Chapter S1: Amounts payable and part-week payments

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Legislation Used in Chapter S1

Abbreviation	Full Title
JS (NI) Order 95	The Jobseekers (Northern Ireland) Order 1995 No. 2705
JSA Regs (NI) 16	The Jobseeker's Allowance Regulations (Northern Ireland) 2016 No. 218
Pensions Act 04	Pensions Act 2004
Pensions (NI) Order 05	Pensions (Northern Ireland) Order 2005 No. 255
Local Government (Compensation for Premature Retirement) Regs (NI) 1983	Local Government (Compensation for Premature Retirement) Regulations (Northern Ireland) 1983 No. 30
Pension Schemes (NI) Act 93	Pension Schemes (Northern Ireland) Act 1993
Local Government (Superannuation) Regs (NI)	Local Government (Superannuation) Regulations (Northern Ireland) 1992 No. 547
Queen's Regulations	Queen's Regulations
Finance Act 04	Finance Act 2004
RUC Pensions Regs 1988	The Royal Ulster Constabulary Pensions Regulations (Northern Ireland) 1988 No. 374
Police Pensions (NI) Regs 2007	The Police Pension (Northern Ireland) Regulations 2007 No. 476

Chapter S1: Amount payable and part weeks

Amount payable

General

Scope of this Chapter

S1000 This Chapter explains how to calculate the normal amount payable for Jobseeker's Allowance.

Jobseeker's Allowance - personal rate

S1001 Jobseeker's Allowance is paid for the claimant only. There are no increases for any partner or dependants. The personal rate is calculated by[1]

1. deciding the age-related amount payable to the claimant **and**

2. deducting, in each benefit week

2.1 any earnings[2] (see Chapter S2 and S3) **and**

2.2 pension payments[3] (see S1010 et seq).

Note1: Where the calculation results in a fraction of a penny, it should be rounded up to the next whole penny[4].

Note2: Jobseeker's Allowance is not payable where the calculation results in an amount of Jobseeker's Allowance of less than 10 pence a week[5].

1 JS (NI) Order 95, art 6(1); 2 JSA Regs (NI) 16, reg 50; 3 reg 51; 4 reg 49(2); 5 reg 52

S1002 If a claimant receives both earnings and pension payments in the same benefit week it does not matter which deduction is made first. The decision maker should adopt the most practical order. As pension payments are less likely to vary, these will often be deducted before the earnings.

Example 1

Stephen claims and is entitled to Jobseeker's Allowance. Stephen receives an occupational pension and works for ten hours per week. The amounts received do not vary. As the amounts received do not vary the decision maker decides to deduct the earnings first and then the occupational pension.

Example 2

Sanjay claims and is entitled to Jobseeker's Allowance. He receives an occupational pension and works part-time on a casual basis. The decision maker decides to deduct the occupational pension first and deduct the earnings when received.

Example 3

Pam claims and is entitled to Jobseeker's Allowance. Pam receives an occupational pension and works for twelve hours per week. The decision maker decides to deduct the occupational pension first because after this deduction Jobseeker's Allowance is not payable to Pam.

S1003 Jobseeker's Allowance has two separate age-related amounts. They are for claimants

1. who have not attained the age of 25

2. 25 and over[1].

1 JS (NI) Order 95, art 4(1); JSA Regs (NI) 16, reg 49(1)

S1004 – S1009

Jobseeker's Allowance and pension payments

Deductions from Jobseeker's Allowance for pension payments

General

S1010 Pension payments, Pension Protection Fund periodic payments and Financial Assistance Scheme payments that are

1. made to a claimant for any week **and**

2. more than £50 each week

are deducted from the claimant's age related amount, when calculating the amount of Jobseeker's Allowance payable to the claimant for each benefit week. The amount deducted is the excess over £50[1].

1 JS (NI) Order 95, art 4(1); JSA Regs (NI) 16, reg 51(1)

Example

A woman receives pension payments totalling £83.50 each week. The pension payments exceed the £50 maximum by £33.50. So £33.50 is deducted each benefit week from the amount of Jobseeker's Allowance that she is entitled to.

S1011 The law provides for

1. when pension payments, Pension Protection Fund payments and Financial Assistance Scheme payments are to be taken into account[1] (see S1086 - S1087) **and**

2. certain payments to be disregarded[2] (see S1105) **and**

3. the calculation of a weekly amount where pensions are paid for periods other than a week[3] (see S1131 - S1132).

