30543 In any other case a decision should be made on the evidence available. Examples of disablement are

- the loss of a limb
- paraplegia
- paralysis
- mental illness
- polio victims
- sufferers from rheumatoid arthritis who have substantial difficulty with day to day tasks.

This list is not exhaustive.

Close relative

30544 A close relative is¹

1. a parent, parent-in-law, son, son-in-law, daughter, daughter-in-law, step-parent, step-son, step-daughter, brother, half-brother, sister, half-sister **and**
2. the partner of any of those persons in **1.**

1 JSA Regs, reg 1(3); IS (Gen) Regs, reg 2(1); R(SB) 22/87

30545 For the purposes of **DMG 30544**, a child who is adopted becomes

1. a child of the adoptive parents **and**
2. the brother or sister of any other child of those parents.

The child stops being the child of, or the brother or sister of any children of, the natural parents. Whether an adopted person is a close relative of another person depends upon the **legal relationship** and not the blood relationship¹.

1 R(SB) 22/87

Eligible child

30546 An eligible child is a child who

1. is being looked after by an LA **and**
2. is aged 16 or 17 **and**
3. has since the age of 14, been looked after by the LA for a period of at least 13 weeks, or aggregated periods amounting to at least 13 weeks, which ended after the child reached the age of 16¹.

1 Children Act 1989, Sch 2, para 19B(2); Children Leaving Care (England) Regs, reg 3(1);
Children Leaving Care (Wales) Regs, reg 3(1)

30547 In England and Wales an exception to this is where

1. an LA has placed the child in a pre-planned series of short term placements, none of which individually exceeds four weeks (even though they may amount in all to 13 weeks) **and**
2. at the end of each placement the child returns to their parents, or the person who has parental responsibility for the child¹.

1 Children Leaving Care (England) Regs, reg 3(2) & 3(3); Children Leaving Care (Wales) Regs, reg 3(2)(a)

30548 In Wales only there is a further exception where

1. a child is subject to a care order **and**
2. has been placed with a carer or family under relevant legislation¹ and has stayed for at least six months².

1 Children Act 1989, s. 23(4); 2 Children Leaving Care (Wales) Regs, reg 3(2)(b)

Children who have been looked after

30549 Relevant legislation¹ defines a child who is “looked after” as one who is in LA care (i.e. subject to a care order or supervision order) or who is provided with accommodation by their LA. Prior to the legislative amendments which came into force on 7.11.02² it did not include

1. relevant children provided with accommodation under certain legislation³ **or**
2. certain people under 21 provided with accommodation under certain legislation⁴.

1 Children Act 1989, s 22; 2 Adoption & Children Act 2002; 3 Children Act 1989, s 23B; 4 s 24B

Provided with accommodation

30550 LAs can provide accommodation under a general provision requiring them to do so¹ or under a wider provision requiring them to promote and safeguard the welfare of children². LAs have used this wider provision for some older children who are unaccompanied asylum seekers. Whilst it has always been accepted that accommodation provided under the general provision³ means that the child is “looked after” by the LA, it has not always been clear whether a child has been “looked after” when the accommodation has been provided under the wider provision⁴.

1 Children Act 1989, s 20; 2 s 17; 3 s 20; 4 s 17

30551 It is also not clear what “providing accommodation” means. It can mean

1. provision in an LA home or foster home
2. the arrangement of and payment for accommodation by the LA
3. the payment of money only for accommodation, where the young person makes their own arrangement e.g. at a bed and breakfast.

30552 Any child who is accommodated at the LA's expense for a continuous period of more than 24 hours

1. with a family **or**

2. with a relative **or**

3. with any other suitable person, in a manner which complies with any relevant regulations **or**

4. in a registered children's home under Part II of the Care Standards Act 2000 **or**

5. in accommodation provided for the purposes of restricting the liberty of a child who has a history of absconding **or**

6. in accommodation provided for a child in an educational establishment which also provides the child with education **or**

7. under any other arrangements as the LA deems appropriate, which comply with any relevant regulations (e.g. in a home provided, equipped and maintained by the Secretary of State)

is a child who is being "looked after" by an LA.

Note: A child in LA care (i.e. subject to a care order or a supervision order) is always a "looked after" child regardless of where they are accommodated.

30553 Accommodation provided

1. by or on behalf of a voluntary organisation **or**

2. in a private children's home **or**

3. for more than three months in a hospital or care home **or**

4. in private fostering

does not count as being accommodation the provision of which will result in a finding that a child is being "looked after" by an LA.

Note: A child in LA care (i.e. subject to a care order or supervision order) is always a "looked after" child regardless of where they are accommodated.

30554 If an LA arranges and pays for a child to be accommodated in an institution listed in **DMG 30553**

and the arrangement complies with any relevant regulations, the child may still be capable of being a “looked after” child. Cases when a child is accommodated in such an institution, and the LA has arranged and paid for this accommodation, should be referred to DMA Leeds for advice.

Note: DMG 30552 3. and **7.** and **DMG 30554** talk about arrangements complying with any relevant regulations. If DMs get a case where they need to decide this issue, the case should be referred to DMA Leeds for advice.

Bed and breakfast accommodation

30555 The provision of bed and breakfast accommodation to a child can make it difficult to make a decision as to whether the child is a “looked after” child or not. The more control the LA has over the arrangements, the more likely it is that the child is a “looked after” child. So for example, where an LA finds bed and breakfast accommodation for the child and pays for it, it is likely that the child will be a “looked after” child.

Changes to the Children Act

30556 From 7.11.02 a child who is “looked after” does not include someone provided with accommodation under the wider provisions¹. But it can include someone provided with accommodation under legislation to provide advice and assistance to certain children and young people aged under 21². DMs should only decide that a child has been “looked after” if they have been provided with accommodation under sections 20, 23 or 24A of the Children Act 1989.

1 Children Act 1989 s 17; 2 s 24A

Great Britain

30557 GB is made up of England, Wales and Scotland. It includes

1. adjacent islands such as Orkney, Shetland, the Hebrides, the Isles of Scilly the Isles of Wight and Lundy
and

2. UK territorial waters adjacent to GB¹.

GB does not include Northern Ireland, the Isle of Man, the Channel Islands or their territorial waters or the Republic of Ireland.

1 SS CB Act 92, s 172

Person acting in the place of parents

30558 A person acting in the place of parents **includes**¹

1. in England and Wales

1.1 any family, relative or other suitable person that the young person is placed with by an LA or voluntary organization, whether or not payment is made **or**

1.2 any person with parental responsibility for the young person **or**

2. in Scotland

2.1 an LA or voluntary organization that is looking after the young person under a relevant enactment (see DMG 30571)² **or**

2.2 a person that the young person has been placed with by an LA or voluntary organization, whether or not payment is made.

1 JSA Regs, reg 57(3); IS (Gen) Regs, Sch 2, para 1A(2)(b) & (c);
2 JSA Regs, reg 1(3) & 78(9)(a); Interpretation Act 78, s 17(2)(a)

Voluntary organization

30559 A voluntary organization is a non-profit making organization that is not a public authority or LA¹.
Examples of voluntary organizations are

1. the National Children's Home

2. Barnardo's

3. the Church of England Children's Society.

1 JSA Regs, reg 1(3)

Parental responsibility

30560 Parental responsibility means all

1. the¹

1.1 rights

1.2 duties

1.3 powers

1.4 responsibilities and

1.5 authority that a parent has by law for the young person and any property of the young person
and

2. the

2.1 rights

2.2 powers **and**

2.3 duties that a guardian of a young person's estate would have for the young person and any property of the young person.

1 Children Act 1989, s 3(1) & (2)

Other cases

30561 In all other cases, to decide if a person is acting in place of the parents, the DM should consider whether the person

- 1.** provides supervision and financial, social, moral or other care and guidance
- 2.** provides shelter, food and clothing
- 3.** is responsible for any necessary disciplinary action

that would be appropriate for a person the same age as the young person.

30562 If a person other than the young person's parents is claiming CHB or another benefit for the young person, there is a strong indication that the person is acting in place of the young person's parents.

Foster parents

30563 An LA may place a young person who is the subject of a care order with foster parents. Those foster parents will be acting in place of parents¹. The conditions in **DMG 30597 1.2 - 1.6** and **DMG 30680** will not be satisfied where a young person

1. claims JSA(IB) **and**

2. is living with foster parents.

