

Freedom of Information request 896/2014

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Information request

I would like to receive information about relevant law, which describes circumstances when a person may claim income based JSA, and housing benefits if a person would like to become a full time student.

Please take into account also the following: a full time study stated by the college, less than 16 hours, Foundation degree, study is for my work. I am a self employer homeworking seller, and I am on DLA(mental health disability).

Do I have to be transferred to a different benefits by my own request or by my doctor request?

Do I have to leave JSA income based if I would like to become a full time student?

And DLA?

DWP response

The information relating to assessing a person's possible entitlement to Jobseeker's Allowance, according to his or her individual circumstances, can be found in the Jobseeker's Allowance Regulations 1996 www.legislation.gov.uk/ukxi/1996/207. Further guidance and explanation regarding students and JSA can be found by consulting volume 6, Chapter 30 of the Decision Makers Guide at www.gov.uk/government/publications/decision-makers-guide-vols-4-5-6-and-7-jobseekers-allowance-and-income-support-staff-guide.

Jobseeker's Allowance is designed to support people whilst they are unemployed and looking for work. To be eligible, jobseekers must therefore be available for immediate employment of, normally, at least 40 hours a week and to undertake steps to actively seek employment each week. Claimants that do not satisfy these requirements in any week are not entitled to Jobseeker's Allowance. The vast majority of full-time students are not entitled to benefits as a means of supporting themselves while studying. This is because primary financial support for students comes from the educational maintenance system, which is designed to meet their needs, unlike the Social Security system. For Jobseeker's Allowance purposes, whether or not a

person is in full time education is a question of fact to be determined on the circumstances of each case.

People who wish to study part-time while receiving JSA may do so but must be available for immediate employment of, normally, at least 40 hours a week and to undertake steps to actively seek employment each week. In order to determine their availability, they may be required to provide information about their course and state whether they are prepared to give it up to take a job, and must continue to attend regularly at the Jobcentre Plus office. These arrangements are in place to ensure that jobseekers focus on looking for work as their main activity and also to ensure that full-time further and higher education students do not use Jobseeker's Allowance for personal support.

Jobsearch activities carried out by participants on part-time, employment-related courses can contribute towards satisfying the actively seeking employment condition and form part of the Jobseeker's Agreement. The time spent studying may be taken into account when deciding whether a person has taken reasonable steps to find work. However, a Jobseeker's Allowance claimant must be willing to give up the part time study course if they are offered full-time employment. Otherwise, the claimant would be deemed as not being available for full-time work and their benefits would be affected.

We have the current approach in place as we believe it maintains a balance between enabling unemployed people to have access to training opportunities while keeping claimants close to the labour market.