

Dear Ms Harriman,

Thank you for your Freedom of Information request of 19 May 2017. You asked:

Please could you provide any internal guidance for Decision Makers etc that ensures that the system / the Decision Makers recognise when someone (who is submitting a UC claim) wishes to claim New style JSA / ESA either as well as or instead of Universal Credit, and ensures that they are able to do so.

Please could you provide the regulations and/or guidance that describe the process for making a "credits only" claim for Universal Credit, when someone in a Full service UC area doesn't meet the NI contributions conditions for new style ESA or JSA, but also has too much income/savings for Universal Credit.

DWP response

1. There is no internal guidance for Decision Makers to recognise when someone wishes to claim new style JSA/ESA, either as well as, or instead of, Universal Credit. A Decision Maker does not have any involvement at the initial claim stages of a new claim. They would only have involvement if there needed to be a decision made later on any aspect of the claim.
2. We do not have internal guidance but the process is as follows.

A customer can contact the main claim line number (0800 055 6688) or call into their local Jobcentre explaining they want to claim National Insurance (NI) credits only as they are unemployed but do not want or can not receive Universal Credit and or new style JSA.

The telephony agent or Jobcentre member of staff will take down the basic contact details, arrange an interview at the claimants local Jobcentre and send them or give them a JSANC1 form to complete and bring to the interview.

The Work Coach will assess their entitlement to an NI credit, based upon the evidence in the form, inform them of what they need to do or keep on doing, and set them a fortnightly day of attendance. When they must show their continuing entitlement based upon meeting the requirements of The Social Security (Credits) Regulations, regulation 8A(2)(ba), which are that they meet the requirements of sections: 1(2)(e) to (h) and section 6D and 6E of the Jobseeker's Act 1995.

If they do so, each week (NI credit weeks run Sunday to Saturday) DWP will inform HMRC that they have done so and HMRC will give them a class 1 NI credit by adding it to their National Insurance record. This is done electronically through the e-NIRS2 browser between DWP and HMRC or can be done clerically on an appropriate form, if it is not possible to do so through the browser.

The relevant regulations are The Social Security (Credits) Regulations 1975 (S.I. 1975/556), regulation 8A(2)(ba) – credits for unemployment, which is in the public domain and can be found at: www.legislation.gov.uk, specifically: <http://www.legislation.gov.uk/ukxi/1975/556>. The Jobseekers Act 1995, section 1(2), can be found at: <http://www.legislation.gov.uk/ukpga/1995/18/contents>, specifically the revised version 30/11/2014: http://www.legislation.gov.uk/ukpga/1995/18/pdfs/ukpga_19950018_301114_en.pdf.

If you have any queries about this letter please contact me quoting the reference number above.

Yours sincerely,

DWP Strategy Fol Team

Your right to complain under the Freedom of Information Act

If you are not happy with this response you may request an internal review by e-mailing freedom-of-information-request@dwp.gsi.gov.uk or by writing to DWP, Central Fol Team, Caxton House, Tothill Street, SW1H 9NA. Any review request should be submitted within two months of the date of this letter.

If you are not content with the outcome of the internal review you may apply directly to the Information Commissioner's Office for a decision. Generally the Commissioner cannot make a decision unless you have exhausted our own complaints procedure. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow Cheshire SK9 5AF www.ico.gov.uk