

# ADM A2: Claims

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# Introduction A2001 - A2002

## Introduction

A2001 This chapter is about decision making on claims for

**1.** UC

**2.** PIP

**3.** new style JSA (hereafter referred to as JSA)

**4.** new style ESA(hereafter referred to as ESA).

**Note 1:** ADM Chapter S8 contains guidance on the meaning of new style JSA and ADM Chapter V8 contains guidance on the meaning of new style ESA.

**Note 2:** Guidance on claims for benefits not listed above is in DMG Chapter 02.

**Note 3:** The guidance came into effect<sup>1</sup> from 8.4.13 for PIP and from 29.4.13 for UC, JSA and ESA.

[1 UC, PIP, JSA & ESA \(C&P\) Regs, reg 1\(2\) & 1\(3\)](#)

## National insurance credits

A2002 DWP is responsible for making decisions on NI credits. Because the method of claiming or applying for them is not the same as it is for benefits, information about them is contained in the relevant operational guides.

## Definitions A2003 - A2016

[Appropriate Office](#) A2003

[Assessment Period](#) A2004

[Benefit](#) A2005 - A2007

[Claimant](#) A2008

[Couple](#) A2009

[Earned income](#) A2010

[Electronic communications](#) A2011

[Partner](#) A2013

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A2003 “Appropriate Office” means<sup>1</sup>

**1.** an office of DWP **or**

**2.** any other place designated by the Secretary of State in relation to any case or class of case as a place to, or at which, any claim, notice, document, evidence or other information may be sent, delivered or received, including a postal address specified for that purpose **or**

**3.** in the case of a person who is authorised or required to use an electronic communication for any purpose, an address to which such communications may be sent in accordance with prescribed regulations<sup>2</sup>.

**Note:** Where an individual office or address has been specified e.g. for PIP then this is where correspondence must be sent.

1 [UC, PIP, JSA & ESA \(C&P\) Regs, reg 2](#); 2 [Sch 2](#)

A2004 “Assessment Period” means a period as defined in prescribed legislation<sup>1</sup> see ADM Chapter E2.

1 [UC, PIP, JSA & ESA \(C&P\) Regs, reg 2](#); [UC Regs, reg 21](#)

A2005 “Benefit” means UC, PIP, ESA or JSA<sup>1</sup>.

A2006 – A2007

A2008 “Claimant” means for

1. UC<sup>1</sup>, a single claimant or each of joint claimants
2. PIP<sup>2</sup>, a person who has made a claim or is entitled to PIP
3. JSA<sup>3</sup>, a person who claims JSA
4. ESA<sup>4</sup>, a person who has claimed ESA.

[1WR Act 12, s 40](#); [2 Part 4, PIP \(Regs\) 2013, reg 2](#); [3 JS Act 95, s 35\(1\)](#); [4 WR Act 07, s 24\(1\)](#)

A2009 “Couple” means<sup>1</sup>

1. two people who are married to, or civil partners of, each other and are members of the same household  
**or**
2. two people who are not married to, or civil partners of, each other but are living together as if they were a married couple or civil partners.

**Note:** For guidance on “living together” See ADM Chapter E4.

1 [WR Act 12, s 39](#)

A2010 “Earned income” means<sup>1</sup> remuneration or profits derived from

1. employment under a contract of service or in an office, including elective office **or**
2. a trade, profession or vocation **or**
3. any other paid work **or**
4. any income treated as earned income under prescribed legislation<sup>2</sup>.

1 [UC Regs, reg 52](#); 2 [Chapter 2](#)

A2011 “Electronic communications” means<sup>1</sup> a communication transmitted (whether from one person to another, from one device to another or from a person to a device or vice versa) by

1. means of an electronic communications network **or**
2. other means but while in an electronic form.

[1 UC, PIP, JSA & ESA \(C&P\) Regs, reg 2; Electronic Communications Act 2000, s 15\(1\)](#)

A2012

A2013 “Partner” means one of a couple<sup>1</sup>.

[1 UC, PIP, JSA & ESA \(C&P\) Regs, reg 2](#)

A2014 - A2015

A2016 “Writing” includes writing produced by means of an electronic communication<sup>1</sup>.

[1 UC, PIP, JSA & ESA \(C&P\) Regs, reg 2 & Sch 2](#)

## **Making a claim A2017 - A2024**

[General Requirement to make a claim](#) A2017 - A2018

[Considering the claimant's entitlement down to the date of decision](#) A2019 - A2020

[Staying a decision](#) A2021

[Circumstances where a claim for UC is not required](#) A2022 - A2023

[Circumstances when a claim for ESA is not required](#) A2024

### **General requirement to make a claim**

A2017 [\[See Memo ADM 03/25\]](#) In general, it is a condition of entitlement to benefit that a claim is made, or is treated as made, in the time and manner specified for that benefit in the regulations<sup>1</sup>. If this condition is not satisfied there is no entitlement to benefit. It is not necessary for the other conditions of entitlement to be considered. There are some instances when a claim is not required for UC or ESA<sup>2</sup>, see A2022 to A2024.

1 [SS Act 92, s 1\(1\)](#); 2 [UC, PIP, JSA & ESA \(C&P\) Regs, reg 6, 7, 9\(6\) & 9\(7\)](#)

A2018 A claim ceases to exist once it has been decided by the DM<sup>1</sup>. If a claim is disallowed the decision disallowing it cannot be superseded because of a change in circumstances which occurred after the decision. A further claim may be made as a result of the change of circumstances<sup>2</sup>. Further details about the finality of decisions are in ADM Chapter A1. Further details about supersession are in ADM Chapter A4.

1 [SS Act 98, s 8\(2\)\(a\)](#); 2 [s 8\(2\)\(b\)](#)

### **Considering the claimant's entitlement down to the date of decision**

A2019 [\[See Memo ADM 10/20\]](#) A claim for a future period continues to run until it is decided by the DM<sup>1</sup>. When giving a decision on the claim, the DM must consider the claimant's entitlement for each day in the period starting with the first day claimed for and ending with the date of the DM's decision. This may mean that further information should be obtained from the claimant to ensure that there has been no further change of circumstances since the claim was made.

1 [SS Act 98, s 8\(2\)\(a\)](#)

A2020 If the claimant is entitled to benefit for any day in that period, benefit should be awarded. This is so even if the claimant later ceased to be entitled. If the claimant is entitled to benefit on the date of the

DM's decision, a definite or indefinite period award for the future should be made, as appropriate. PIP awards are made for a fixed term unless it is considered that a fixed term award is inappropriate.

## Staying a decision

A2021 The DM has no power to leave a valid claim undecided but in some circumstances the DM may stay making a decision. Staying means that the DM does not have to make a decision (or may make a restricted decision) in cases which may be affected by the outcome of an appeal to the courts in another case which has yet to be decided<sup>1</sup>. Further details about staying are in ADM Chapter A5.

1 [SS Act 98, s 25](#)

## Circumstances where a claim for UC is not required

A2022 A claim for UC is not required<sup>1</sup> when

- 1.** a decision is made as a result of a change of circumstances, whether as originally made or revised, that the person is not entitled to UC in cases where but for the receipt of earned income they would have continued to be entitled to an amount of UC **and**
- 2.** at the date of notification to an appropriate office of the change of circumstances referred to in A2022 **1.** the person was in receipt of earned income **and**
- 3.** not more than 6 months have elapsed since the last day of entitlement to UC **and**
- 4.** the person provides such information as to their income at such times as may be required and the DM is satisfied that the claimant has provided such information as may be required to determine whether an award may be made and if so the amount **and**
- 5.** since the last day of entitlement to UC the person's circumstances have changed such that, if the person were entitled to UC, the amount payable would not be less than the minimum amount of UC under prescribed legislation<sup>2</sup>.

**Note:** This only applies to Live Service claimants.

1 UC, PIP, JSA & ESA (C&P) Regs, reg 6(1); 2 [UC Regs, reg 17](#)

### Example 1

David's award of UC ends because his earnings increase. 4 months later his earnings decrease so that a new award of UC can be made. No claim is required.

### Example 2

Jackie's award of UC ended because a child for who she had responsibility left the benefit unit. Jackie had income from employment at this time. Four months after her award ended she notifies the department that the child has re-joined the benefit unit. The new award of UC starts from the first day of the assessment period in which the child re-joined the benefit unit. No new claim is required.

A2023 A claim for UC is also not required<sup>1</sup> where

- 1.** a claim to UC has been made and a decision is made, whether as originally made or revised, that they are not entitled to UC in cases where but for the receipt of earned income they would have been entitled to an amount of UC **and**
- 2.** at the time the decision in A2023 **1.** was made the person was in receipt of earned income **and**
- 3.** not more than 6 months have elapsed since the date of the claim **and**
- 4.** the person provides information as to their earned income at such times as may be required and the DM is satisfied that the claimant has provided such information as may be required to determine whether an award may be made and if so the amount **and**
- 5.** their circumstances change such that if they were entitled to UC the amount payable would not be less than the minimum amount under prescribed legislation<sup>2</sup>.

**Note:** This only applies to Live Service claimants.

1 UC, PIP, JSA & ESA (C&P) Regs, reg 6(2); 2 [UC Regs, reg 17](#)

## **Circumstances when a claim for ESA is not required**

A2024 A person may be entitled to ESA without having to make a claim<sup>1</sup> where

- 1.** the claimant has made and is pursuing an appeal against a decision that embodies a determination that they do not have LCW **and**
- 2.** the appeal relates to a decision to terminate or not to award ESA for which a claim was made.

**Note:** If a pending appeal award made without a claim is terminated a claim is required in order to establish further entitlement to ESA.

1 [UC, PIP, JSA & ESA \(C&P\) Regs, reg 7](#)



## Making a claim for UC A2025 - A2028

A2025 A claim may be made for UC by a single person or members of a couple jointly<sup>1</sup>. Unless A2027 applies, a claim for UC must be made by means of an electronic communication as set out in Appendix 1 to this Chapter and completed in accordance with any instructions given by the Secretary of State<sup>2</sup>.

**Note:** An electronic claim for UC is not made when relevant information to the claim is delivered to the online system during the process of claim. It will be made when the electronic claim is submitted.

1 [WR Act 12 s 2](#); 2 [UC, PIP, JSA & ESA \(C&P\) Regs, reg 8\(1\)](#)

A2026 A claim for UC made electronically is defective if it is not completed in accordance with any instructions of the Secretary of State<sup>1</sup>.

**Note:** Notification to the claimant that a claim is defective will be in writing. This includes electronic notification. However, due to the design of the online system, it will be difficult in practice to make an electronic defective claim for UC

1 [UC, PIP, JSA & ESA \(C&P\) Regs, reg 8\(3\)](#)

A2027 A claim to UC may be made by telephone call to a telephone number specified by the Secretary of State

1. if the claim falls within a class of case for which the Secretary of State accepts telephone claims **or**
2. where in any other case the Secretary of State is willing to do so<sup>1</sup>.

A claim so made is properly completed if all the information required to determine the award is provided during the call and defective if not<sup>2</sup>.