30564 When the care order expires, usually on the young person's 18th birthday but it could be earlier, a young person may continue to live with their former foster parents. In these cases the former foster parents are not acting in place of parents. The DM should consider if any of the conditions in **DMG 30597** and **30680** are met.

Example

Robin is 18 years old. Robin was the subject of a care order and the LA placed him with foster parents. The care order expired on his 18th birthday. Robin is estranged from his natural parents, he has not seen them for seven years. He continues to live with his former foster parents and is expected to make a contribution towards his upkeep. Robin claims JSA.

The DM considers whether any of the conditions in **DMG 30597** and **30680** are satisfied. The DM decides that Robin is entitled¹ to JSA(IB) because

1. Robin's former foster parents are not acting in place of parents **and**
2. Robin is estranged from his natural parents and is of necessity living away from them.

1 R(IS) 9/94

Relevant child

30565 A relevant child is a child who is aged 16 or 17

1. who

1.1 is not being looked after by an LA **and**

1.2 was an eligible child before ceasing to be looked after by an LA **or**

2. is not subject to a care order **and**

2.1 on reaching 16 was detained or admitted to hospital **and**

2.2 immediately before had been looked after by an LA for a period or periods amounting to at least 13 weeks, which began after the child reached 14 years of age¹.

¹ Children Act 1989, s 23A(2); Children Leaving Care (England) Regs, reg 4(1) & 4(2);
Children Leaving Care (Wales) Regs, reg 4(1) & 4(2)

30566 The 13 weeks referred to at **DMG 30565 2.2** do not include any periods where the child was

1. looked after by an LA on any period of pre-planned short term placements which individually lasted for four weeks or less **and**

2. at the end of each placement the child returned to the care of their parents or the person who has parental responsibility for the child¹.

1 Children Leaving Care (England) Regs, reg 4(3); Children Leaving Care (Wales) Regs, reg 4(2A)

Detained

30567 “Detained” in **DMG 30565 2.1** means detained in a remand centre, a young offenders institution or a secure training centre or any other institution as a consequence of a Court Order¹.

1 Children Leaving Care (England) Regs, reg 4(4)(a); Children Leaving Care (Wales) Regs, reg 4(3)

Hospital

30568 “Hospital” in **DMG 30565 2.1** means¹

1. a health service hospital within the meaning of certain legislation² **or**

2. a care home³.

1 Children Leaving Care (England) Regs, reg 4 (4)(b); Children Leaving Care (Wales) Regs, reg 2;

2 NHS Act 77; 3 Care Standards Act 2000, s 3

Family placements

30569 Where a child has been placed with a person or family under the relevant legislation¹ and has stayed for six months, the child is not a relevant child, despite falling within the definition². This applies whether or not the six month period began before or after the child ceased to be looked after by the LA³.

1 Children Act 1989, s 23(4); 2 Children Leaving Care (England) Regs, reg 4(5); Children Leaving Care (Wales)

Regs, reg 4(4); Support and Assistance of Young People Leaving Care (Scotland) Regs, reg 13;

3 Children Leaving Care (England) Regs, reg 4(6); Children Leaving Care (Wales) Regs, reg 4(5);

Support and Assistance of Young People Leaving Care (Scotland) Regs, reg 13

30570 In **England** only, where the child ceases to live with the person or family they should be treated as a relevant child¹.

1 Children Leaving Care (England) Regs, reg 4(7)

Relevant enactment

30571 A relevant enactment is any of the following¹

1. Army Act 1955 **or**
2. Social Work (Scotland) Act 1968 **or**
3. Matrimonial Causes Act 1973 **or**
4. Adoption (Scotland) Act 1978 **or**
5. Family Law Act 1986 **or**
6. Children Act 1989 **or**
7. Children (Scotland) Act 1995.

1 JSA Regs, reg 1(3) & 78(9)(a); Interpretation Act 78, s 17(2)(a)

Training

30572 Guidance on training is at **DMG Chapter 34**.

Treatment

30573 Treatment means treatment for a disease or physical or mental disablement carried out by, or under the supervision of, a person qualified to provide

1. medical treatment **or**
2. physiotherapy **or**
3. a form of treatment that is similar to, or related to **1.** or **2.**¹.

1 JSA Regs, reg 57(1)

30574 - 30575

Income based Jobseeker's Allowance - registration 30576 - 30596

[Registration with such person as the Secretary of State may specify 30576](#)

[Young people who do not have to register 30577](#)

[Unable to register 30578 - 30579](#)

[Hardship because of extra time to register 30580 - 30596](#)

Registration with such person as the Secretary of State may specify

30576 To receive JSA(IB) a young person must register with such person as the Secretary of State may specify for

1. work **and**
2. training (see **DMG Chapter 34**)¹.

If a young person does not register for both **1.** and **2.**, that young person is not entitled to JSA(IB).

1 JS Act 95, s 3(2); JSA Regs, reg 62(1)

Young people who do not have to register

30577 Certain young people do not have to register with a person specified by the Secretary of State. They are young people¹

1. who have been laid off or kept on short-time (see **DMG Chapter 21**) and satisfy the availability for employment conditions for young people **or**
2. who have accepted a firm offer of enlistment by one of the armed forces to start within eight weeks of the offer (see **DMG 30754**).

1 JSA Regs, reg 62(1)

Unable to register

30578 A young person who is unable to register with a person specified by the Secretary of State because of an emergency affecting there such as a

1. strike **or**

2. fire

must register with the Jobcentre Plus office for work and training¹.

1 JSA Regs, reg 62(2)

30579 An emergency is a situation of danger or conflict that arises unexpectedly and requires urgent action.

Hardship because of extra time to register

30580 Young people who would suffer hardship because of the extra time it would take them to register with the person specified by the Secretary of State must register with the Jobcentre Plus office for work and training¹.

1 JSA Regs, reg 62(3)

Example 1

Alex is aged 16. He lives in a remote area. There is a Jobcentre Plus office in his home town but the person specified by the Secretary of State is in the next town. Public transport timetables will not allow Alex to register with them for work and training and then go to the Jobcentre Plus office on the same day.

He goes to the Jobcentre Plus office to register for employment and training stating he will suffer hardship if he has to take an extra day to register with the person specified by the Secretary of State and then attend the Jobcentre Plus office.

The DM accepts that Alex will suffer hardship and he registers for work and training at the Jobcentre Plus office. The DM then decides if Alex is entitled to JSA.

Example 2

Louisa is aged 16. She claims JSA. Louisa has not yet registered with the person specified by the Secretary of State for work and training and who happens to be in the same town as her. Louisa refuses to register with them until she receives some benefit.

The DM decides that Louisa

1. cannot register for work or training at the Jobcentre Plus office as she has not contacted the person specified by the Secretary of State to register with them **and**

2. is not entitled to JSA as she has not registered with the person specified by the Secretary of State for employment and training.

30581 - 30596

Young people - further conditions 30597 - 30679

[Young people entitled to income based JSA during the Child Benefit extension period 30597](#)

[Young person is a member of a couple 30598 - 30609](#)

[Young person is an orphan 30610 - 30617](#)

[Looked after by a local authority/ youth custody 30618 - 30622](#)

[Young person not in the parental home 30623 - 30629](#)

[Young person living away from and unable to be supported by parents 30630 - 30637](#)

[Young person is of necessity living away from parents 30638 - 30679](#)

Young people entitled to income based JSA during the Child Benefit extension period

30597 A young person is entitled to JSA(IB) during the CHB extension period if¹

1. the young person is

1.1 a member of a married couple or of a civil partnership and other conditions are met (see **DMG 30598 - 30603**) or

1.2 an orphan and there is no one acting in place of parents (see **DMG 30610 - 30612**) or

1.3 not living with parents or any person acting in place of parents and immediately before reaching the age of 16 was

1.3.a being looked after by an LA or

1.3.b in youth custody or a detention centre (see **DMG 30618**) or

1.4 living in accommodation that is not the parental home (see **DMG 30623 - 30624**) or

1.5 living away from and unable to be supported by parents (see **DMG 30630 - 30631**) or

1.6 of necessity, living away from parents (see **DMG 30638 - 30658**) and

2. any other entitlement conditions are met.

Young person is a member of a couple

30598 A young person will be entitled to JSA(IB) during the CHB extension period if the young person is a member of a married couple or of a civil partnership and the other member of that couple or civil partnership is¹

1. aged 18 or over **or**

2. a young person

2.1 who is registered with such person as the Secretary of State may specify for work and training
or

2.2 with a severe hardship direction **or**

3. a young person who satisfies one of the conditions in **DMG 30599 - 30603**.