1 JSA Regs (NI) 16, reg 51(2) & (3); 2 reg 51(4); 3 reg 51(5)

S1012 – S1014

Meaning of pension payments, protection fund and financial assistance scheme payments

S1015 "Protection fund periodic payments" are defined as[1]

1. any periodic compensation payments made in relation to a person, payable under the pension compensation provisions set out in specified legislation[2]

2. any periodic payments made in relation to a person, payable under specific legislation[3]

other than payments made to a surviving dependant of a person entitled to such payments.

1 JS (NI) Order 95, art 2(2); 2 Pensions Act 04, s 162(2); Pensions (NI) Order 05, art 146(2); 3 Pensions Act 04, s 166; Pensions (NI) Order 05, art 150

S1016 Financial assistance scheme payments provide financial help to some people who have lost out on their occupational pension because

1. the scheme they were a member of was under-funded when it started to wind-up **and**

2. they are within three years of their normal retirement age (as laid down in their pension scheme rules) or older on 14.5.04.

S1017 The Financial Assistance Scheme can pay an award of up to 90% of what a person would have received if the pension scheme had not been wound up. The award is paid on top of any pension the individual receives from the scheme up to an annual limit. A Financial Assistance Scheme award is paid for life at a fixed rate so it will not increase. The award is paid net of tax.

Example

The claimant would have received a pension of £18,750 if the scheme had not been wound up. 90% of the amount he would have received is £16,875. In the event the claimant receives a pension of £10,000 a year so this amount is topped up through a Financial Assistance Scheme award by an amount needed to reach the annual ceiling.

S1018 – S1019

S1020 Pension payments are[1] periodical payments (see S1054) paid to or for a person

1. under a personal pension scheme (see S1046) **or**

2. in connection with the ending of the person's employment as an earner (see DMG 23866) under

2.1 an occupational pension scheme (see S1022) **or**

2.2 a public service pension scheme (see S1029).

1 JS (NI) Order 95, art 2(2)

S1021 Payments as in S1020 **2.** may be, but are not confined to, pensions that the employer has contributed to. The following types of payment are included

1. payments made under a scheme arranged by the employer where the money is provided exclusively by the claimant

2. payments made by the United Kingdom or other governments where provision is made for them in law, for example pensions to former Crown employees

3. pensions from employment overseas (see S1124)

4. the compensation element of a retired local government officer's pension[1]

5. payments under the Civil Service Compensation Scheme (see S1035)

6. payments under the Civil Service Pension Scheme.

1 Local Government (Compensation for Premature Retirement) Regs (NI) 1983

Occupational pension scheme

S1022 An occupational pension scheme is[1] any scheme or arrangement that

1. is comprised in one or more instruments (for example trust deeds) or agreements (for example informal arrangements) **and**

2. has, or is capable of having, effect on one or more types of employment **and**

3. provides benefits, for example pensions, payable on

3.1 termination of service **or**

3.2 death **or**

3.3 retirement

for earners with qualifying service.

1 JS (NI) Order 95, art 2(2); Pension Schemes (NI) Act 93, sec 1; R(JSA) 1/01; R(JSA) 6/02

S1023 – S1028

Public service pension scheme

S1029 A public service pension scheme is[1] an occupational pension scheme that is

1. established under legislation, by royal prerogative or under a royal charter **and**

1.1 all its particulars are set out in the legislation, royal warrant or charter **or**

1.2 it cannot come into force or be amended without the government's approval **or**

2. established with the government's approval **or**

3. prescribed by legislation.

1 JS (NI) order 95, art 2(2); Pension Schemes (NI) Act 93, sec 1

S1030 Pension schemes that are also public service pension schemes include pension schemes for

1. civil servants **or**

2. local government employees **or**

3. teachers **or**

4. the Armed Forces **or**

5. police officers.

S1031 If decision makers have difficulty in determining whether a pension scheme is a public service pension scheme they should arrange to get

1. the claimant's consent to contact the manager of the scheme **and**

2. a statement from the manager of the scheme as to whether the pension scheme is a public service pension scheme within the meaning of the relevant law[1].

1 Pension Schemes (NI) Act 93, sec 1

S1032 If a pension scheme is not a public service pension scheme it may still fall within the definition of an occupational pension scheme (see S1022).

S1033 – S1034

Civil Service compensation scheme

S1035 Civil servants may be entitled to annual payments as compensation[1] if their employment ends because of

1. compulsory redundancy **or**

2. voluntary early retirement or severance

in a redundancy situation.