**Note:** Telephone claims will be accepted from claimants who do not have access to or cannot use a computer.

1 [UC, PIP, JSA & ESA \(C&P\) Regs, reg 8\(2\)](#); 2 [reg 8\(4\)](#)

A2028 If a defective claim to UC is made then the claimant must be informed of the defect(s) and the effect on the date of claim<sup>1</sup>. The claim is treated as properly made in the first instance if in the case of

1. a telephone claim, the person corrects the defect **or**

**2.** an electronic claim, a claim completed in accordance with any instruction of the Secretary of State is received in an appropriate office

within one month or such longer period as the Secretary of State may consider reasonable from the date on which the claimant is first informed of the defect<sup>2</sup>.

1 [UC, PIP, JSA & ESA \(C&P\) Regs, reg 8\(5\) & reg 10](#); 2 [reg 8\(6\)](#)

## Claims to UC by members of a couple A2029 - A2037

A2029 Where a claimant is a member of a couple and may make a claim to UC as a single person under prescribed legislation<sup>1</sup> but instead makes a claim for UC jointly then that claim is to be treated as a claim made by that person as a single claimant<sup>2</sup>.

1 [UC Regs, reg 3\(3\)](#); 2 [UC, PIP, JSA & ESA \(C&P\) Regs, reg 9\(1\)](#)

A2030 A claim to UC made jointly by a member of a polygamous marriage who is not a party to the earliest marriage in the polygamous marriage is to be treated as a claim made by that member as a single person<sup>1</sup>. This applies where the other party to the polygamous marriage lives in the same household. A polygamous marriage is a marriage where a party to it is married to more than one person and took place in a country which permits polygamy<sup>2</sup>.

1 [UC, PIP, JSA & ESA \(C&P\) Regs, reg 9\(2\)](#); 2 [reg 9\(3\)](#)

### Example 1

Abdul and Fatima make a joint claim to UC. Fatima is Abdul's second wife. Abdul's first wife, Abida also lives in the same house. The claim to UC is treated as a claim to UC by Fatima as a single person. In order to become entitled to UC Abdul has to make a fresh claim to UC.

### Example 2

Abdul and Fatima make a joint claim to UC. Fatima is Abdul's second wife. Abdul's first wife, Abida lives in Pakistan. The claim to UC is a joint claim to UC for Abdul and Fatima.

A2031 A claim made by members of a couple as single persons may be treated as a claim made jointly by the couple where it is determined that they are a couple<sup>1</sup>.

1 [UC, PIP, JSA & ESA \(C&P\) Regs, reg 9\(4\)](#)

### Example

Jackie and Colin both make claims to UC as single claimants. However, the DM determines that they are a couple and treats the claims as a joint claim made to UC.

A2032 Where a DM considers that one member of a couple is unable to make a joint claim with the other member of that couple, the other member of the couple may claim jointly for both of them<sup>1</sup>.

1 [UC, PIP, JSA & ESA \(C&P\) Regs, reg 9\(5\)](#)

## Example

David and Jane are members of a couple. Jane is currently undergoing a short spell in hospital following surgery. The DM determines that Jane cannot make a joint claim with David and so David claims jointly for both of them.

A2033 Where an award of UC to joint claimants is terminated because they cease to be a couple then no claim to UC is required by the member of the former couple who

1. does not notify that they have ceased to be a couple where the other former member of the couple has already so notified **or**
2. is the second of them to notify that they have ceased to be a couple.

1 [UC, PIP, JSA & ESA \(C&P\) Regs, reg 9\(6\)](#)

**Note:** This only applies to Live Service claimants. For Digital Service claimants the regulation is modified so that

Where an award of UC to joint claimants is terminated because they cease to be a couple an award of UC may be made without a claim to either or each one of them

1. as a single person **or**
2. if either of them has formed a new couple with a person who is already entitled to UC, jointly with that person.

## Example – Live Service claimants

Tom and Katie are entitled to UC as a couple. Their assessment period is the 3rd of the month to the 2nd of the following month. They cease to be a couple on 27 November. Tom rings up to notify DWP of this on that date. The DM terminates the award of UC from the first day of the assessment period in which this change occurs – namely 3 November. Tom must make a new claim to UC as a single person. He makes a claim by telephone and is awarded UC from 3 November (he will be advised when he rings up about backdating so that he does not lose out financially). Katie is awarded UC from 3 November as a single claimant. She does not have to make a claim. Her award of UC is suspended until her circumstances are confirmed.

A2034 Where awards of UC to single claimants are terminated because they form a couple who are joint claimants, an award of UC may be made without the need for a claim<sup>1</sup>. The new assessment period can be nominated by the claimant or if they fail to nominate one, the one which the DM determines<sup>2</sup>.

1 [UC, PIP, JSA & ESA \(C&P\) Regs, reg 9\(7\)](#); 2 [UC Regs, reg 21\(4\)](#)

## Example

Dave, a single claimant, is in receipt of UC. His first assessment period started on 7 June. He becomes a member of a couple when he moves in with Poppy on 28 August. Poppy is also in receipt of UC. Her assessment period runs from the 14th of the month. Dave's award of UC is terminated from 7 August. Poppy's award of UC is terminated from 14 August. An award of UC is made to Dave and Poppy without the need for a claim. The joint award takes effect from 7 August as this is the date nominated by them (see ADM Chapter E2 regarding the date of nomination for the start of the new award).

A2035 A couple who are joint claimants are to be treated as making a claim for UC where

- 1.** one of them was entitled to UC as a single person and ceased to be entitled on becoming a member of the couple **and**
- 2.** that claimant formed the couple with another person who did not previously have an award of UC as a single person before formation of the couple<sup>1</sup>.

In these cases the claim is to be treated as made on the day after the person mentioned at paragraph 1. ceased to be entitled to UC

[1 UC, PIP, JSA & ESA \(C&P\) Regs, reg 9\(8\)](#)

**Note:** This only applies to Live Service claimants. For Digital Services claimants the regulation is modified so that

A couple who are joint claimants are to be treated as making a claim for UC where

- 1.** one of them ceased to be entitled to an award of UC (whether as a single person or as a member of a different couple) on the formation of that couple **and**
- 2.** the other member of the couple did not have an award of UC as a single person before formation of the couple.

In these cases the claim is treated as made on the day after the member of the couple mentioned in **1.** Ceased to be entitled to UC.

### **Example – Live Service claimants.**

Bertram is in receipt of UC. His assessment period runs from the 12th of each month. He moves in with Clarice on 27 June and contacts the Department to say that he is now part of a couple with Clarice. His award as a single claimant is terminated. Clarice was not previously in receipt of UC. The DM treats this contact as a claim for UC jointly between Bertram and Clarice. The date of the new joint claim is 12 June. The assessment period for this claim still runs from 12 June to 11 July<sup>1</sup>. The first payment of UC will be made at the end of this AP.

[1 UC Regs, reg 21\(3\)](#)

A2036 Where a claim is not required as described in A2032 and A2033 a claimant and every person by whom or on whose behalf UC is receivable must furnish in such manner and at such times as may be determined such information or evidence in connection with the formation or dissolution of the couple<sup>1</sup>.

<sup>1</sup> [UC, PIP, JSA & ESA \(C&P\) Regs, reg 9\(9\)](#)

A2037 A claim to UC does not have to be made<sup>1</sup> by a single person in circumstances where a joint award has ended because of the death of the other member of the couple. In these cases the award of UC will continue as if the person had not died for the assessment period in which the death occurs and the following two assessment periods. An award of UC can be made to the single person at the end of this period without the need for a claim.

<sup>1</sup> [UC, PIP, JSA & ESA \(C&P\) regs, reg 9\(10\); UC Regs, reg 37](#)

### **Example**

Patrick and Ann are awarded UC jointly. The first assessment period runs from 21 January. On 12 March Ann dies. Patrick continues to receive UC at the joint claimant rate for the assessment periods starting 21 February, 21 March and 21 April. An award of UC to Patrick at the single claimant rate is made from 21 May without the need for a claim.

## Date of claim for UC A2038 - A2050

[Date of claim for UC A2038 - A2039](#)

[Time limit for claiming UC A2040 - A2047](#)

[Advance claims to UC A2048 - A2049](#)

[Reclaims of UC after a nil award due to earnings A2050](#)

## Date of claim for UC

A2038 The date on which a claim for UC is made is

- 1.** for a claim made electronically, the date on which the claim is received in an appropriate office<sup>1</sup> **or**
- 2.** for claims made electronically where the claimant receives assistance at home or at an appropriate office (either from the Secretary of State or a person providing services to the Secretary of State), the date of first notification of a need for assistance<sup>2</sup> (see example below) **or**
- 3.** for a claim made by telephone, the date on which the claim is properly completed<sup>3</sup> **or**
- 4.** where the Secretary of State is unable to accept a telephone claim on the date of first notification of intention to claim, the date of first notification, provided a properly completed claim is made by telephone within one month of that date<sup>4</sup> **or**
- 5.** the first day in respect of which the claim is made, if later than **1, 2, 3** or **4**

**Note:** A claim for UC can **only** be made by telephone if it falls within a class of case for which the Secretary of State accepts claims made in this way

1 [UC, PIP, JSA & ESA \(C&P\) Regs, reg 10\(1\)\(a\)](#); 2 [reg 10\(1\)\(b\)](#); 3 [reg 10\(1\)\(c\)](#); 4 [reg 10\(1\)\(d\)](#)

### Example

Sanjay contacts his local Jobcentre Plus office on 1 June to say that because of difficulties speaking English he requires assistance with making a claim to UC on-line. Sanjay is invited into the office where he will receive assistance with making a claim by a member of staff who speaks his language. Sanjay attends on the 10 June and successfully makes his claim. The date of claim to UC is 1 June.

A2039 In the case of a defective claim, the date of claim is the first date on which the defective claim is

received or made but is treated as properly made in the first instance<sup>1</sup>.

[1 UC, PIP, JSA & ESA \(C&P\) Regs, reg 10\(2\)](#)

## Time limit for claiming UC

A2040 The prescribed time for claiming UC is the first day of the period in respect of which the claim is made<sup>1</sup>.

[1 UC, PIP, JSA & ESA \(C&P\) Regs, reg 26\(1\)](#)

A2041 The extent to which the DM must investigate and decide the claimant's entitlement in respect of the period before the date of claim depends on the facts of the case.

If, before the claim is decided, the claimant

**1.** says that they wish to have UC for any period before the date of claim, the DM should

**1.1** investigate whether the time for claiming for any part of that period can be extended **and**

**1.2** if the time for claiming can be extended, investigate whether the remaining conditions of entitlement are met for that period **and**

**1.3** give a decision on the claimant's entitlement for the whole period as part of the initial decision on the claim

**2.** does not say that they wish to have UC for any period before the date of claim, the DM should follow the steps in **1.1**, **1.2** and **1.3** if

**2.1** they say something that suggests that there may have been a delay in claiming **or**

**2.2** there is evidence of debts or unmet needs that suggests there may have been a delay in claiming **or**

**2.3** there is evidence that suggests that one or more of the circumstances in which the time for claiming can be extended may have applied to the claimant<sup>1</sup>.