1 JSA Regs, reg 57(2)(a) & 59(1)

Partner would be entitled to IS

30599 **DMG 30598 3.** is satisfied if the young person's partner would be entitled to IS because the partner is¹

1. a lone parent **or**

2. a lone foster parent **or**

3. temporarily looking after another person **or**

4. caring for another person **or**

5. pregnant **or**

6. in relevant education but still entitled to IS **or**

7. a refugee learning English **or**

8. a PFA who would be entitled to a UCP (see **DMG Chapter 31**) **or**

9. a member of a couple

9.1 who is responsible for a child who is a member of the household **and**

9.2 where the other member of that couple is temporarily absent from the UK **or**

10. in receipt of a training allowance.

Guidance on the above conditions is in the guidance on IS conditions of entitlement. Guidance on PFAs is at **DMG 070831** et seq.

Note: Prior to 6.4.10 disabled, blind and deaf students were included in DMG 30599. In certain circumstances disabled, blind and deaf students may still fall within **DMG 30599**. For guidance on savings provisions for prescribed categories of persons see **DMG Chapter 20, Appendix 5**.

1 JSA Regs, reg 57(4)(a)

Member of a couple and responsible for a child

30600 **DMG 30598 3**. is satisfied if the partner is treated as responsible for a child who is a member of the same household¹.

1 JSA Regs, reg 57(4)(b)

Laid off or kept on short-time

30601 **DMG 30598 3**. is satisfied if the partner is a person who¹

- 1.** is laid off or kept on short-time (see **DMG Chapter 21**) and
- 2.** satisfies all of the availability conditions for a young person and
- 3.** has not been laid off or kept on short-time for more than 13 weeks.

1 JSA Regs, reg 57(4)(c)

Temporarily absent from Great Britain

30602 **DMG 30598 3**. is satisfied if the young person's partner is¹

- 1.** temporarily absent from GB because the partner is taking a member of the family who is a child or young person abroad for treatment (see **DMG 072153**) and
- 2.** for
 - 2.1** JSA purposes, treated as being in GB for eight weeks or
 - 2.2** IS purposes, entitlement to IS would continue for eight weeks and
- 3.** not claiming JSA or IS.

1 JSA Regs, reg 57(4)(d)

Incapable of work

30603 **DMG 30598 3.** is satisfied if¹

- 1.** the partner was incapable of work and training because of some disease or physical or mental disablement **and**
- 2.** in the opinion of a medical practitioner the partner is likely to remain incapable for twelve months or more.

Note: The young person's medical evidence should be accepted unless there is other evidence that casts doubt on it.

1 reg 57(4)(e)

30604 - 30609

Young person is an orphan

30610 A young person is entitled to JSA(IB) during the CHB extension period if the young person has no¹

- 1.** living parents **or**
- 2.** person acting in place of parents.

1 reg 57(2)(b)

30611 This condition is not satisfied if the young person does not know

- 1.** if the parents are alive or dead **or**
- 2.** where the parents are.

The DM should consider other conditions if the young person has had no contact with the parents for a considerable time.

30612 This condition is also not satisfied if the young person is living with

- 1.** a relative **or**
- 2.** other person

who has taken over the parental role. The DM should regard the young person as dependant on that person.

30613 - 30617

Looked after by a local authority/youth custody

30618 A young person is entitled to JSA(IB) during the CHB extension period if the young person is not living with parents or any person acting in place of parents and immediately before reaching the age of 16 was¹

- 1.** in England and Wales, being looked after by an LA under a relevant enactment (see **DMG 30571**) and was placed with a person who was not a close relative **or**
- 2.** in Scotland, being looked after by an LA under a relevant enactment (see **DMG 30571**), and while being looked after by an LA the young person was not living with parents or any close relatives **or**
- 3.** in youth custody or a detention centre.

1 JSA Regs, reg 57(2)(c)

30619 - 30622

Young person not in the parental home

30623 A young person is entitled to JSA(IB) during the CHB extension period if the young person is in accommodation

- 1.** as part of a programme of rehabilitation or resettlement that is supervised by the probation service or an LA **or**
- 2.** to avoid physical or sexual abuse **or**
- 3.** because they require special accommodation because of a mental or physical handicap or illness

and that accommodation is not the parental home, nor the home of a person acting in place of their parents¹.

1 reg 57(2)(d)

30624 For the purposes of **30623 2.** confirmation of the young person's own evidence is not always necessary. Additional evidence should only be sought if there is a doubt¹.

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

30625 - 30629

Young person living away from and unable to be supported by parents

30630 Young people can get JSA(IB) during the CHB extension period if

- 1.** they are living away from their parents and any person acting in their place **and**
- 2.** their parents, or person acting in their place, are unable to support them financially¹ **and**
- 3.** their parents, or person acting in their place, are
 - 3.1** chronically sick or mentally or physically disabled (**DMG 30540 - 30543**) **or**
 - 3.2** detained in custody pending trial or awaiting sentence, or in prison **or**
 - 3.3** not allowed to enter or re-enter GB.

Note: People who are not British citizens are not allowed to enter GB unless they have been given leave to do so. There does not have to be an order, or any other form of formal decision not allowing entry into GB².

1 JSA Regs, reg 57(2)(e); 2 R(IS) 9/94

30631 When applying the conditions at **DMG 30630 3.** take account of the fact that

- 1.** both parents have to satisfy the conditions, unless the young person has only one parent **and**
- 2.** the parents do not have to satisfy the same condition for example, the father might be in prison and mother chronically sick **and**
- 3. 1. and 2.** apply where more than one person is acting in place of the parents, for example both grandparents.

30632 - 30637

Young person of necessity living away from parents

30638 A young person is entitled to JSA(IB) during the CHB extension period if the young person is, of necessity, living away from parents and any person acting in place of parents because¹

- 1.** the young person is estranged from them (see **DMG 30643**) **or**
- 2.** the young person is in physical or moral danger (see **DMG 30648**) **or**
- 3.** there is a serious risk to the young person's physical or mental health (see **DMG 30656**).

1 JSA Regs, reg 57(2)(f)

30639 For the purposes of **DMG 30638 1. to 3.** it is not always necessary to ask for confirmation of the young person's evidence. Additional evidence should only be sought if there is a doubt¹.

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

30640 Where a young person is the subject of a care order, the LA is acting in place of parents¹. But some young people who are the subject of a care order may have to live in accommodation away from the LA. For example, there may be reasons why a young person cannot live in a home or a foster home and lives in a flat instead.

1 JSA Regs, reg 57(3)

30641 In these cases the LA is acting in place of parents because the care order still exists¹. But the DM should consider the guidance at **DMG 30642 - 30646** to decide if the young person is living away from the LA for any reasons in **DMG 30638**.

1 reg 57(3)

Living away from

30642 Living away from includes young people

- 1.** who have left the family home to live at another address **or**
- 2.** whose parents, or person acting in place of parents, have left them **or**
- 3.** who are living away from people representing the LA.

Example

A young person who lives alone in a flat rather than living with foster parents or in a community home is living away from a LA.

Estranged

30643 The word "estranged" is not defined. The DM should give the word estranged its ordinary everyday meaning¹ of "alienated in feeling or affection". A young person may be estranged from parents or people acting in place of parents if

- 1.** there is no intention or desire to live with them **or**
- 2.** there is no desire to have any physical or emotional association with them **or**
- 3.** the parents, or person acting in place of parents have feelings as in **1.** or **2.** towards the young person.

30644 There may be estrangement where the young person's parent is providing some financial support. But a young person will not satisfy this condition just because estrangement is said to exist. The DM should be satisfied that the young person has, of necessity, to live away from the parents because of the estrangement.

30645 "Estranged" includes estrangement from either the community home or from foster parents where the young person has been placed by the LA. The existence of the care order does not mean that the young person cannot be estranged from the LA. The DM should have regard to the young person's circumstances to decide if estrangement exists.

30646 For the conditions in **DMG 30638** to be satisfied the young person has **of necessity** to live away from the LA. The DM should find out the reasons why the young person cannot live in accommodation provided by the LA.

30647

Physical or moral danger

30648 It will be a question of fact if the young person is in physical or moral danger if living at home. The DM should decide the degree of danger taking into account all the circumstances of each case.

