

Freedom of Information request 912 & 913/2014

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Information request

You advised that full time study which is less than 16 hours will not be treated a full time study, in which circumstances, The course in subject is a foundation degree course funded by Student finance.

Please advise whee I can ad about the following sentence, how to claim income related ESA, and what does it mean that the full time student will be eligible to claim income related ESA by virtue of the fact a person is entitled to disability living allowance?

Where in the law is written so? Is this rule applicable for people who are studying higher education course- fnd?

DWP response

The information relating to assessing a person's possible entitlement to Employment and Support Allowance according to his or her individual circumstances, can be found in the Employment And Support Allowance regulations (ESA regulations) at www.dwp.gov.uk/docs/a13-5101.pdf, and in the Welfare Reform Act 2007 (WRA 2007) at www.dwp.gov.uk/docs/a13-0101.pdf. As regards the issue of education and DLA entitlement, see Schedule 1, paragraph 6(1)(g) of the WRA 2007, and regulations 14 and 18 of the ESA regulations. Further guidance and explanation regarding students, hours studying, and the effect on ESA entitlement can be found by consulting volume 8, Chapter 41 of the Decision Makers guide at www.gov.uk/government/publications/decision-makers-guide-vols-8-and-9-employment-and-support-allowance-staff-guid

Whether or not a person is in full time education is a question of fact to be determined on the circumstances of each case.