**Note:** If **1.** and **2.** do not apply, the DM should investigate and decide the claimant's entitlement from the date of claim only.

[1 AM v Secretary of State for Work and Pensions \[2022\] 242 UKUT \(AAC\)](#)

A2042 If the DM has not considered the claimant's entitlement in respect of any period before the date of claim, but the claimant raises the question of backdating on MR, the DM should consider that matter as part of the MR. The claimant does not have to make an additional claim. The claim can be taken as

having always covered the past period for which the claimant is now asking for UC.

A2043 If the claimant raises the question of backdating on an appeal against the initial decision given on the claim, the DM should accept that the tribunal can consider this question as part of its decision on the appeal.

### **Examples**

Ayisha claimed UC on 3.1.23. At no point before her claim was decided did she say that she wished to claim for any days before 3.1.23. However, she provided a backdated medical certificate from 10.12.22 that showed that she had been seriously ill with food poisoning during that period. The DM considers the claimant's entitlement from 10.12.22, starting with the question of whether the claimant's medical certificate is medical evidence that shows that she had an illness that prevented her from making a claim before 3.1.23.

Aleksander suffers from severe autism. A claim for UC for Aleksander was made by his mother on 3.1.23. She also asked to be Aleksander's appointee, which was agreed. At no point before the claim was decided did the appointee indicate that she wished to claim for any days before 3.1.23. However, the DM considered whether claimant has a disability that made it reasonable for him not to claim during the month before 3.1.23. The DM also established whether the rest of the claimant's circumstances were the same during the previous month as they were at the date of claim. The DM then awarded UC from 3.12.22.

James claimed UC on 3.1.23. At no point before his claim was decided did he say that he wished to claim for any days before 3.1.23. However, he did complain that he had accumulated large debts because he had been without any income for some time. The DM asks the claimant why he did not claim UC earlier. James replies that he been hoping to find another job for the last two months, but this had not happened. The DM awards UC from 3.1.23 but disallows it from 3.11.22 – 2.1.23 because there are no grounds on which the time for claiming for any part of that period can be extended down to 3.1.23.

A2044 Where the claim to UC is not made within the time specified above then the time limit for claiming it is to be extended, subject to a maximum of one month to the date on which the claim is made, but only where

- 1.** any one or more of the circumstances in A2045 below apply or has applied to the claimant **and**
- 2.** as a result of that circumstance or those circumstances the claimant could not reasonably have been expected to claim earlier<sup>1</sup>.

**Note:** The earliest date the time limit for claiming can be extended to is the first day of the AP that ends on the date on which the UC claim was made (or treated as made).

## Example

Doris claims UC on 19.8.23. She asks for her claim to be backdated to 2.7.23 because she became too sick to make a claim for UC on that date, and remained so right down to when she managed to submit her claim. She also provides medical evidence that supports her account. The time for claiming from 2.7.23 cannot be extended down to 19.8.23 because the maximum period allowed for backdating in UC is one month. Instead, the DM looks for the start of the AP that ends on 19.8.23 (the date of claim). This is 20.7.23. Accordingly, the DM extends the time for claiming (from 20.7.23) to 19.8.23. The DM then awards UC from 20.7.23, all the other conditions of entitlement being satisfied. The DM disallows Doris's claim for the period from 2.7.23 to 19.7.23 on the ground that it was made outside the time for claiming for those days.

1 [UC, PIP, JSA & ESA \(C&P\) Regs, reg 26\(2\)](#)

A2045 The circumstances referred to in A2044 are that<sup>1</sup>

**1.** the claimant was previously in receipt of JSA or ESA or an existing benefit<sup>2</sup> and notification of expiry of entitlement to that benefit was not sent to the claimant before the date that entitlement expired **or**

**2.** the claimant has a disability **or**

**3.** the claimant has supplied the Secretary of State with medical evidence that satisfies the Secretary of State that the claimant had an illness that prevented the claimant from making a claim **or**

**4.** the claimant was unable to make a claim electronically because the official computer system was inoperative **or**

**5.** the claimant had an award of UC which was terminated because they are no longer a member of a couple and made a new claim as a single person **or**

**6.** an award of UC is not made to members of a couple jointly because one of the couple has not accepted a claimant commitment **and**

**6.1** they cease to be a couple **and**

**6.2** the person who did accept a claimant commitment makes a further claim as a single person

**7.** an award of UC to joint claimants is terminated because one of the couple has not accepted a claimant commitment **and**

**7.1** they cease to be a couple **and**

**7.2** the person who did accept a claimant commitment makes a further claim as a single person

**Note 1:** A2045 **4.** applies where DWP's system fails and not the failure of the claimant's system.

**Note 2:** A2045 **5.** only applies to Live Service claimants

[1 UC, PIP, JSA & ESA \(C&P\) Regs, reg 26\(3\); 2 UC \(TP\) Regs 2014](#)

### Example 1

Jason makes a claim electronically to UC on 2 May. He indicates in his UC journal that he wishes to claim from 6 April. He says that he delayed claiming UC as he was in receipt of ESA until 5 April but he was not informed that this was stopping until the 28 April. The DM decides that the time limit for claiming UC can be extended from 6 April down to 2 May as Jason could not have been expected to claim earlier as he was away from home until 2 May. Jason is therefore entitled to UC from 6 April.

### Example 2

Joanne makes a claim for UC electronically on 3 July. She wishes to claim UC from 20 June. She says that she was prevented from making a claim on the 20 June because she could not access her on-line account due to system failure. The system was restored on the 21 June but Joanne did not attempt to make a claim the next day due to negligence. The date of claim to UC is 3 July.

A2046 Where a claim to UC is made by each of joint claimants then the prescribed time limit for claiming as above cannot be extended unless both claimants satisfy the criteria<sup>1</sup> as in A2044.

[1 UC, PIP, JSA & ESA \(C&P\) Regs, reg 26\(4\)](#)

A2047 In cases where a claimant makes a new claim for UC within 6 months of a previous claim and the new award is to have the same assessment period as the previous award as a result of prescribed legislation<sup>1</sup> then the new claim must be made before the end of the assessment period<sup>2</sup>. This applies for Digital Service claimants only.

[1 UC Regs, reg 21\(3C\); 2 UC, PIP, JSA & ESA \(C&P\) Regs, reg 26 \(5\)](#)

## Advance claims to UC

A2048 A claim to UC may be treated as made in advance where

- 1.** the claimant does not satisfy the conditions of entitlement on the date on which the claim is treated as made; **and**
- 2.** unless there is a change of circumstances, the claimant will satisfy the conditions of entitlement on a future date; **and**
- 3.** the future date is not more than a month after the date on which the claim is made; **and**

#### 4. either

**4.1.** the claimant falls within a class of case for which the Secretary of State is willing to accept advance claims (but see A2049); **or**

**4.2.** the case is one in which the Secretary of State is otherwise willing to accept an advance claim<sup>1</sup>.

1 [UC, PIP, JSA & ESA \(C&P\) Regs, reg 32](#)

A2049 If A2048 applies, UC can be awarded from the future date of first entitlement, subject to the condition that the person satisfies the UC conditions of entitlement on that date<sup>1</sup>. However, at this time there are no classes of case for which the Secretary of State is willing to accept an advance claim for the purposes of A2048.4.1.

1 [UC, PIP, JSA & ESA \(C&P\) Regs, reg 32\(3\)](#)

### **Reclaims of UC after a nil award due to earnings**

A2050 Where

1. a claim is made for UC, but no award is made because the claimant's income, or joint claimants' combined income is such that the amount payable would not be less than the prescribed minimum or
2. entitlement to an award of UC ceases because that condition is not met<sup>1</sup>

the Secretary of State may, subject to any conditions she considers appropriate, for example, there is sufficient information on which to make the award, treat the claimant (or joint claimants) as making a claim on the first day of each subsequent month, up to a maximum of 5, that would have been an assessment period if an award had been made or, as the case may be, if the award had continued<sup>2</sup>.

1 [WR Act 12, regs 5\(1\)\(b\) & 5\(2\)\(b\) & UC, PIP, JSA & ESA \(C&P\) Regs, reg 32A\(1\)](#);  
2 [Reg 32A\(2\)](#)

#### **Example 1 – Income reduces in the second AP following a claim**

A claim for UC is made on 19.3.20 meaning that the first AP is fixed for the period 19.3.20 to 18.4.20. The DM decides that no award can be made for the first AP as the claimant's income is too high. The income reduces, during what would have been the second AP, meaning that entitlement to UC arises. The DM determines that there has been no other change in the claimant's circumstances and treats the claimant as making a claim on 19.4.20.

#### **Example 2 – Income reduces in the seventh AP following a claim**

A claim for UC is made on 19.3.20 meaning that the first AP is fixed for the period 19.3.20 to 18.4.20. The

DM decides that no award can be made for the first AP as the claimant's income is too high. The income reduces during what would have been the seventh AP. In these circumstances, a new claim for UC is required as earnings reduced outside of the period (5 subsequent APs) in which the DM can treat the claimant as making a new claim.

### **Example 3 – An existing award terminates because of income**

An award of UC is made from 19.3.20. During the third AP (19.5.20 to 18.6.20) UC terminates from 19.5.20 as the claimant's income is too high. The claimant's income reduces in the period 19.8.20 to 18.9.20 meaning that entitlement to UC arises. As the change in income has occurred within the 5 subsequent months that would have been APs if the award had continued, the DM determines that there has been no other change in the claimant's circumstances and treats the claimant as making a claim on 19.8.20. If the change occurred after the 5 subsequent months that would have been APs, a new claim is required.

### **Example 4 – Surplus earnings**

An award of UC is made from 19.3.20. During the fourth AP (19.6.20 to 18.7.20) the claimant reports that he received earnings of £5,200 consisting of a SEISS payment. He received no other income. The allowable expenses are £1,200. The DM decides that there is no entitlement to UC from 19.6.20 on account of earnings. The DM treats the claimant as making a claim on 19.7.20 and 19.8.20 and decides that the surplus earnings have not reduced sufficiently to award UC until the first day of the third subsequent month. The claimant is treated as making a new claim and awarded UC from 19.9.20.

## Making a claim for PIP A2051 - A2065

[Date of claim for PIP A2056 - A2060](#)

[Time limit for claiming PIP A2061](#)

[Advance awards of PIP A2062](#)

[Advance claims to PIP A2063 - A2065](#)

A2051 A claim<sup>1</sup> for PIP must be made either

- 1.** in writing on a form authorised by the Secretary of State for that purpose and completed in accordance with the instructions on the form (this includes by means of an electronic communication) **or**
- 2.** by telephone call to the telephone number specified by the Secretary of State **or**
- 3.** by receipt by the claimant of a telephone call from the Secretary of State made for the purpose of enabling a claim to be made.

**Note:** The DM has discretion as to the manner in which a claim can be made.

[1 UC, PIP, JSA & ESA \(C&P\) Regs, reg 11\(1\)](#)

A2052 In the case of a claim in writing the claim must be sent to or received at an appropriate office<sup>1</sup>.