30649 The expression physical or moral danger, should be given a wide interpretation and the following points should be considered

- 1.** the danger may not come from the parents or people acting in place of parents, for example the danger may come from civil war
- 2.** the danger should include any physical or moral danger that requires the young person to live away from parents or people acting in place of parents¹
- 3.** the young person's evidence that there is physical or moral danger should be accepted unless there is overriding evidence to the contrary.

1 R(IS) 9/94

30650 A young person will not satisfy this condition unless the DM is satisfied that the young person has, of necessity, to live away from home because of physical or moral danger.

30651 - 30655

Serious risk to physical or mental health

30656 There must be a serious risk to the physical or mental health of the young person for this condition to be satisfied. The fact that there is a risk to health is not enough to satisfy this condition.

30657 Examples of a serious risk to physical or mental health are¹ a young person who

- 1.** suffers from chronic bronchitis which is affected by damp conditions in the family home **or**
- 2.** has a history of mental illness and the parents' attitude towards the young person makes the illness worse.

1 R(SB) 8/82

30658 To decide if the conditions in **DMG 30657** would be a serious risk to the health of a young person, the DM should consider the degree that the young person is at risk. A young person will not satisfy this condition unless the DM is satisfied that because of the serious risk the young person has, of necessity, to live away from home.

30659 - 30663

Young person treated as a qualifying young person for CHB purposes

30664 A young person who is treated as a qualifying young person for CHB purposes is treated as a member of the family unless the young person is entitled to JSA or IS in their own right (see **DMG 20646 - 20728** for IS and **DMG 30597 - 30658** for JSA).

30665 A young person is treated as a qualifying young person for CHB purposes for the CHB extension period¹ if the young person continues to satisfy the necessary conditions.

1 CHB (Gen) Regs 2006, reg 5

No longer treated as a member of the family

30666 A young person who is treated as a member of the family during the CHB extension period should not be treated as such from

- 1.** the Monday following the week that the young person starts remunerative work, this is the day that entitlement to CHB ends **or**
- 2.** the Monday following the week that the young person is no longer registered for work or training. A young person who starts a WBTfYP (Skillseekers in Scotland) may still be registered for work or training

and will still be treated as a member of the family **or**

3. the day that the young person becomes entitled to JSA or IS. It is not enough for the young person to be in one of the groups that are eligible for JSA or IS, the young person must also be entitled.

30667 - 30679

Young people entitled to income based Jobseeker's Allowance at the end of the Child Benefit extension period 30680 - 30715

[Meaning of week 30681](#)

[Young person has left certain local authority accommodation 30682 - 30690](#)

[Young person discharged from youth custody or a detention centre 30691 - 30715](#)

30680 A young person is entitled to JSA(IB) after the end of the CHB extension period if¹ the young person

1. is

1.1 of necessity, living away from parents and any person acting in place of parents and has left certain LA accommodation (**DMG 30682 - 30685**) or

1.2 in certain circumstances and has been discharged from youth custody or a detention centre (**DMG 30691 - 30692**) and

2. any other entitlement conditions are met.

1 JSA Regs, reg 60

Meaning of week

30681 For the purpose of deciding entitlement at the end of the CHB extension period week means any period of seven consecutive days¹.

1 JSA Regs, reg 60(3)

Young person has left certain local authority accommodation

30682 A young person is entitled to JSA(IB) at the end of the CHB extension period if the young person¹

1. is, of necessity, living away from parents and any person acting in place of parents **and**

2. has left accommodation provided by an LA under specified legislation².

1 JSA Regs, reg 60(1)(a); 2 The Children Act 1989, Part III; The Social Services and Well-being (Wales) Act 2014, Part 4 or 6

30683 The young person does not need to have been in care. An LA can provide accommodation in a number of ways, for example by arranging independent living. A person who has moved from one type of accommodation to another may still have their accommodation provided by an LA.

30684 Social services should be contacted to confirm if the accommodation was provided by the LA under specified legislation¹. The LA should

- 1.** have provided the accommodation **and**
- 2.** not simply have assisted the young person to find accommodation.

1 The Children Act 1989

30685 A young person who satisfies this condition is entitled to JSA(IB) for the period starting on the day that the young person left LA care and ending on the earlier of¹

- 1.** the last day of the eight week period following that date **or**
- 2.** the day before the young person's 18th birthday.

Any week that the young person is entitled to JSA(IB) in the CHB extension period will count towards the eight week period.

1 JSA Regs, reg 60(2)(a)

30686 - 30690

Young person discharged from youth custody or a detention centre

30691 A young person is entitled to JSA(IB) at the end of the CHB extension period if the young person

- 1.** has been discharged from
 - 1.1** youth custody **or**
 - 1.2** a detention centre

after the CHB extension period **and**

- 2.** is in any of the circumstances that leads to entitlement to JSA(IB) in the CHB extension period, for example estranged or orphaned.

30692 A young person who satisfies this condition is entitled to JSA(IB) for the period starting on the day of discharge and ending on the earlier of¹

1. the last day of the eight week period following that date **or**

2. the day before the young person's 18th birthday.

1 JSA Regs, reg 60(2)(b)

30693 - 30715

Other circumstances where a young person is entitled to income based Jobseeker's Allowance 30716 - 30769

[Meaning of week 30717](#)

[Young person laid off or kept on short-time 30718 - 30725](#)

[Young person is a member of a couple and responsible for a child 30726 - 30732](#)

[Young person would be entitled to IS 30733 - 30739](#)

[Young person unable to register for work and training because of an emergency affecting the place where the young person has been specified to register 30740 - 30746](#)

[Young person suffers hardship because of extra time taken to register for work and training with the person with whom the young person has been specified to register 30747 - 30753](#)

[Young person is to enlist in the armed forces 30754 - 30760](#)

[Young person has limited capability for work 30761 - 30769](#)

30716 A young person is entitled to JSA(IB) if¹

1. the young person

1.1 is laid off or kept on short-time (**DMG 30718 - 30719**) or

1.2 is a member of a couple and responsible for a child (**DMG 30726 -30727**) or

1.3 would be entitled to IS (**DMG 30733 - 30734**) or

1.4 is in certain circumstances and unable to register for work and training because of an emergency affecting the place where the young person has been specified to register (**DMG 30740 -30741**) or

1.5 is in certain circumstances and would suffer hardship because of the extra time it would take to register for work and training with the person with whom the young person has been specified to register (**DMG 30747- 30748**) or

1.6 is to enlist in the armed forces (**DMG 30754 - 30756**) or

1.7 has limited capability for work (**DMG 30761 - 30762**) and

2. all of any other relevant entitlement conditions are met.

1 JSA Regs, reg 61

Meaning of week

30717 For the purpose of deciding entitlement to JSA(IB) in these circumstances, "week" means a period of seven consecutive days¹.

1 JSA Regs, reg 61(3)

Young person laid off or kept on short-time

30718 A young person is entitled to JSA(IB) if the young person

1. is laid off or kept on short-time (Volume 4, Chapter 21) **and**
2. satisfies the availability for employment condition for a young person¹.

1 JSA Regs, reg 61(1)(a)

30719 A young person who satisfies this condition is entitled to JSA(IB) for the period starting on the day the young person was laid off or kept on short-time and ending on the earlier of¹

1. the day that the young person is no longer laid off or kept on short-time **or**
2. the last day of the 13 week period following that date **or**
3. the day before the young person's 18th birthday.

1 JSA Regs, reg 61(2)(a)

30720 - 30725

Young person is a member of a couple and responsible for a child

30726 A young person is entitled to JSA(IB) if the young person is

1. a member of a couple **and**
2. treated as responsible for a child who is a member of the household¹.

See **DMG 22031** et seq for guidance on "responsible".

1 JSA Regs, reg 61(1)(b)

30727 A young person who satisfies this condition is entitled to JSA(IB) for the period starting on the date of claim and ending on the earlier of¹

1. the day before the young person's 18th birthday **or**
2. the day before this condition is no longer satisfied.

1 JSA Regs, reg 61(2)(b)

30728 - 30732

Young person would be entitled to IS

30733 A young person is entitled to JSA(IB) if the young person falls into one of the groups of people who would be entitled to IS but chooses to claim JSA instead¹. See **DMG Chapter 20** for guidance on IS conditions of entitlement.

1 JSA Regs, reg 61(1)(c)

30734 A young person who satisfies this condition is entitled to JSA(IB) for the period starting on the date of claim and ending on the earlier of¹

1. the day before the young person's 18th birthday **or**
2. the day before this condition is no longer satisfied.

