

Freedom of Information request 794/2014

Received 19 February 2014

Published

Information request

Please confirm in which situation a full time student may claim income based JSA, and whether the advice given by Leicester is correct.

Please email the law link, when a full time student may claim specifically income based JSA, and whether a job seeker who receives DLA is eligible also to claim an income based JSA if a job seeker is a full time student.

Which legislation rules are specifying about the how the study hours must be counted? Is the advice correct attached with this email?

DWP response

The majority of full-time students are not entitled to benefits as a means of supporting themselves whilst studying. This is because primary financial support for students comes from the educational maintenance system, which is designed for their needs, unlike the social security system. Income-based Jobseeker's Allowance (JSA) continues to be available to certain students in vulnerable groups, including disabled students and students who are responsible for a child of qualifying age. In addition, partners of students, who are not full-time students themselves, may claim benefits on behalf of the couple, providing they satisfy the relevant criteria, as may part-time students. Please see regulation 15(2) and (3) of the [Jobseeker's Allowance Regulations](#) (SI 1996/207).

In JSA legislation, there are different rules for deciding whether a course is part-time or full-time, depending on whether or not the course is government funded ("government-funded" means, in England, funded by the Secretary of State for Education or the Chief Executive of Skills Funding.)

Government-funded courses which involve more than 16 guided learning hours per week are defined as full-time.

Non-Government-funded courses are defined as full-time if they are described as such by the provider. Therefore, it is possible for a course to be full-time even if the number of guided learning hours per week is less than 16.

Regulation 1 of the Jobseeker's Allowance Regulations defines full-time course of advanced education. Please click on the link above.

The fact that a claimant is in receipt of Disability Living Allowance has no bearing on a student's entitlement to JSA. However, full-time students who have limited capability for work may be eligible for Employment and Support Allowance if they are in receipt of Disability Living Allowance.

The advice given on the eligibility for JSA by the University of Leicester is correct.