[1 UC, PIP, JSA & ESA \(C&P\) Regs, reg 11\(2\)](#)

A2053 A claim for PIP in writing is defective if it is not completed in accordance with any instructions of the Secretary of State<sup>1</sup>. A telephone claim is properly completed if all the information is provided during the call to determine the award and is defective if not so completed<sup>2</sup>.

[1 UC, PIP, JSA & ESA \(C&P\) Regs, reg 11\(3\); 2 reg 11\(4\)](#)

A2054 If the claim is defective the Secretary of State must

- 1.** inform the claimant of the defect and of the effect on the date of claim<sup>1</sup> **and**
- 2.** treat the claim as properly made in the first instance if a claim completed in accordance with any instructions of the Secretary of State is received within one month, or such longer period as the Secretary of State considers reasonable, from the date on which the claimant is first informed of the

defect<sup>2</sup>.

[1 UC, PIP, JSA & ESA \(C&P\) Regs, reg 11\(5\); 2 reg 11\(6\)](#)

A2055 Where

**1.** a claim for PIP is made<sup>1</sup> on behalf of a person who is said to be a person unable for the time being to act **and**

**2.** the Secretary of State has decided not to appoint that person<sup>2</sup> to act on their behalf

then that claim must be treated as properly made in the first instance if a further claim is made. That further claim must be received within one month, or such longer period as may be considered reasonable, from the date of notification of the decision not to appoint someone as an appointee.

[1 UC, PIP, JSA & ESA \(C&P\) Regs, reg 11\(7\) & \(8\); 2 reg 57](#)

### **Example**

A claim for PIP is made by Chris for his wife Rosie on 21 August by telephone. Chris alleges that Rosie is unable to make the claim on her own behalf. Following a home visit on 28 August the visiting officer decides not to appoint Chris to act on Rosie's behalf as she is capable of managing her own affairs. The visiting officer tells Rosie that if she makes a further claim by 27 September then the claim made on 21 August will be treated as properly made.

### **Date of claim for PIP**

A2056 The date on which a claim for PIP is made is,

**1.** for claims<sup>1</sup> made in writing by means of an electronic communication, the date on which the claim is received at an appropriate office **or**

**2.** for claims<sup>2</sup> made by telephone, the date on which a claim made by telephone is properly completed **or**

**3.** where a person first notifies an intention to make a claim<sup>3</sup> and provided that a claim made by writing (produced by means other than electronic communications) is properly completed and received at an appropriate office within 1 month or such longer period as is considered reasonable of first notification, the date of first notification **or**

**4.** the first day in respect of which the claim is made if later than **1, 2 or 3.**

**Note:** If the office is closed, for example at the weekend, and a claim is delivered by hand (or a claim would have been delivered by post if arrangements had not been made that the PO would not deliver mail) a different date of claim applies. In such cases the date of claim is the date the claim is delivered by

hand or would have been delivered had the office not been closed<sup>4</sup>.

1 [UC, PIP, JSA & ESA \(C&P\) Regs, reg 12\(1\)\(a\)](#); 2 [reg 12\(1\)\(b\)](#); 3 [reg 12\(1\)\(c\)](#); 4 [R\(SB\) 8/89](#)

A2057 If a telephone claim or claim in writing was defective and is then corrected within one month or such longer period as is considered reasonable then the date of claim is the date the defective claim was received or made<sup>1</sup>.

1 [UC, PIP, JSA & ESA \(C&P\) Regs, reg 12\(2\)\(a\)](#)

A2058 The date of claim<sup>1</sup> is the date of first notification of an intention to make a claim where A2056 **3.** applies where the claim is treated as properly made in the first instance as in A2054 **2.**

1 [UC, PIP, JSA & ESA \(C&P\) Regs, reg 12\(2\)\(b\)](#)

A2059 Where A2055 applies and the claimant completes a further claim which is defective then if that further claim is treated as properly made in the first instance as in A2054, the date of claim<sup>1</sup> is the date on which the claim was made by the person that was not appointed.

1 [UC, PIP, JSA & ESA \(C&P\) Regs, reg 12 \(4\)](#)

A2060 Where an award of PIP cannot be made on the grounds of terminal illness<sup>1</sup>, following a claim made by a third party then the date of claim is the date that the initial claim was made

**1.** if a further claim is received within one month or such longer time as is considered reasonable from the date of notification of the decision not to award PIP on the grounds of terminal illness<sup>1</sup> **or**

**2.** where the further claim as in **1.** above is defective but is treated as properly made in the first instance<sup>2</sup>

**Note:** A third party can make a claim on the grounds that a person is terminally ill, without having to be officially appointed to act on that person's behalf. This does not apply where the claim is being made under the normal rules.

1 [WR Act 12, s 82\(4\)](#); 2 [UC, PIP, JSA & ESA \(C&P\) Regs, reg 12\(5\)](#)

### **Example**

David makes a claim for PIP for his mother Eleanor on 20 December. David is not Eleanor's appointee or POA. Eleanor has severe arthritis but is not terminally ill or incapable of managing her own affairs. Eleanor is informed that she must claim PIP on her own behalf. She makes this further claim on 15 January. The date of claim for PIP is 20 December.

## Time limit for claiming PIP

A2061 The prescribed time for claiming PIP is the first day of the period in respect of which the claim is made<sup>1</sup>.

1 [UC, PIP, JSA & ESA \(C&P\) Regs, reg 27](#)

## Advance awards of PIP

A2062 An advance award of PIP may be made if the claimant does not satisfy the conditions of entitlement on the date on which the claim is made but will satisfy them for a future period, providing that there are no anticipated change of circumstances. This future period must begin on a day which is not more than 3 months after the date of the decision on the claim<sup>1</sup>. This enables claims to be made during the Qualifying Period for PIP.

1 [UC, PIP, JSA & ESA \(C&P\) Regs, reg 33\(1\)](#)

## Advance claims to PIP

A2063 A person already entitled to an award of PIP may make a further claim during the period of 6 months immediately before the current award ends<sup>1</sup>. This claim is an **advance claim to PIP**. Where such a claim is made the Secretary of State may<sup>2</sup>

1. treat the claim as if made on the first day after the expiry of the existing award **and**
2. award benefit accordingly, subject to the condition that the person satisfies the requirement for entitlement on the date in A2063 **1**.

**Note:** If the advance claim indicates that the claimant's circumstances are such that the current award can be changed then it may be revised or superseded as appropriate.

1 [UC, PIP, JSA & ESA \(C&P\) Regs, reg 33\(2\)](#); 2 [reg 33\(3\)](#)

A2064 Where a claim is decided in advance it must be decided on circumstances obtaining at the date of the decision. This excludes any prediction of what a person's circumstances might be at the date of entitlement<sup>1</sup>. However, the DM can take account of any change that will inevitably occur. A change of circumstances occurring after the claim is decided but before the date of entitlement should be dealt with by means of revision or supersession.

1 [R\(DLA\) 4/05](#)

A2065 Where an advance claim which is made during existing entitlement is disallowed the disallowance does not subsist after the date of decision. A further claim may therefore be made between the date of the decision and the start date of further entitlement on the basis of changes that have

occurred since the decision was given. Any award of benefit will be effective from the renewal date<sup>1</sup>.

1 [R\(DLA\) 4/05](#)

# Making a claim for ESA A2066 - A2081

[Claims to ESA by telephone](#) A2066 - A2069

[Claims to ESA in writing](#) A2070 - A2073

[Claims to ESA where there is no entitlement to SSP](#) A2074 - A2075

[MA claimed before confinement](#) A2076 - A2077

[MA claimed after confinement](#) A2078 - A2079

[Time limit for claiming ESA](#) A2080

[Advance claims to ESA](#) A2081

## Claims to ESA by telephone

A2066 A claim to ESA may be made by telephone call to a telephone number specified by the Secretary of State<sup>1</sup>. Where the Secretary of State directs that the person approves a written statement of their circumstances then the claim is not valid until the person complies with the direction<sup>2</sup>.

[1 UC, PIP, JSA & ESA \(C&P\) regs, reg 13\(1\); 2 reg 13\(2\)](#)

A2067 In most cases it is expected that all the information necessary to determine a claim will be provided during the initial telephone conversation. If the information is not provided during that telephone call (for example, if the conversation is cut short unexpectedly) the claim will be defective<sup>1</sup>. In these circumstances the Secretary of State must give the claimant the opportunity to provide the missing information and also tell them what the deadline is if the date of the initial phone call is to be the date on which the claim is treated as made<sup>2</sup>. Information can be sent by the most suitable means i.e. by phone or in writing. A claim will also be defective until full information is provided where, following an initial telephone conversation, the claimant asks for a call back to be arranged at a later date.

[1 UC, PIP, JSA & ESA \(C&P\) regs, reg 13\(3\); 2 reg 13\(4\)](#)

A2068 If the missing information is provided within one month of a defect being drawn to the claimant's attention (or within such longer period as the Secretary of State considers reasonable) the claim will be treated as having been properly made in the first instance<sup>1</sup>.

[1 UC, PIP, JSA & ESA \(C&P\) regs, reg 13\(5\)](#)

A2069 The date<sup>1</sup> on which the claim is made or treated as made is the first date on which

**1.** a claim made by telephone is properly completed **or**

**2.** a person first notifies the Secretary of State of an intention to make a claim where a claim made by telephone is properly completed within one month or such longer period as the Secretary of State considers reasonable of first notification **or**

**3.** a defective claim is received but is treated as properly made in the first instance

or the first day in respect of which the claim is made if later than **1. – 3.**

[1 UC, PIP, JSA & ESA \(C&P\) regs, reg 14](#)

## Claims to ESA in writing

A2070 A claim for ESA may be made in writing and must be made on an approved form and in accordance with the instructions on the form<sup>1</sup>. If the claim form is not completed in accordance with the instructions on the form then the claim is defective<sup>2</sup>.

[1 UC, PIP, JSA & ESA \(C&P\) regs, reg 15\(1\); 2 reg 15\(2\)](#)

A2071 If the claim is defective the Secretary of State must advise the person making it of the defect and the provisions relating to the date of claim<sup>1</sup>.

[1 UC, PIP, JSA & ESA \(C&P\) regs, reg 15\(3\)](#)

A2072 If the defects are corrected and are done so within one month, or such longer period as the Secretary of State considers reasonable, of the date the defects were first drawn to their attention then the claim must be treated as if properly made in the first instance<sup>1</sup>.

[1 UC, PIP, JSA & ESA \(C&P\) Regs, reg 15\(4\)](#)

A2073 The date<sup>1</sup> on which the claim is made or treated as made is the first date on which

**1.** a properly completed claim is received in an appropriate office **or**

**2.** a person first notifies an intention to make a claim, where a properly completed claim form is received within one month or such longer period as the Secretary of state considers reasonable of first notification **or**

**3.** a defective claim is received but is treated as properly made in the first instance

or the first day in respect of which the claim is made if later than **1. – 3.** above.

**Note:** If the office is closed, for example at the weekend, and a claim is delivered by hand (or a claim would have been delivered by post if arrangements had not been made that the PO would not deliver mail) a different date of claim applies. In such cases the date of claim is the date the claim is delivered by hand or would have been delivered had the office not been closed<sup>2</sup>.