1 JSA Regs, reg 61(2)(b)

30735 - 30739

Young person unable to register for work and training because of an emergency affecting the place where the young person has been specified to register

30740 A young person is entitled to JSA(IB) if the young person¹

1. is unable to register for work and training because of an emergency affecting the place where the young person has been specified to register **and**
2. has registered for work and training with the Jobcentre Plus office **and**
3. is not the subject of a Secretary of State's direction **and**
4. is entitled to JSA(IB)

4.1 during the CHB extension period **or**

4.2 at the end of the CHB extension period **or**

4.3 because the young person is a member of a couple and responsible for a child **or**

4.4 because the young person has chosen to claim JSA rather than IS and the young person would be entitled to IS.

1 JSA Regs, reg 61(1)(d) & 62(2)(a)

30741 A young person who satisfies this condition is entitled to JSA(IB) for the period starting with the date of registration at the Jobcentre Plus office and ending on the earlier of¹

1. the day the young person next has to attend the Jobcentre Plus office (see Volume 4, Chapter 20) **or**

2. the day the young person's JSA(IB) entitlement as in **DMG 30740 4.** would end.

1 JSA Regs, reg 61(2)(c)

30742 - 30746

Young person suffers hardship because of extra time taken to register for work and training with the person with whom the young person has been specified to register

30747 A young person is entitled to JSA(IB) if the young person¹

1. registers for work and training with the Jobcentre Plus office **and**

2. would suffer hardship because of the extra time it would take to register for work and training with the person with whom the young person has been specified to register **and**

3. is not the subject of a Secretary of State's direction **and**

4. is entitled to JSA(IB)

4.1 during the CHB extension period **or**

4.2 at the end of the CHB extension period **or**

4.3 because the young person is a member of a couple and responsible for a child **or**

4.4 because the young person has chosen to claim JSA rather than IS and the young person would be entitled to IS.

30748 A young person who satisfies this condition is entitled to JSA(IB) for the period starting with the date of registration at the Jobcentre Plus office and ending on the earlier of¹

1. five days after that date **or**
2. on the day after the day the young person registers with the place they have been specified to register with by the Secretary of State **or**
3. on the day the young person's JSA(IB) entitlement as in **DMG 30740 4.** would end.

1 JSA Regs, reg 61(1)(d)

30749 - 30753

Young person is to enlist in the armed forces

30754 Young people will be entitled to JSA(IB) if they¹

1. have accepted a firm offer of enlistment by one of the armed forces **and**
2. have an enlistment date not more than eight weeks after the offer was made **and**
3. are not in employment or training at the time the offer was made **and**
4. have never had a reduction to any JSA(IB) entitlement because
 - 4.1 the DM had reduced the severe hardship payment (see **DMG Chapter 34**) **or**
 - 4.2 the DM had reduced the amount of JSA(IB) payable because
 - 4.2.a of one of the sanctionable offences at **DMG Chapter 34** **or**
 - 4.2.b they have refused employment or neglected to avail themselves of employment without good cause **and**
5. have never been sanctioned because of
 - 5.1 leaving employment voluntarily without just cause **or**
 - 5.2 losing employment through misconduct.

1 JSA Regs, reg 61(1)(f)

30755 The DM should be satisfied that the offer of enlistment into one of the armed forces has been

accepted. Acceptance could be confirmed by

- 1.** asking the young person for a copy of the letter of acceptance **or**
- 2.** contacting the recruitment office that issued the written offer of a place.

30756 A young person who satisfies this condition is entitled to JSA(IB) for the period starting with the date of claim and ending on the earlier of¹

- 1.** the day before the young person is due to enlist **or**
- 2.** the day before the young person's 18th birthday.

1 JSA Regs, reg 61(2)(e)

30757 - 30760

Young person has limited capability for work

30761 A young person is entitled to JSA(IB) if the young person has limited capability for work¹.

1 WR Act 07, Part 1; JSA Regs, reg 61(1)(g)

30762 A young person who satisfies this condition is entitled to JSA(IB) for the period starting on the date of claim and ending on the earlier of¹

- 1.** the day before the young person's 18th birthday **or**
- 2.** the day before this condition is no longer satisfied.

1 JSA Regs, reg 61(2)(b)

30763 - 30769

Secretary of State directions - income based Jobseeker's Allowance 30771 - 30785

[Action by the Secretary of State 30770 - 30771](#)

[Young Person attending a Prince's Trust course or National Citizen Service \(NCS\) 30772 - 30773](#)

[Action by the DM following a Secretary of State direction 30774](#)

[Hardship 30775](#)

[Appeal Rights 30776 - 30785](#)

Action by the Secretary of State

30770 A young person is not excluded from receiving JSA(IB) if

1. that young person

1.1 has reached the age of 16 but not the age of 18 **and**

1.2 is not entitled to JSA or IS **and**

1.3 is registered for training but not being provided with any training **and**

2. the Secretary of State directs that the young person would suffer severe hardship if JSA(IB) was not paid¹.

1 JS Act 95, s 3(1)(f)(ii) & 16(1)

30771 The Secretary of State

1. will state the period that the direction applies for¹

2. has the power to revoke any direction²

3. has the power to reduce the amount of JSA(IB)³.

1 JS Act 95, s 16(2); 2 s 16(3); 3 s 17

Young Person attending a Prince's Trust course or National Citizen Service (NCS)

30772 A young person who attends a Prince's Trust course or NCS can continue to receive JSA if they fit into a prescribed group or have been awarded a severe hardship direction, as long as they continue to meet JSA conditions. A severe hardship direction should normally remain in place where the claimant is on a short NCS or Prince's Trust residential course, even though the degree of hardship may be reduced.

30773

Action by the DM following a Secretary of State direction

30774 Once the Secretary of State has directed that a young person is not excluded from receiving JSA(IB) the DM should decide

- 1.** if the other conditions of entitlement for JSA are satisfied (see Volume 4, **Chapter 20** and Volume 4, **Chapter 21**) and
- 2.** if **1.** is satisfied, the weekly amount of JSA.

There is no special rate for severe hardship cases. JSA(IB) should not be awarded for any day outside the period of the Secretary of State's direction.

Hardship

30775 A young person who is entitled to JSA(IB) because of a Secretary of State's direction may be entitled to a hardship payment if

- 1.** the young person is sanctioned **or**
- 2.** a question has been passed to the DM on the young person's
 - 2.1** availability **or**
 - 2.2** ASE **or**
 - 2.3** JSAg.

Appeal rights

30776 A young person can appeal against some DM's decisions, see Volume 3:

1. Annex D for decisions that are appealable

2. Annex E for decisions that are not appealable.

30777 - 30785

Jobseeker's Allowance applicable amounts 30786 - 30839

[Personal allowances for single young people 30787 - 30795](#)

[Personal allowance for couples and members of a polygamous marriage 30796 - 30839](#)

30786 The applicable amount for a young person is calculated in the usual way that is personal allowances, premiums, housing costs and TE. But there are special rules that allow for different rates of personal allowances.

Personal allowances for single young people

30787 From 7.4.08 the weekly rate for 16 to 17 year olds was abolished, so the rate payable for single claimants aged 16 to 17 and for 16 to 17 year old lone parents is the same as that paid to single 18 to 24 year olds¹.

1 JSA Regs, Sch 1, para 1(1) & (2)

30788 - 30795

Personal allowance for couples and members of a polygamous marriage

Members of couples

30796 The personal allowance for couples where both members are not yet 18 or, one of the couple is aged 18 or over depends on the couple's circumstances. A couple may be entitled to a

1. couple allowance (see **DMG 30806** and **30820**) or
2. single person's allowance (see **DMG 30811**, **30816** and **30823**).

Members of polygamous marriages

30797 Young people who are members of a polygamous marriage should be treated in the same way as those young people who are members of a couple. The DM should not allow an amount for the partner of a young person who is aged less than 18 unless that partner¹

1. is treated as responsible for a child or

2. would, as a single person, qualify for JSA(IB)

2.1 for any period in **DMG 30514** or

2.2 because of a Secretary of State's direction.

1 JSA Regs, reg 84(2)

30798 The DM should decide appropriate personal allowance for the young person and one partner. The partner chosen for this decision should be

1. any partner aged 18 or over **or**

2. if **1.** does not apply, any partner who satisfies **DMG 30797** **or**

3. if **1.** or **2.** does not apply, any partner.

30799 The applicable amount should include¹

1. personal allowances for the young person and the partner chosen as in **DMG 30798** **and**

2. personal allowances for each other partner that is the difference between

2.1 the higher rate for a couple (**DMG Chapter 23**) **and**

2.2 the rate for a single claimant aged 25 or over (**DMG Chapter 23**) **and**

3. any child or young person (**DMG Chapter 22**) **and**

4. any premium, housing costs or TE.

1 JSA Regs, reg 84(1)

30800 - 30805

Couple entitled to personal allowance for a couple where both members are aged less than 18

30806 A young person is entitled to this couple personal allowance if the young person is a member of a couple where both members are aged less than 18 and any of the following applies

1. one of the couple is treated as responsible for a child¹ **or**

2. had they not been a member of a couple each member would be entitled to JSA(IB) for any period in **DMG 30514**² **or**

3. had they not been a member of a couple³

3.1 the claimant would be entitled to JSA(IB) for any period in **DMG 30514 and**

3.2 the partner would be entitled to IS or ESA(IR), if claimed **or**

4. the couple are married⁴ or part of a civil partnership **and**

4.1 one member of the couple would be entitled to JSA(IB) for any period in **DMG 30514 and**

4.2 the other member is registered for work and training with a person specified by the Secretary of State (see **DMG 30576**) **or**

5. they are married or part of a civil partnership and each member of the couple would be entitled to JSA(IB) for any period in **DMG 30514**⁵ **or**

6. each member of the couple is the subject of a Secretary of State's direction⁶ **or**

7. one member is the subject of a Secretary of State's direction and the other member would be entitled to JSA(IB) for any period in **DMG 30514**⁷ **or**

8. one member is the subject of the Secretary of State's direction and the other member would be entitled to IS or ESA(IR) if claimed⁸.

1 JSA Regs, Sch 1, para 1(3)(a)(i); 2 para 1(3)(a)(ii); 3 para 1(3)(a)(iii); 4 para 1(3)(a)(iv);
5 para 1(3)(a)(iva); 6 para 1(3)(a)(v); 7 para 1(3)(a)(vi); 8 para 1(3)(a)(vii)

30807 - 30810

Couple entitled to 18 to 24 year old personal allowance

30811 The claimant will be entitled to this personal allowance if any of the following applies

1. the young person is a member of a couple where¹

1.1 both members are aged less than 18 and **DMG 30806** does not apply **and**

1.2 one member of the couple is in any of the circumstances that lead to entitlement to JSA(IB) during the CHB extension period, for example, estranged or orphaned **and**

1.2.a would be entitled to JSA(IB) for any period in **DMG 30514 or**

1.2.b is the subject of a Secretary of State's direction **or**

2. the young person is a member of a couple where²

2.1 both members are aged less than 18 **and**

2.2.1. above, **DMG 30806**, and **30816** do not apply **and**

2.3 one member of the couple is entitled to the lower rate DP (JSA) **or**

3. the claimant is a member of a couple where³

3.1 one member is aged 18 but not 25 **and**

3.2 the other member is aged less than 18 who

3.2.a would not be entitled to JSA(IB) as a young person **or**

3.2.b is not the subject of a Secretary of State's direction **and**

3.2.c is not entitled to IS or ESA(IR), if claimed.

1 SA Regs, Sch 1, para 1(3)(b); 2 para 1(3)(d); 3 para 1(3)(g)

30812 - 30815

Couple entitled to the appropriate single rate

30816 A young person is entitled to this personal allowance if the young person is a member of a couple where both members are aged less than 18 and¹

1. DMG 30806 and **30811** do not apply **and**

2. one member of the couple

2.1 would be entitled to JSA(IB) for any period in **DMG 30514** **or**

2.2 is the subject of a Secretary of State's direction.

1 JSA Regs, Sch 1, para 1(3)(c)

30817 - 30819

Couple entitled to personal allowance normally paid to couples where both aged 18 or over

30820 A claimant is entitled to this personal allowance if the claimant is a member of a couple where one member is aged 18 or over and the other member is aged less than 18 who is treated as responsible for a child¹.

1 JSA Regs, Sch 1, para 1(3)(e)

30821 A claimant is entitled to this personal allowance if the claimant is a member of a couple where one member is aged 18 or over and the other member is aged less than 18 who

- 1.** would be entitled to JSA(IB) for any period in **DMG 30514**¹ **or**
- 2.** is the subject of a severe hardship direction² **or**
- 3.** satisfies the conditions for being entitled to IS, or who would do so if he were not a member of a couple, other than the requirement to make a claim for it³ **or**
- 4.** satisfies the conditions for being entitled to ESA(IR) other than the requirement to make a claim for it⁴.

1 JSA Regs, Sch 1, para 1(3)(f)(i); 2 Sch 1, para 1(3)(f)(ii); 3 Sch 1, para 1(3)(f)(iii); 4 Sch 1, para 1(3)(f)(iv)

30822

Couple entitled to the single person aged 25 or over personal allowance

30823 A claimant is entitled to this personal allowance if the claimant is a member of a couple where one member is aged 25 or over and the other member is aged less than 18 who¹

- 1.** would not be entitled to JSA(IB) as a young person **or**
- 2.** is not the subject of a Secretary of State's direction **and**
- 3.** is not entitled to IS or ESA(IR) if claimed.

1 JSA Regs, Sch 1, para 1(3)(h)

30824 - 30839

Jobseeker's allowance - circumstances in which the personal allowance should be reduced 30840 - 30879

[Period of reduction 30841 - 30843](#)

[Amount of reduction 30844 - 30864](#)

[Reclaims 30865 - 30879](#)

30840 If a young person is

1. entitled to JSA(IB) for any period in **DMG 30514 and**
2. the subject of a sanction because of **DMG Chapter 34**

the young person's personal allowance is reduced.

Note: From 6.4.10 the reduction should also be applied where a young person has been sanctioned for failure to attend (see **DMG Chapter 20**).

Period of reduction

30841 The personal allowance is reduced for two weeks¹. After two weeks the young person is entitled to the full personal allowance².

1 JSA Regs, reg 68(1); 2 reg 68(5)

30842 If the young person reaches the age of 18 before the two week period ends, the young person is entitled to the full personal allowance from the 18th birthday¹.

1 JSA Regs, reg 68(1)

30843 The two week period starts on the first day of the benefit week after the DM decides that the young person should be sanctioned¹.

1 JSA Regs, reg 4 & 68(1)

Amount of reduction

Single young people and lone parents

30844 If the young person is single or a lone parent, JSA(IB) should be reduced by 40%¹ of the personal allowance included in the applicable amount. But if the young person or a member of the family is

1. pregnant or

2. seriously ill

JSA(IB) should be reduced by 20% of the personal allowance included in the applicable amount².

1 JSA Regs, reg 68(1); 2 reg 68(2)

Example

Wanda is a single young person entitled to JSA(IB) of £43.25 per week. The DM decides that she should be sanctioned and her JSA(IB) reduced for two weeks. Wanda is not pregnant or seriously ill. Her JSA(IB) is reduced by 40% of £43.25 (the personal allowance that is included in her applicable amount).

Couples

30845 If the young person is a member of a couple, the amount of the reduction depends on whether the young person or a member of their family is pregnant or seriously ill. Where

1. no-one is pregnant or seriously ill - reduce the JSA(IB) by 40% of the personal allowance that would have been payable if the young person had been single¹ **or**

2. the young person or a member of the family is pregnant or seriously ill - reduce their JSA(IB) by 20% of the personal allowance that would have been payable if the young person had been single².

1 JSA Regs, reg 68(1); 2 reg 68(2)

Example 1

Anthony is married to Charlotte. He is entitled to JSA(IB) of £65.30. Charlotte is pregnant. The DM decides that Anthony should be sanctioned and have his personal allowance reduced for two weeks. As Charlotte is pregnant the reduction is 20% of £43.25 (the personal allowance that would have been payable to Anthony if he had been single).

Example 2

Patrick is living with Graham who does not satisfy any of the conditions in **DMG 30806**. Patrick is

entitled to JSA(IB) of £43.25. The DM decides that Patrick should be sanctioned and his personal allowance reduced for two weeks. The reduction is 40% of £43.25 (the personal allowance that would have been payable to Patrick if he had been single).

Pregnancy

30846 The DM should be satisfied that a young person or any partner is pregnant before applying the 20% reduction. This condition is not satisfied if the young person or partner only thinks that she might be pregnant.