1 [UC, PIP, JSA & ESA \(C&P\) regs, reg 16](#); 2 [R\(SB\) 8/89.pdf](#)

## Claims to ESA where there is no entitlement to SSP

A2074 A claim for ESA is treated as made on an earlier date where a person

1. has previously given notice of incapacity to an employer **and**
2. has been notified in writing by the employer that there is no entitlement to SSP<sup>1</sup>.

1 [SSP \(Gen\) Regs, reg 7](#)

A2075 The claim is treated as made<sup>1</sup> on the date that the employer accepts as the first day of incapacity provided that the claim is made within 3 months beginning with the day on which the claimant is notified in writing that there is no entitlement to SSP<sup>2</sup>.

1 [UC, PIP, JSA & ESA \(C&P\) regs, reg 17\(1\)](#); 2 [reg 17\(2\)](#)

## MA claimed before confinement

A2076 Where

1. it has been certified<sup>1</sup> that a woman is expected to be confined **and**
2. she makes a claim for MA before the confinement

that claim may, unless the DM decides otherwise, be treated as a claim for ESA<sup>2</sup>.

1 [SS \(Med Ev\) Regs](#); 2 [UC, PIP, JSA & ESA \(C&P\) Regs, reg 18\(1\)](#)

A2077 The claim for MA can be treated as a claim to ESA<sup>1</sup> for the period

1. from the earlier of
  - 1.1 the beginning of the 6th week before the EWC **or**
  - 1.2 the ADC
2. to the 14th day after the ADC.

## **MA claimed after confinement**

A2078 Where

1. it has been certified<sup>1</sup> that a woman has been confined **and**
2. she makes a claim for MA within three months of the date of confinement

that claim may be treated as a claim instead of or also for ESA<sup>2</sup>

1 [SS \(Med Ev\) Regs](#); 2 [UC, PIP, JSA & ESA \(C&P\) Regs, reg 18\(2\)](#)

A2079 The claim to MA can be treated as a claim instead of or also for ESA for the period<sup>1</sup>

1. beginning with the ADC **and**
2. ending 14 days after that date.

1 [UC, PIP, JSA & ESA \(C&P\) Regs, reg 18\(2\)](#)

## **Time limit for claiming ESA**

A2080 The prescribed time for claiming ESA is the day in respect of which the claim is made and the period of 3 months immediately following it<sup>1</sup>. A month means a calendar month<sup>2</sup>.

1 [UC, PIP, JSA & ESA \(C&P\) Regs, reg 28](#); 2 [Inte Act 78](#)

## **Advance claims to ESA**

A2081 An advance award may be possible if a claimant does not satisfy the conditions of entitlement on the date on which a claim is made but will satisfy them for a future period. The future period must begin on a day which is no more than three months after the date of claim. The DM treats the claim as made for a period beginning with the date from which entitlement will begin. No disallowance is needed for the period from the date claimed to the date entitlement begins<sup>1</sup>.

1 [UC, PIP, JSA & ESA \(C&P\) Regs, reg 34](#)

# Making a claim to JSA A2082 - A2101

[Attendance at an appropriate office](#) A2082 - A2085

[Making a claim to JSA in writing](#) A2086 - A2089

[Making a claim for JSA by telephone](#) A2090 - A2094

[Advance claims to JSA](#) A2095

[Time limits for claiming JSA](#) A2096 - A2100

## Attendance at an appropriate office

A2082 A person wishing to claim JSA must<sup>1</sup>, unless directed otherwise, attend in person at an appropriate office or such other place, and at such time as may be specified in the claimant's case.

1 [UC, PIP, JSA & ESA \(C&P\) Regs, reg 19](#)

A2083 Where a person is required to attend an appropriate office attends at the time and place specified and, if so requested, provides a properly completed claim form at or before the time they are required to attend then the claim is to be treated as made on whichever is the later of

1. first notification of intention to make that claim **or**
2. the first day in respect of which the claim is made.

1 [UC, PIP, JSA & ESA \(C&P\) Regs, reg 20\(1\)](#)

A2084 Where a person is required to attend<sup>1</sup> but either

1. fails to do so without good cause at either the place or time **or**
2. does not provide a properly completed claim form at or before the time when they are required to attend

then the claim is to be treated as made on the first day on which the person does attend at the specified time or place or provides a properly completed claim form, or if later, the first day in respect of which the claim is made.

A2085 The time for providing a properly completed claim form may be extended to a date no later than one month after the first notification of intention to make that claim<sup>1</sup>.

## **Making a claim to JSA in writing**

A2086 Except where a person is required to attend at an appropriate office<sup>1</sup>, a claim to JSA may be made in writing on a form authorised for the purpose of the claim and delivered or sent to an appropriate office. Such a claim must be made in accordance with the instructions on the form.

A2087 A written claim is properly completed if completed in accordance with the instruction on the form and defective if not so completed<sup>1</sup>. If the claim is defective then the claimant must be advised of that defect and the effect on the date of claim<sup>2</sup>.

A2088 If the defects are corrected within one month, or such longer period as the Secretary of State considers reasonable, of the date the defects were first brought to the attention of the claimant, then the claim must be treated as having been properly made in the first instance<sup>1</sup>.

A2089 The date on which a written claim to JSA is made<sup>1</sup>, or is treated as made, is the first date on which

- 1.** a properly completed claim form is received in an appropriate office **or**
- 2.** a claimant first notifies an intention to make a claim where a properly completed form is received in an appropriate office within one month or such longer period as considered reasonable of first notification **or**
- 3.** a defective claim is received but is treated as properly made in the first instance

or the first day in respect of which the claim is made is later than at **1 – 3**.

## **Making a claim for JSA by telephone**

A2090 Except where

**1.** a person is required to attend an appropriate office **or**

**2.** the Secretary of State directs that the claim must be made in writing

a claim to JSA may be made by telephone to the number specified by the Secretary of State if such a claim falls within a class of case for which telephone claims are accepted or in any other case where the Secretary of state is willing to do so<sup>1</sup>.

[1 UC, PIP, JSA & ESA \(C&P\) Regs, reg 23\(1\)](#)

A2091 Claims made by telephone are properly completed if all the information required to determine the claim is provided. A telephone claim is defective if this information is not provided<sup>1</sup>.

[1 UC, PIP, JSA & ESA \(C&P\) Regs, reg 23\(2\)](#)

A2092 Where a telephone claim is defective the claimant must be advised of the defect and the effect on the date of claim<sup>1</sup>.

[1 UC, PIP, JSA & ESA \(C&P\) Regs, reg 23\(3\)](#)

A2093 If the defect is corrected within one month, or such longer period that is considered reasonable, of the date that the defect was first drawn to the claimant's attention then the claim must be treated as if it had been properly made in the first instance<sup>1</sup>.

[1 UC, PIP, JSA & ESA \(C&P\) Regs, reg 23\(4\)](#)

A2094 The date<sup>1</sup> on which the claim is made or treated as made is the first date on which

**1.** a claim is properly completed **or**

**2.** a claimant first notifies an intention to make a claim where the claim is properly completed within one month or such longer time period as is considered reasonable of first notification **or**

**3.** a defective claim is received but is treated as properly made in the first instance

or the first day in respect of which the claim is made if later than at **1 – 3**.

[1 UC, PIP, JSA & ESA \(C&P\) Regs, reg 24](#)

## **Advance claims to JSA**

A2095 An advance award of JSA may be possible if a claimant does not satisfy the conditions of entitlement on the date on which a claim is made but will satisfy them for a future period. The future

period must begin on a day which is no more than three months after the date of claim. The DM treats the claim as made for a period beginning with the date from which entitlement will begin. No disallowance is needed for the period from the date claimed to the date entitlement begins<sup>1</sup>.

1 [UC, PIP, JSA & ESA \(C&P\) Regs, reg 34](#)

## Time limits for claiming JSA

A2096 The prescribed time for claiming JSA is the first day of the period in respect of which the claim is made<sup>1</sup>. However, if the claim is not made within the prescribed time then the time for claiming can be extended by either 3 months or 1 month. In cases where the time is extended by 1 or 3 months then the claim is treated as made on the first day of the period of which the claim is made<sup>2</sup>.

1 [UC, PIP, JSA & ESA \(C&P\) Regs, reg 29\(1\)](#); 2 [reg 29\(6\)](#)

## Extending the time limit for claiming JSA by 3 months

A2097 The prescribed time for claiming JSA may be extended by a maximum of 3 months to the date on which the claim is made where

1. the claim is made late **and**
2. one or more of the circumstances specified in A2098 apply **and**
3. as a result of those circumstances the claimant could not reasonably be expected to make the claim earlier<sup>1</sup>.

1 [UC, PIP, JSA & ESA \(C&P\) Regs, reg 29\(2\)](#)

A2098 The circumstances referred to in A2097 **2.** are<sup>1</sup>

1. the claimant has difficulty communicating because of

**6.1** learning, language or literacy difficulties **or**

**6.2** the claimant is deaf or blind

and it was not reasonably practicable for the claimant to obtain assistance from another person to make his claim **or**

2. the claimant was caring for a person who is ill or disabled and it was not reasonably practicable for the claimant to obtain assistance from another person to make his claim **or**

3. the claimant was given information by an officer of DWP which led them to believe that a claim to JSA would not succeed **or**

4. the claimant was given written advice by a solicitor or other professional adviser, a medical practitioner, an LA or a person working in a Citizens Advice Bureau or similar advice agency, which led the claimant to believe that a claim for JSA would not succeed **or**
5. the claimant was required to deal with a domestic emergency affecting them and it was not reasonably practicable for them to obtain assistance from another person to make the claim **or**
6. the claimant was prevented by adverse weather conditions from attending the appropriate office.

1 [UC, PIP, JSA & ESA \(C&P\) Regs, reg 29\(3\)](#)

### **Extending the time limit for claiming JSA by 1 month**

A2099 The prescribed time for claiming JSA may be extended by a maximum of a month to the date on which the claim is made where

1. the claim is made late **and**
2. one or more of the circumstances specified in A2100 apply **and**
3. as a result of those circumstances the claimant could not reasonably be expected to make the claim earlier<sup>1</sup>

1 [UC, PIP, JSA & ESA \(C&P\) Regs, reg 29\(4\)](#)

A2100 The circumstances in A2100 **2.** are<sup>1</sup>

1. the appropriate office where the claimant would be expected to claim was closed and alternative arrangements were not available **or**
2. the claimant was unable to attend the appropriate office due to difficulties with their normal mode of transport and there was no reasonable alternative available **or**
3. there were adverse postal conditions **or**
4. the claimant was previously in receipt of ESA and notification of expiry of entitlement to that benefit was not sent to the claimant before the date that the entitlement expired **or**
5. the claimant had ceased to be a member of a couple within the period of one month before the claim was made **or**
6. during the period of one month before the claim was made a close relative of the claimant had died. Close relative means partner, parent, son, daughter, brother or sister **or**

**7.** the claimant was unable to make telephone contact with the appropriate office where the claimant would be expected to notify an intention of making a claim because the telephone lines to that office were busy or inoperative **or**

**8.** the claimant was unable to make contact by means of an electronic communication where the claimant would be expected to notify an intention of making a claim because the official computer system was inoperative.