30847 If there are any doubts that the young person or partner is pregnant, written confirmation of the pregnancy should be requested, for example a certificate of the EWC.

30848 - 30849

Seriously ill

30850 The term "seriously ill" is not defined. It should be given its ordinary everyday meaning¹ of being an important or significant illness.

1 *Cozens v Brutus* [1972] 3 WLR 521; R(SB) 19/82; R(SB) 38/85

30851 Illnesses such as coughs or colds will not normally be serious. The DM should decide if an illness is serious for the person concerned.

30852 The DM should not consider whether a serious illness is likely to occur because of the 40% or 20% reduction.

30853 If there are any doubts that the young person or a member of the young person's family is seriously ill the young person should be asked to provide evidence from a doctor.

30854 If a young person or a member of the young person's family has limited capability for work, that person may be entitled to ESA

Note: If a young person's partner is seriously ill the DM will normally advise that person to claim ESA if that person has limited capability for work.

30855 A young person who is not capable of work does not satisfy the JSA conditions of entitlement. If a young person is seriously ill the DM should consider if the young person is capable of work.

30856 - 30859

Rounding of reduction

30860 The amount of the reduction should be rounded, where it is not a multiple of 5p, to the nearest 5p (2.5p being rounded down).

30861 - 30864

Reclaims

30865 If the young person's JSA claim terminates before the end of the two week period of reduction, the balance of the reduction should be made on any reclaim to JSA.

30866 If the young person reaches the age of 18 before the end of the period of reduction, the young person is entitled to the full personal allowance from the young person's 18th birthday¹.

1 JSA Regs, reg 68(4)

30867 If the claimant is aged 18 on the reclaim to JSA the claimant is entitled to the full personal allowance from the date of claim unless other sanctions prevent this¹.

1 JSA Regs, reg 68(4)

Example 1

Wanda is aged 16, she is in receipt of JSA(IB), her BWE day is a Wednesday. The DM decides on 14.1.97 that Wanda should be sanctioned and have her personal allowance reduced by 40% for two weeks. The reduction is effective from 16.1.97.

On 20.1.97 Wanda starts a YT course. JSA(IB) at the reduced rate is paid to 19.1.97. Her personal allowance has been reduced for four days.

On 7.3.97 Wanda reclaims JSA, she is still aged 16. She is entitled to JSA(IB) from 7.3.97. The DM decides that Wanda's personal allowance should be reduced by 40% from 7.3.97 to 16.3.97.

Example 2

Anthony is aged 17, he is in receipt of JSA(IB) for himself and his wife, Charlotte who is pregnant. His BWE

is a Monday. The DM decides on 11.2.97 that Anthony should be sanctioned and have his personal allowance reduced by 20% for two weeks. The reduction is effective from 18.2.97.

On 24.2.97 Anthony starts remunerative work. JSA(IB) at the reduced rate is paid to 23.2.97. His personal allowance has been reduced for six days.

On 5.5.97 Anthony reclaims JSA. He is now aged 18. His personal allowance should not be reduced to take account of the remaining days of his sanction.

30868 - 30879

Income support applicable amounts 30880 - 30889

30880 The applicable amount for a IS claimant aged 16 or 17 is calculated in the usual way, that is personal allowances, premiums, housing costs and TE. But there are special rules that allow for different rates of personal allowances. For premiums, housing costs and TE see **DMG Chapter 23**.

Personal allowances for single claimants aged less than 18

30881 From 7.4.08 the weekly rate for 16 to 17 year olds was abolished, so the rate payable for single claimants aged 16 to 17 and for 16 to 17 year old lone parents is the same as that paid to single 18 to 24 year olds¹.

1 IS (Gen) Regs, Sch 2, para 1(1) & (2)

30882 - 30889

Personal allowance for couples and members of a polygamous marriage 30890 - 30919

[Members of couples 30890](#)

[Members of polygamous marriages 30891 - 30897](#)

[Couple entitled to personal allowance for a couple where both members are aged less than 18 30898 - 30902](#)

[Couple entitled to 18 to 24 year old personal allowance 30903 - 30907](#)

[Couple entitled to the appropriate single rate personal allowance 30908](#)

[Couple entitled to personal allowance normally paid to couples where both aged 18 or over 30909](#)

[Couple entitled to the single person aged 25 or over personal allowance 30910 - 30919](#)

Members of couples

30890 The personal allowance for couples where both members are not yet 18 or, one of the couple is aged 18 or over depends on the couple's circumstances. A couple may be entitled to a

- 1.** couple allowance (see **DMG 30898** and **30909**) **or**
- 2.** single person's allowance (see **DMG 30903**, **30908** and **30910**).

Members of polygamous marriages

30891 Claimants who are members of a polygamous marriage should be treated in the same way as those claimants who are members of a couple. The DM should not allow an amount for a partner who is not yet 18 years old unless that partner¹

- 1.** is treated as responsible for a child **or**
- 2.** would, as a single person, be entitled to IS **or**
- 3.** would be entitled to JSA(IB) for any period in **DMG 30514** **or**
- 4.** is the subject of a Secretary of State's direction.

30892 The DM should decide the appropriate personal allowance for the claimant and one partner. The partner chosen for this decision should be

1. any partner aged 18 or over **or**
2. if 1. does not apply, any partner who satisfies **DMG 30891 or**
3. if 1. or 2. does not apply, any partner.

30893 The applicable amount should include¹

1. personal allowances for the claimant and the partner chosen as in **DMG 30892 and**
2. personal allowances for each other partner that is the difference between
 - 2.1 the higher rate for a couple (see **DMG Chapter 23**) and
 - 2.2 the rate for a single claimant aged 25 or over (see **DMG Chapter 23**) and
3. any child or young person (see **DMG Chapter 22**) and
4. any premium, housing costs or TE.

1 IS (Gen) Regs, reg 18(1)

30894 - 30897

Couple entitled to personal allowance for a couple where both members are aged less than 18

30898 A claimant is entitled to this personal allowance if the claimant is a member of a couple where both members are aged less than 18 and¹

1. one of the couple is treated as responsible for a child **or**
2. had they not been members of a couple each member would qualify for IS or ESA(IR) **or**
3. the claimant's partner would be entitled to JSA(IB)
 - 3.1 for any period in **DMG 30514 or**
 - 3.2 because the partner is the subject of an Secretary of State direction.

1 IS (Gen) Regs, Sch 2, para 1(3)(a)

30899 - 30902

Couple entitled to 18 to 24 year old personal allowance

30903 A claimant is entitled to this personal allowance if the claimant

1. is a member of a couple where¹

1.1 both members of the couple are aged less than 18 and **DMG 30898** does not apply **and**

1.2 one member of the couple satisfies the circumstances in **DMG 30904 1. to 2. or**

2. is aged 18 to 24 and the claimant's partner is aged less than 18 and the claimant's partner²

2.1 would not, if a single person, be entitled to IS or ESA(IR) **and**

2.2 would not be entitled to JSA(IB) as a young person **and**

2.3 is not the subject of an Secretary of State direction.

1 IS (Gen) Regs, Sch 2, para 1(3)(b); 2 para 1(3)(f)

30904 The circumstances referred to in **DMG 30903 1.2** are that the person¹

1. is

1.1 an orphan² (see **DMG 30610**) **or**

1.2 not in the parental home for certain reasons³ (see **DMG 30623**) **or**

1.3 living away from and unable to be supported by parents⁴ (see **DMG 30630**) **or**

1.4 of necessity living away from parents for certain reasons⁵ (see **DMG 30638**) **or**

2. was being looked after by an LA⁶ (see **DMG 30618**).

1 IS (Gen) Regs, Sch 2, para 1(1)(b); 2 para 1A(1)(a); 3 para 1A(1)(c); 4 para 1A(1)(d);

5 para 1A(1)(e); 6 para 1A(1)(b)

30905 - 30907

Couple entitled to the appropriate single rate personal allowance

30908 A claimant is entitled to this personal allowance if the claimant is a member of a couple and¹

1. both members of the couple are aged less than 18 **and**

2. DMG 30898 and **30903 1.** do not apply.

1 IS (Gen) Regs, Sch 2, para 1(3)(c)

Couple entitled to personal allowance normally paid to couples where both aged 18 or over

30909 A claimant is entitled to this personal allowance if one member of the couple is aged 18 or over and the other member is aged less than 18 who¹

- 1.** if not a member of a couple, is or would be, entitled to IS or ESA(IR) **or**
- 2.** would be entitled to JSA(IB) for any period in **DMG 30514 or**
- 3.** is the subject of a direction from the Secretary of State.

1 IS (Gen) Regs, Sch 2, para 1(3)(e)

Couple entitled to the single person aged 25 or over personal allowance

30910 A claimant is entitled to this personal allowance if

- 1.** the claimant is aged 25 or over **and**
- 2.** the claimant's partner is aged less than 18¹ **and**
 - 2.1** would not, if a single person, be entitled to IS or ESA(IR) **and**
 - 2.2** would not be entitled to JSA(IB) as a young person **and**
 - 2.3** is not the subject of a Secretary of State direction.

1 IS (Gen) Regs, Sch 2, para 1(3)(g)

30911 - 30919

Treatment of resources - income based jobseeker's allowance and income support 30920 - 30999

[Bridging allowance \(Wales only\) - JSA\(IB\) 30920 - 30924](#)

[Treatment of income of single claimants - JSA\(IB\) and IS 30925](#)

[Treatment of income of couples - JSA\(IB\) and IS 30926 - 30947](#)

[Treatment of capital 30948 - 30999](#)

Bridging allowance (Wales only) - JSA(IB)

30920 In Wales a young person may receive a bridging allowance while waiting for a YT place.

30921 This allowance is normally paid if the young person is not entitled to JSA(IB). But it can be paid to a young person

1. who is registered disabled **or**

2. after the CHB extension period if the young person

2.1 is discharged from custody and the young person's parents were entitled to CHB on the CHB terminal date **or**

2.2 has lost a job or YT place during the CHB extension period **or**

2.3 has recovered from an illness which stopped the young person taking a YT course or a job **or**

2.4 is a trainee affected by but not involved in a TD.

30922 Usually bridging allowance is treated as income and taken into account in full¹. But some couples have part of the bridging allowance disregarded.

1 JSA Regs, reg 103

30923 - 30924

Treatment of income of single claimants - JSA(IB) and IS

30925 A single claimant's income should be calculated and taken into account in the normal way¹.

Treatment of income of couples - JSA(IB) and IS

30926 Special rules apply to the treatment of income for certain couples and members of polygamous marriages where the claimant or partner is aged less than 18.

30927 The DM should not take any partner's income fully into account if JSA(IB) or IS is not paid for that partner. The amount that the DM should disregard depends on how the couple's personal allowance has been calculated¹. The DM should treat any remaining balance of the partner's income in the normal way. A further disregard may apply.

1 JSA Regs, reg 88(3); IS (Gen) Regs, reg 23(4)

30928 The claimant's income should be calculated and taken in account in the normal way.

30929 - 30932

Couple - both members aged less than 18

30933 Where both members of a couple are aged less than 18 the DM should disregard the amount of the partner's income that is the difference between the personal allowance for¹

1. couples where both members are less than 18 **and**
2. a single person aged less than 18.

1 JSA Regs, reg 88(3)(a); IS (Gen) Regs, reg 23(4)(a)

Example

Mark is aged 17, he claims JSA. He has a partner, Esther, who is aged 16. The DM decides that Mark is entitled to JSA(IB) of £64.45 per week.

Esther starts working 14 hours per week, she earns £40 per week.

The DM decides that

1. £31.55 (£64.45 - £32.90) should be disregarded immediately **and**
2. the balance of £8.45 is subject to the normal £10 earnings disregard.

30934 - 30936

Couple - one member aged less than 18, other member aged 18 to 24

30937 Where one member of a couple is aged less than 18 and the other member is aged 18 but not 25 the DM should disregard the amount of the partner's income that is the difference between the personal allowance for¹

- 1.** couples where both members are aged 18 or over **and**
- 2.** a single person aged 18 to 24.

1 JSA Regs, reg 88(3)(b); IS (Gen) Regs, reg 23(4)(b)

Example

Andy is aged 19, he is in receipt of IS at £32.90 per week. Andy declares that he now has a partner, Alison. Alison is aged 17 and on a YT course, she receives £35 per week training allowance.

The DM decides that

- 1.** Andy is still entitled to a personal allowance of £32.90 per week **and**
- 2.** no income is to be taken into account on Andy's claim. This is because £52.85 (£85.75 - £32.90) is the amount that can be disregarded immediately. The YT allowance is £35, therefore no income is to be taken into account.

30938 - 30940

Couple - one member aged less than 18, other member aged 25 or over

30941 Where one member of a couple is aged less than 18 and the other member is aged 25 or over the DM should disregard the amount of the partner's income that is the difference between the personal allowance for¹

- 1.** couples where both members are aged 18 or over **and**
- 2.** a single person aged 25 or over.

1 JSA Regs, reg 88(3)(b); IS (Gen) Regs, reg 23(4)(b)

Example

Karen is aged 26, she claims JSA. Karen has a partner, George, who is aged 17 and on a YT course receiving £35 per week training allowance. The DM decides that

- 1.** Karen is entitled to a personal allowance of £54.65 per week **and**

2. income of £3.90 should be taken into account on Karen's claim. This is because £31.10 (£85.75 - £54.65) of the YT allowance should be disregarded immediately, the balance of £3.90 is to be taken into account.

30942 - 30943

Partner is member of a polygamous marriage

30944 If a partner

- 1.** is aged less than 18 **and**
- 2.** is a member of a polygamous marriage **and**
- 3.** has no amount allowed in the calculation of the personal allowance

a special disregard applies to any income that the partner receives.

30945 The amount of the partner's income that the DM should disregard is the difference between the personal allowance for¹

- 1.** a couple where both members are aged 18 or over **and**
- 2.** a single person aged 25 or over.

1 JSA Regs, reg 88(5); IS (Gen) Regs, reg 23(5)

Example

Hussain claims IS. He is a member of a polygamous marriage and has three wives. Fatima is aged 24, Parveen is aged 23 and Yasmin is aged 16. Yasmin works 15 hours per week and earns £35.

The DM decides

- 1.** Hussain is entitled to £85.75 personal allowance for himself and Fatima. He is also entitled to £31.10 (£85.75 - £54.65) for Parveen (see DMG 30799). No personal allowance is payable for Yasmin **and**
- 2.** no income is to be taken into account on Hussain's claim. This is because £31.10 (£85.75 - £54.65) of the £35 wages can be disregarded immediately. The balance of £3.90 is subject to the normal earnings disregard of £10, therefore no income is to be taken into account.

30946 - 30947

Treatment of capital

30948 The capital of the

1. claimant **and**

2. partner

should be taken into account in the normal way.

30949 - 30999

Appendix 1 - Common courses of study

BTECs

BTEC First Certificates and Diplomas

This is normally a one year programme and is considered equivalent to several GCSEs - the Certificate is usually studied P/T and the Diploma full-time.

BTEC National Certificates and Diplomas

This is normally a two year course and is considered equivalent to 2 or 3 A levels - the Certificate is usually studied P/T and the Diploma full-time.

BTEC Higher National Certificates and Diplomas

This is normally a two year course and is considered equivalent to a degree - the Certificate is usually studied P/T and the Diploma full-time.

GNVQs and NVQs

These are work-related qualifications introduced in 1993. They are gradually replacing existing BTEC qualifications in selected subjects. BTEC Firsts will be replaced by BTEC Intermediate, GNVQs and BTEC Nationals by BTEC Advanced GNVQs. NVQs/SVQs relate to existing qualifications as shown below

SVQ/NVQ level 2 = Intermediate GNVQ, BTEC and GCSEs

SVQ/NVQ level 3 = Advanced GNVQ, BTEC Nationals and A levels

SVQ/NVQ level 4 = BTEC Higher Nationals and Degrees.

Appendix 2 - Student Disregards

Disregards

The amount to be deducted from the students loan for books and equipment and travelling is¹

	04/05	05/06	06/07	07/08	08/09	Since 09/10
	£	£	£	£	£	£
Books and equipment	343	352	361	370	380	390
Travelling expenses	275	280	285	290	295	303

1 JSA Regs, reg 136(5); IS (Gen) Regs, reg 66A(5)

Extra disregard

The amount to be deducted from a student's grant income where the student does not have a student loan and is not treated as having a student loan is¹

	04/05	05/06	06/07	07/08	08/09	Since 09/10
	£	£	£	£	£	£
Books and equipment	343	352	361	370	380	390
Travelling expenses	275	280	285	290	295	303

1 JSA Regs, reg 131(3); IS (Gen) Regs, reg 62(2A)

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