[1 UC, PIP, JSA & ESA \(C&P\) Regs, reg 29\(5\)](#)

A2101

## Interchange with claims for other benefits A2102 - A2106

A2102 A claim to ESA by a woman may be treated in addition or in the alternative as a claim to MA<sup>1</sup>.

[1 UC, PIP, JSA & ESA \(C&P\) Regs, reg 25\(1\)](#)

A2103 A claim to MA may be treated in addition or in the alternative as a claim to ESA<sup>1</sup>.

[1 UC, PIP, JSA & ESA \(C&P\) Regs, reg 25\(2\)](#)

A2104 Where it appears that a person who has made a claim to PIP is not entitled to it but may be entitled to DLA or AA, the Secretary of State may treat the claim alternatively or in addition to as a claim to either DLA or AA<sup>1</sup>.

[1 UC, PIP, JSA & ESA \(C&P\) Regs, reg 25\(3\)](#)

A2105 Where it appears that a person who has made a claim to DLA or AA is not entitled to it but may be entitled to PIP, the Secretary of State may treat the claim alternatively or in addition to as a claim to PIP<sup>1</sup>.

[1 UC, PIP, JSA & ESA \(C&P\) Regs, reg 25\(4\)](#)

A2106 In determining whether the Secretary of State should treat a claim alternatively or in addition to another claim (the original claim) then the Secretary of State must treat the alternative or additional claim, whenever made, as having been made at the same time as the original claim<sup>1</sup>.

[1 UC, PIP, JSA & ESA \(C&P\) Regs, reg 25\(5\)](#)

## After a claim has been disallowed as defective A2107

A2107 If a claimant seeks to correct the defects in a claim after it has been disallowed as defective the DM should

- 1.** decide that the disallowance cannot be revised or superseded because the submission of the new information or evidence is a change of circumstances that occurred after the claim was decided<sup>1</sup> **and**
- 2.** consider whether the new communication can now be taken as the start of an attempt to make a new claim.

<sup>1</sup> [UC, PIP, JSA & ESA \(D&A\) Regs, reg 5\(2\); SS Act 98, s 8\(2\)\(b\)](#)

## No trace of claim A2108 - A2109

A2108 It may be contended that a claim has been made in writing but there is no trace of it. There may also be situations where other information suggests that a document was received but is no longer available or cannot be found. The DM must decide, on the balance of probabilities, whether a claim was made and if so the date of receipt. The normal information and evidence conditions for establishing a properly made claim must be satisfied.

A2109 A statement that a claim was sent but never received should be considered carefully as there may be many reasons why enquiries were delayed. The DM should obtain evidence to support the statement if there are grounds to doubt it<sup>1</sup>. Grounds for doubt might exist because, for example, there is a long delay between the date it is said that a claim was sent and the date when enquiries are made. The date which is of relevance is the date on which the claim is made and that is the date on which the claim is received by an appropriate office<sup>2</sup>, not the date of sending the claim.

1 [R\(I\) 2/51.pdf](#) ; [R\(SB\) 33/85.pdf](#) ; 2 [R\(G\) 2/06](#)

## Amendment of claims A2110

A2110 A person who has made a claim may amend<sup>1</sup> it at any time before a determination has been made on the claim. The amendment may be made

- 1.** in writing received at an appropriate office **or**
- 2.** by telephone call to a number specified by the Secretary of State **or**
- 3.** in such other manner as the Secretary of State may decide or accept.

Any claim amended as above may be treated as if it had been amended in the first instance.

<sup>1</sup> [UC, PIP, JSA & ESA \(C&P\) Regs, reg 30](#)

## Withdrawal of claims A2111

A2111 A person who has made a claim may withdraw<sup>1</sup> it at any time before a determination has been made on the claim. The withdrawal may be made

- 1.** in writing received at an appropriate office **or**
- 2.** by telephone call to a number specified by the Secretary of State **or**
- 3.** in such other manner as the Secretary of State may decide or accept.

Any such notice of withdrawal has effect when it is received.

1 [UC, PIP, JSA & ESA \(C&P\) Regs, reg 31](#)

## Evidence and Information in connection with a claim A2112 - A2117

A2112 [\[See ADM Memo 03/25\]](#) A person who makes a claim for benefit, or on whose behalf a claim is made (other than JSA) may be required to<sup>1</sup>

- 1.** supply information and evidence in connection with the claim or any question arising out of it, as is considered appropriate **and**
- 2.** do so in a manner as determined within one month of being required to do so or such longer period as is considered reasonable<sup>1</sup>.

**Note:** There are specific information and evidence requirements for PIP - see ADM Chapter P2 for information and evidence requirements for PIP.

[1 UC, PIP, JSA & ESA \(C&P\) Regs, reg 37\(1-3\)](#)

A2113 Where a claim for UC has been made by joint claimants, information relating to that claim may be supplied by the Secretary of State to either or both members of the couple for any purpose connected with the claim<sup>1</sup>.

[1 UC, PIP, JSA & ESA \(C&P\) Regs, reg 37\(4\)](#)

A2114 Where a person is a member of a couple and may make a claim to UC as a single person<sup>1</sup> and entitlement to UC or the amount of UC may be affected by the circumstances of a partner<sup>1</sup>, the Secretary of State may require the partner to

- 1.** confirm the information given about the partner's circumstances **or**
- 2.** to supply information or evidence in connection with the claim, or any question arising out of it, as may be required

within one month of being required to do so, or such longer period as is considered reasonable<sup>1</sup>

[1 UC Regs, reg 3\(3\); 2 UC, PIP, JSA & ESA \(C&P\) Regs, reg 37\(5\)](#)

A2115 A landlord or rent officer may be required to supply information and evidence in connection with a claim for UC that may include an amount for housing costs. This must be supplied within one month or such longer period as is considered reasonable<sup>1</sup>.

[1 UC, PIP, JSA & ESA \(C&P\) Regs, reg 37\(6\)](#)

A2116 Every person providing relevant childcare<sup>1</sup> where the claimant's award of UC is to include an amount in respect of childcare costs<sup>2</sup> must supply information and evidence

**1.** in connection with the claim **or**

**2.** on any question arising out of it, as may be determined

within one month of being required to do so or such longer period as is consider reasonable<sup>3</sup>.

1 [UC Regs, reg 35](#); 2 [reg 31](#); 3 [UC, PIP, JSA & ESA \(C&P\) Regs, reg 37\(7\)](#)

A2117 Guidance at A2112 to A2116 also relate to cases where it is not a condition of entitlement that a claim to benefit be made<sup>1</sup>. The guidance also relates to potential awards of benefit<sup>2</sup>.

1 [UC, PIP, JSA & ESA \(C&P\) Regs, reg 37\(8\)](#); 2 [reg 37\(9\)](#)

## Evidence and Information in connection with an award A2118 - A2126

A2118 [\[See ADM Memo 03/25\]](#) to A2123 apply to any person entitled to benefit, other than JSA, and any other person by whom or on whose behalf, payments of such benefit are receivable<sup>1</sup>.

1 [UC, PIP, JSA & ESA \(C&P\) Regs, reg 38\(1\)](#)

A2119 A person must supply in such manner as may be determined within the period applicable under specified legislation<sup>1</sup> such information or evidence as may be required for determining whether an award should be revised or superseded<sup>2</sup>.

1 [UC, PIP, JSA & ESA \(D&A\) Regs, reg 45\(4\)\(a\)](#); 2 [UC, PIP, JSA & ESA \(C&P\) Regs, reg 38\(2\)](#)

**Note:** See ADM Chapter A4 for the period in which information or evidence should be supplied.

A2120 A person must supply in such manner and at such times as may be determined such information or evidence as the Secretary of State may require in connection with payment of the benefit awarded<sup>1</sup>.

1 [UC, PIP, JSA & ESA \(C&P\) Regs, reg 38\(3\)](#)

A2121 A person must notify any change of circumstances which the person might reasonably be expected to know might affect<sup>1</sup>

**1.** the continuance of entitlement to benefit **or**

**2.** the amount of benefit awarded **or**

**3.** the payment of benefit

as soon as reasonably practicable after the change occurs.

1 [UC, PIP, JSA & ESA \(C&P\) Regs, reg 38\(4\)](#)

A2122 The notification<sup>1</sup> of a change of circumstances must be

**1.** given in writing or by telephone **and**

**2.** sent, delivered to or received at the appropriate office

**Note:** The Secretary of State may specify that the change in circumstances must be notified in a particular way. There is also discretion to accept notification by methods other than by in writing (including electronic notification) or by telephone

A2123 Where UC has been awarded to joint claimants, information relating to that award may be supplied by the Secretary of State to either or both members of the couple for any purpose connected to that award<sup>1</sup>.

A2124 Every person providing relevant childcare<sup>1</sup> where the claimant's award of UC is to include an amount in respect of childcare costs<sup>2</sup> must supply information and evidence

**1.** in connection with the award **or**

**2.** on any question arising out of it, as may be determined

This must be done within one month of being required to do so or such longer period as is considered reasonable<sup>3</sup>.

A2125 Where the award of UC includes an amount as a result of the claimant regularly and substantially caring for a severely disabled person<sup>1</sup>, the Secretary of State may require the claimant to furnish a declaration signed by the severely disabled person confirming the particulars of that severely disabled person, which have been given by the claimant<sup>2</sup>. See ADM Chapter F6.

### **Example**

Quentin is in receipt of UC which includes the carer element as he has caring responsibility for his disabled partner Julian. The DM asks Quentin to obtain a written statement, signed by Julian to determine whether the details given by Quentin are correct.

A2126 Where

1. a claimant's award of UC includes an amount in respect of housing costs, or

2. the award may be revised or superseded to include such an amount,

a landlord must supply information or evidence in connection with the award, or any question arising out of it, as the Secretary of State may require. This must be done within one month of being required to do so or such longer period as is considered reasonable<sup>1</sup>.

**Note:** If the landlord fails to provide the relevant information or evidence within the appropriate timescale, please see ADM A4 (Determinations on incomplete evidence).



## Alternative means of notifying changes of circumstances A2127

A2127 In such cases and subject to such conditions as the Secretary of State may specify, the duty to notify a change of circumstances may be discharged by notifying the Secretary of State as soon as reasonably practicable where the change of circumstances is a

**1.** birth or death, through an LA or a county council in England, by personal attendance at an office specified that LA or county council, provided the Secretary of State has agreed for it to facilitate such notification<sup>1</sup> **or**

**2.** death, by telephone to a telephone number specified for that purpose by the Secretary of State<sup>2</sup>.

1 [UC, PIP, JSA & ESA \(C&P\) Regs, reg 39\(a\)](#); 2 [reg 39\(b\)](#)

## Information provided to rent officers A2128 - A2130

A2128 DWP must provide rent officers with information that is requested to enable the rent officer to carry out functions as in prescribed legislation<sup>1</sup>.

[1 UC, PIP, JSA & ESA \(C&P\) Regs, reg 40\(1\); Housing Act 1996, s 122](#)

A2129 The information referred to may include information required to make a determination and may include<sup>1</sup>

- 1.** the name and address of the UC claimant in respect of whom the Secretary of State has applied for a determination
- 2.** the amount of any rent
- 3.** the amount of any service charge payments
- 4.** the number of bedrooms
- 5.** the name and address of the claimant's landlord.

**Note:** Landlord means any person to whom a claimant or partner is liable to make payments in respect of the occupation of the claimant's accommodation.

[1 UC, PIP, JSA & ESA \(C&P\) Regs, reg 40\(2\)](#)

A2130 The landlord must provide the rent officer with information or evidence as is reasonably required to make a determination<sup>1</sup> and which the rent officer is not able to obtain from DWP<sup>2</sup>. This evidence may include whether the property is let at an affordable rent as defined in prescribed legislation<sup>3</sup>.

[1 Rent Officers \(universal Credit Functions\) Order 2013;](#)

[2 UC, PIP, JSA & ESA \(C&P\) Regs, reg 40\(3\); 3 reg 40\(4\)](#)

## Evidence and Information required from pension fund holders A2131 - A2134

A2131 Where a claimant or their partner is aged not less than 60 and is a

1. member of, or is a person deriving entitlement to a pension under a personal pension scheme **or**
2. an occupational pension scheme

they must provide information where required to do so<sup>1</sup>.

1 [UC, PIP, JSA & ESA \(C&P\) Regs, reg 41\(1\)](#)

A2132 The information<sup>1</sup> required in A2130 is

1. the name and address of the pension fund holder **and**
2. such other information including any reference or policy number needed to enable the personal pension scheme or occupational pension scheme to be identified

1 [UC, PIP, JSA & ESA \(C&P\) Regs, reg 41\(1\)\(a-b\)](#)

A2133 Where the pension fund holder receives a request for details of the personal pension scheme or occupational pension scheme then they must provide the Secretary of State with information calculated in prescribed legislation<sup>1</sup>.

1 [UC, PIP, JSA & ESA \(C&P\) Regs, reg 41\(2\)](#)

A2134 The guidance at A2130 – A2132 does not apply to PIP<sup>1</sup>. Any reference to “claimant” also includes a person where it is not a condition of entitlement to benefit that a claim is made.

1 [UC, PIP, JSA & ESA \(C&P\) Regs, reg 41\(5\)](#)

## Attendance in Person A2135

A2135 Every person who makes a claim for benefit (apart from JSA), or any person entitled to benefit (except JSA) and any other person by whom or on whose behalf payments by way of such a benefit are receivable must

- 1.** attend at such place and on such days and at such times as the Secretary of State may direct **and**
- 2.** supply information or evidence under prescribed regulations<sup>1</sup>.

This applies to PIP claimants in cases where they are required to attend to provide information or evidence. Prescribed legislation<sup>2</sup> applies to PIP claimants who may be called for a consultation.

<sup>1</sup> [UC, PIP, JSA & ESA \(C&P\) Regs, reg 35, reg 37-39 & reg 41](#); <sup>2</sup> [SS \(PIP\) Regs, reg 9](#)

## Duration of awards A2136

A2136 Claims for UC<sup>1</sup> are to be treated as made for an indefinite period and any award is to be made for an indefinite period.

1 [UC, PIP, JSA & ESA \(C&P\) Regs, reg 36\(1\)](#)

## **Claims to JSA made during periods connected with public holidays**

### **A2137**

A2137 See Appendix 2 of this Chapter in relation to claims for JSA made during periods connected with public holidays<sup>1</sup>.

<sup>1</sup> [UC, PIP, JSA & ESA \(C&P\) Regs, reg 36\(2\)](#)

## Appointees A2138 - A2140

### [Claimants granted appointee in Scotland](#) A2139

A2138 The Secretary of State can appoint a person to act on behalf of someone who is or may be entitled to benefit and is unable to act, for example because of mental health problems. The DM should treat any action of an appointee as if it had been taken by the claimant, noting that

1. appointments are not possible if someone has already been legally appointed to act on behalf of the claimant. This may be a deputy, attorney or a receiver<sup>1</sup>. In Scotland this might be a judicial factor or any guardian acting or appointed under specific legislation<sup>2</sup> who has the power to act on behalf of the claimant
2. the person must apply in writing. Individual appointees must be over 18 years old<sup>2</sup>
3. an appointee can be a body of people such as a firm of solicitors or a health authority<sup>3</sup>.

For further details about the appointment of appointees, the DM should refer to the [Agents, appointees, attorneys, deputies and third parties: staff guide](#).

1 [UC, PIP, JSA & ESA \(C&P\) Regs, reg 57](#);

2 [Adults with Incapacity \(Scotland\) Act 2000](#); 3 [R\(SB\) 2/87.pdf](#) ; [R\(A\) 2/81.pdf](#)

## Claimants granted appointee in Scotland

A2139 Where in Scotland a person over the age of 18 has been appointed by Social Security Scotland under a qualifying appointment<sup>1</sup> to act for a claimant who cannot manage their own affairs because they are mentally and/or physically disabled, the DM can accept the same appointee without a fresh application, if the person agrees<sup>2</sup>.

1 [UC, PIP, JSA & ESA \(C&P\) Regs, reg 57\(1B\)](#); 2 [Reg \(1A\)](#)

A2140 Where an appointment<sup>1</sup> has been made

1. it may be revoked by the Secretary of State at any time
2. the person appointed may resign after giving one months notice to do so
3. any appointment is to be terminated when the Secretary of State is notified when a deputy, receiver, attorney or judicial factor/guardian in Scotland is appointed with full powers.

1 [UC, PIP, JSA & ESA \(C&P\) Regs, reg 57\(8\)](#)



## Power of attorney A2141 - A2143

A2141 A POA is a legal document (a deed) by which one person gives another person authority to handle their affairs. The power may be a

1. general - to handle all the person's affairs
2. specific - to handle some of the person's affairs - must be financial for benefit purposes
3. for a limited period - for example, while the person is ill or abroad<sup>1</sup>.
4. limited by capacity (see below)

1 [Power of Attorney Act 71](#)

A2142 In England and Wales the validity of POA depends on whether it is a General or Lasting POA. A General POA expires when the customer becomes mentally incapable. A Lasting POA must be registered before it can be used. It remains valid even after capacity is lost<sup>1</sup>.

**Note:** For more information see the [Agents, appointees, attorneys, deputies and third parties: staff guide](#).

1 [Mental Capacity Act 05](#)

A2143 In Scotland the validity of a POA when a person becomes mentally incapable depends on the authority used to grant the power and the date it was granted<sup>1</sup>.

**Note:** For further details about POA, see the [Agents, appointees, attorneys, deputies and third parties: staff guide](#).

1 [Adults with Incapacity \(Scotland\) Act 2000](#)

## Deputies and Guardians A2144 - A2145

A2144 Where a person is incapable of managing their own affairs and therefore incapable of authorising someone else to act on their behalf, the Court of Protection may appoint a deputy to act for the person. A deputy who is appointed to act in all matters may make claims to benefit without further authority from the Secretary of State. Deputies replaced receivers in England and Wales as a consequence of specific legislation<sup>1</sup>. People already appointed as receivers under specified legislation<sup>2</sup> will continue in that capacity but will be treated as deputies<sup>3</sup>.

1 [Mental Capacity Act 2005](#); 2 [Mental Health Act 1983](#); 3 [UC, PIP, JSA & ESA \(C&P\) Regs, reg 57](#)

A2145 In Scotland a Sheriff may appoint a guardian to act in a similar way to a deputy<sup>1</sup>.

**Note:** For further details about Deputies/Guardians, see the [Agents, appointees, attorneys, deputies and third parties: staff guide](#).

1 [Adults with Incapacity \(Scotland\) Act, s 57\(1\)](#)

## Claims at Death A2146

A2146 On the death of a person who has made a claim for benefit the Secretary of State may appoint such a person as they may think fit to proceed with the claim and any related issue of revision, supersession or appeal<sup>1</sup>. See ADM Chapter B1 for further guidance on payments after death.

**Note:** There are no provisions that enable a posthumous claim to UC, JSA, ESA or PIP to succeed.

<sup>1</sup> [UC, PIP, JSA & ESA \(C&P\) Regs, reg 56\(1\)](#)

## **Requirement to attend for a consultation A2147**

A2147 Before making a decision on a claim for PIP<sup>1</sup> the claimant may be required to attend and participate in a consultation with a person approved by the Secretary of State. This also applies where a re-determination of a claimant's ability to carry out activities is required<sup>2</sup>. Decisions on whether a consultation is required are made by the Health Professional. This does not apply to ESA and UC which have separate provisions.

1 [WR Act 12, s 80](#); [PIP Regs, reg 8](#); [reg 11](#)

## Provision of NINOs A2148 - A2158

[Claimants A2148 - A2154](#)

[Child or Qualifying Young Person A2155](#)

[NINO Exemptions A2156 - A2158](#)

### Claimants

A2148 It is a condition of entitlement to the following benefits that the claimant provides evidence of their identity<sup>1</sup>:

1. PIP
2. UC
3. ESA
4. JSA

1 [SS A Act 92, s 1\(1A\) & \(1B\)](#)

A2149 The identity of a claimant must be approached by way of the statutory condition of entitlement that relates to NINOs<sup>1</sup>. This sets out three alternative requirements:

- 1.** The claimant must provide a statement of their NINO and information or evidence that shows that that number has been allocated to them. This means that, as well as stating a NINO, the claimant must submit evidence that shows that (a) they are who they say they are and (b) who they are is the person to whom the NINO was originally allocated.
- 2.** The claimant must provide information or evidence that enables a NINO that has been allocated to them to be traced. This means that (a) DWP must be able to trace a NINO that was allocated to the person the claimant says they are and (b) the claimant must submit evidence that shows that they are who they say they are.
- 3.** Where **1.** and **2.** are not satisfied, the claimant must apply for a NINO and provide information or evidence that enables one to be allocated to them. This means the claimant must both (a) submit an application for a NINO and (b) submit evidence that shows that they are who they say they are to such a degree of confidence that a NINO can properly be allocated to them<sup>2</sup>.

A2150 A claim by a person who has failed to prove their identity can only be disallowed when all three conditions are found not to be satisfied<sup>1</sup>. If a claimant fails to pass the first test, the second must be considered. If the claimant fails that test as well, then the third must be applied. However, all three tests require the claimant to prove that they are who they say they are. A claimant who has failed to do this necessarily fails all three tests. Whether or not a NINO has been provided, traced or applied for is immaterial. The claimant's failure to prove their identity by evidence is in and of itself fatal to entitlement. For this reason, the DWP operational procedures for identity verification may focus on whether the claimant can provide satisfactory evidence of their identity.

[1 PHC v SSWP \(UC\) \[2024\] UKUT 340 \(AAC\)](#)

A2151 Nothing in the three conditions in A2149 restricts the types of evidence of identity the DM may take into account. In particular, an application for a NINO made for the purposes of A2149.3 is not subject to the list of acceptable forms of evidence that applies to applications for NINOs made by employed earners, self-employed earners, persons who wish to pay voluntary Class 3 contributions, and student loan applicants<sup>1</sup>. A CHB UT decision that said that the list applies to a benefit claim made by an employed earner should not be followed<sup>2</sup>. For a benefit claimant, the obligation to apply for a national insurance number is found in the condition of entitlement that relates to NINOs itself. The application is not made under the regulation that imposes the prescriptive list of acceptable evidence<sup>3</sup>.

[1 Social Security \(Crediting and Treatment of Contributions, and National Insurance Numbers\) Regulations 2001, reg 9; 2 OM v H.M. Revenue & Customs \[2018\] UKUT 50 \(AAC\); 3 CH/4085/2007](#)

A2152 In relation to each of the conditions in A2149, the DM should consider all of the evidence provided by the claimant and decide on the balance of probabilities whether it tends logically to show that they are who they say they are. The DM should then decide in the light of that finding whether the particular test the condition imposes is met. The evidence that has been considered, and the reasons why it has or has not been accepted as proof of identity, should be recorded.

A2153 The requirements in A2149 must be satisfied every time a relevant claim to benefit is made. Moreover, a finding about the claimant's identity made in relation to one claim is not decisive for the purposes of any other claim<sup>1</sup>. Even in transfer claims to UC, the DM should not accept that the requirements in A2149 are satisfied simply because they were accepted as satisfied in an earlier claim. The particular evidence that has been provided in connection with the claim now in question must be considered carefully and entirely afresh.

A2154 Where a claim for JSA or UC is made jointly by a couple the NINO provisions must be satisfied by both claimants. If the conditions are not satisfied by either claimant, the benefit should be disallowed<sup>1</sup>. This does not apply to cases where two existing UC recipients form a couple. The conditions in A2149 only apply to a person whose entitlement to any benefit depends on their making a claim<sup>2</sup>. Where two UC recipients become a couple, no new claim is required<sup>3</sup>.

[1 Secretary of State for Work and Pensions v Wilson \[2006\] EWCA Civ 882 \(R\(H\) 7/06\)](#); [2 SS A Act 92, s 1\(1B\)](#); [3 WR Act 12, sch 1, para 3\(2\)\(b\)](#); [UC, PIP, JSA & ESA \(C&P\) Regs, reg 9\(7\)](#)

## **Child or qualifying young person**

A2155 The conditions in A2149 do not apply to child or qualifying young person in respect of whom UC is claimed<sup>1</sup>. However, entitlement to the child element depends on the claimant proving the child's existence and identity on the balance of probabilities<sup>2</sup>. The DM should record the evidence that has been considered and the reasons why it has or has not been accepted as proof of identity.

[1 UC, PIP, JSA & ESA \(C&P\) Regs, reg 5](#); [2 PHC v SSWP \(UC\) \[2024\] UKUT 340 \(AAC\)](#)

## **NINO Exemptions**

A2156 Where a claim to benefit is received a NINO is required for both the claimant and any adult jointly entitled to claim. In the majority of cases where a NINO cannot be allocated to either the claimant or any adult in the claim there are grounds for deciding that the claimant is not entitled to the benefit.

A2157 In a small number of cases a NINO will not be allocated to a partner of the claimant where these individuals have no right to be in the UK and do not already have a NINO. These claims should not be disallowed for this reason. However if the partner already possesses a NINO they are required to state this on the claim form.

A2158 Where a claimant's partner is ineligible to claim UC but is part of the assessment unit (e.g. they do not meet the HRT) they will be referred to the NINO allocation unit. It is not a condition of entitlement that the ineligible partner must have a NINO.



# Appendix 1 - Use of Electronic Communications

## [Definition](#)

### [Use of electronic communications](#)

## Definition

1 “Official computer system” means<sup>1</sup> a computer system maintained by or on behalf of the Secretary of State to

1. send or receive any claim or information **or**
2. process or store any claim or information

**Note:** “information” includes evidence and information authorised or required to be given in a notice or certificate

1 [UC, PIP, JSA & ESA \(C&P\) Regs, reg 2](#)

## Use of electronic communications

2 The Secretary of State may use an electronic communication in connection with claims for, and awards of any benefit<sup>1</sup>.

1 [UC, PIP, JSA & ESA \(C&P\) Regs, Sch 2, para 1](#)

## Conditions for the use of electronic communications by other persons

3 A person other than the Secretary of State may use an electronic communication in connection with the matters specified in paragraph 2 if the conditions in paragraphs 4 to 8 are met<sup>1</sup>.

**Note:** “Approved” means approved by means of a direction given by the Secretary of State.

1 [UC, PIP, JSA & ESA \(C&P\) Regs, Sch 2, para 2\(1\)](#)

4 The first condition is that there is in force an authorisation given by the Secretary of State by means of a direction permitting the person concerned to use electronic communication<sup>1</sup>. Please refer to DMG Vol 1, Annex B, Appendix A for the Social Security (Electronic Communications) Consolidation and Amendment Directions 2011 (as amended).

5 The second condition is<sup>1</sup> that the person uses an approved method of

1. authenticating the identity of the sender
2. electronic communication
3. authenticating any claim or information delivered by means of electronic communication
4. submitting any claim or information to the Secretary of State.

6 The third condition is that any claim or information sent by electronic communication is in an approved form<sup>1</sup>.

7 The fourth condition is that the person keeps such records in written or electronic form as may be specified by the Secretary of State<sup>1</sup> in a direction.

8 Where a person submits a claim or evidence by a method other than that approved by the Secretary of State then that claim or evidence **shall be treated as not having been submitted**<sup>1</sup>.

### **Use of Intermediaries**

9 The Secretary of State may use, and may require other persons to use, intermediaries in connection with<sup>1</sup>

1. the delivery of any claim or evidence by means of an electronic communication **and**
2. the authentication or security of anything transmitted by electronic means.

### **Effect of delivering information by electronic means**

10 Any claim or information which is delivered by electronic means is to be treated as having been delivered on the day the conditions

1. in paragraphs 4 to 7 above **and**

2. under any applicable Act or regulation

are satisfied<sup>1</sup>.

1 [UC, PIP, JSA & ESA \(C&P\) Regs, Sch 2, para 4\(1\)](#)

11 The Secretary of State may make a direction determining that any claim or information is to be treated as delivered on a different day from that set out in paragraph 10 above<sup>1</sup>.

1 [UC, PIP, JSA & ESA \(C&P\) Regs, Sch 2, para 4\(2\)](#)

12 Information shall not be taken to have been delivered to an official computer system by means of an electronic communication unless it is accepted by the system to which it is delivered<sup>1</sup>.

1 [UC, PIP, JSA & ESA \(C&P\) Regs, Sch 2, para 4\(3\)](#)

### **Proof of delivery**

13 The use of an approved method of electronic communications is to be presumed<sup>1</sup>, unless the contrary is proved, to have resulted in delivery, in the case of any

1. claim or information falling to be delivered to the Secretary of State, if the delivery is recorded on an official computer system **or**

2. information that falls to be delivered by the Secretary of State, if the despatch of that information is recorded on an official computer system.

1 [UC, PIP, JSA & ESA \(C&P\) Regs, Sch 2, para 5\(1\)](#)

14 If delivery has not been recorded on an official computer system it will be presumed that it has not taken place<sup>1</sup>.

1 [UC, PIP, JSA & ESA \(C&P\) Regs, Sch 2, para 5\(2\)](#)

15 The time and date of receipt of a claim or information shall be presumed, unless the contrary is proved, to be that recorded on an official computer system<sup>1</sup>.

1 [UC, PIP, JSA & ESA \(C&P\) Regs, Sch 2, para 5\(3\)](#)

### **Proving the identity of a sender or recipient**

16 If it is necessary to prove the identity of

1. a person who sent a claim or information to an official computer by electronic means **or**

**2.** the recipient of a claim or information from an official computer system

the sender or recipient shall be presumed to be the person recorded as such on the official computer system<sup>1</sup>.

[1 UC, PIP, JSA & ESA \(C&P\) Regs, Sch 2, para 6\(1\)](#)

17 Any claim or information delivered by an approved method of electronic communication on behalf of another person is to be deemed to have been delivered by that person unless they prove that it was delivered without their knowledge or connivance<sup>1</sup>.

[1 UC, PIP, JSA & ESA \(C&P\) Regs, Sch 2, para 6\(2\)](#)

18 If it is necessary to prove the content of a claim or information sent by electronic means, the content will be presumed to be that recorded on an official computer system<sup>1</sup>.

[1 UC, PIP, JSA & ESA \(C&P\) Regs, Sch 2, para 7](#)

## Appendix 2 - Claims for JSA during periods connected with public holidays

1 Special provisions apply where a claim to JSA is made<sup>1</sup>

**1.** in the case of Christmas and New Year holidays, in the period beginning with the start of the 35<sup>th</sup> day before the first day of the office closure and ending on midnight between the last day of office closure and the following day

**2.** in the case of Easter Holidays, in the period beginning with the start of the 16<sup>th</sup> day before the first day of the office closure and ending at midnight between the last day of office closure and the following day

**3.** in the case of any other public holiday, a period beginning with the start of the 14<sup>th</sup> day before the first day of office closure and ending at midnight between the last day of office closure and the following day

[1 UC, PIP, JSA & ESA \(C&P\) Regs, Sch 4, para 3](#)

2 A claim for JSA may be treated as a claim for that benefit for a period<sup>1</sup> (specified in the decision) not exceeding 35 days after the date of claim where that claim is made during the period specified in paragraph **1.1** above.

[1 UC, PIP, JSA & ESA \(C&P\) Regs, Sch 4, para 2\(a\)](#)

3 A claim for JSA may be treated as a claim for that benefit for a period<sup>1</sup> (specified in the decision) not exceeding 21 days after the date of claim where that claim is made during the period specified in paragraph **1.2** or **1.3** above.

[1 UC, PIP, JSA & ESA \(C&P\) Regs, Sch 4, para 2\(b\)](#)

4 “Public Holiday” means Christmas Day, Good Friday or a bank holiday, or in Scotland a bank holiday or local holidays<sup>1</sup>.

[1 UC, PIP, JSA & ESA \(C&P\) Regs, Sch 4, para 1\(a\)](#)

5 “Christmas and New Year holidays” means in

**1.** England and Wales, the period beginning at the start of Christmas Day and terminating on the end of New Years Day. If New Year Day is a Sunday the period ends at the end of 2<sup>nd</sup> January.

**2.** Scotland, the period beginning at the start of Christmas Day and ending on the end of 2<sup>nd</sup> January. If New Year Day is a Saturday or Sunday the period terminates at the end of 3<sup>rd</sup> January.

6 Easter Holidays means the period beginning at the start of Good Friday and terminating at the end of Easter Monday.

7 “Office closure” means a period during which an appropriate office is closed in connection with a public holiday<sup>1</sup>.

1 [UC, PIP, JSA & ESA \(C&P\) Regs, Sch 4, para 1\(d\)](#)

**The content of the examples in this document (including use of imagery) is for illustrative purposes only**