1 R(JSA) 1/01; R(JSA) 2/01

S1036 Until 1995, payments made to civil servants taking early retirement or redundancy were made as part of the Principal Civil Service Pension Scheme. The Principal Civil Service Pension Scheme also provided benefits to those who retired at the normal retirement age. But on 1.1.95, a separate scheme, called the Civil Service Compensation Scheme was introduced.

S1037 The Civil Service Compensation Scheme provides benefits to civil servants whose employment ends before the normal retirement age. The Principal Civil Service Pension Scheme continues to provide benefits to those who retire at the normal retirement age.

S1038 Under the Civil Service Compensation Scheme, annual compensation payments may be made to civil servants. The Civil Service Compensation Scheme also allows civil servants to change the mix of their

1. lump sum **and**

2. annual compensation payments **and**

3. preserved pension.

S1039 The Civil Service Compensation Scheme is a public service pension scheme[1] and annual compensation payments from it are payments from a public service pension scheme. This means that annual compensation payments in excess of the £50 limit (see S1010) are taken into account in Jobseeker's Allowance.

1 R(JSA) 2/01

S1040 – S1041

Local government premature retirement scheme

S1042 Some pensionable local government employees who

1. are made redundant **or**

2. volunteer for redundancy **or**

3. cease work in the interests of the efficient exercise of the employers' functions

receive payments under the local government premature retirement scheme[1].

1 Local Government (Compensation for Premature Retirement) Regs (NI) 1983

S1043 The scheme entitles employees[1] to annual payments as compensation for their employment ending as in S1042. These are calculated on the same basis as their annual retirement pension under the superannuation legislation[2]. The compensation payment is a payment from a public service pension scheme.

1 Local Government (Compensation for Premature Retirement) Regs (NI) 1983, reg 6;
2 Local Government (Superannuation) Regs (NI)

Armed Forces redundancy arrangements

S1044 Pensions payable to service personnel who retire from the Armed Forces are paid under a public service pension scheme.

S1045 Pensions paid to service personnel who have been made redundant

1. are calculated on the length of qualifying service completed, plus an additional number of years **and**

2. fall within the definition of public service pension schemes[1].

1 Queen's Regulations

Personal pension scheme

S1046 Personal pension scheme[1] means a pension scheme that

1. is not an occupational pension scheme **and**

2. is established by a person within any of the paragraphs of specified legislation[2].

1 Pension Schemes (NI) Act 93, sec 1; 2 Finance Act 04, s 154(1)

S1047 – S1049

S1050 If the member of the scheme used the personal pension to contract-out of State Earnings Related Pension Scheme, the part of the pension that

1. comes from Departmental rebates **and**

2. is used to replace the state earnings related pension scheme

can only be drawn from age 60.

S1051 – S1052

S1053 The decision maker should refer the case to Decision Making Services if the

1. decision maker is unable to decide whether a pension is paid under a personal pension scheme **and**

2. pension payment does not satisfy any other part of S1020.

Periodical payments and lump sums

S1054 Periodical payments are those that are paid at regular intervals.

S1055 A lump sum payment is not a periodical payment. This applies even where the claimant has chosen to receive a lump sum instead of a periodical payment[1]. But where

1. a person is entitled to a lump sum payment **and**

2. the rules of the scheme allow the lump sum to be paid in instalments **and**

3. the person chooses to receive it in this way

the instalments are periodical payments.

1 R(U) 5/85

S1056 – S1065

In connection with the coming to an end of the employment

S1066 A pension must be paid in connection with the end of employment of the person who it is paid for, to fall within S1020 **2.**. Occupational or public service pensions that are paid where the employment has not ended do not fall within S1020 **2.**. For example, war pensions paid

1. because of disablement **and**

2. regardless of whether the employment is continuing.

S1067 In this context "employment" includes any trade, business, profession, office or vocation[1]. Employment in the Armed Services falls within this definition.

1 JSA Regs (NI) 16, reg 2(1)

S1068 Retired officers who are entitled to a war pension receive it as a disablement addition to their service pension. This disablement addition is

1. awarded by the Department of Finance **and**

2. paid by the Paymaster General in the same cheque as the person's service pension.

S1069 If the claimant is a retired officer with a service pension, the decision maker should

1. find out the amount of any disablement addition **and**

2. deduct it from the total payment received.

Note: Other ranks have their war pension paid direct by the Department of Finance so there is no difficulty in separating their war pension from their service pension.

S1070 Gallantry awards are sometimes paid to former members of the Forces in addition to their service pensions. Payment is

1. made from the date of the award **and**

2. a reward for conduct rather than a period of service.

These awards are not paid in connection with the coming to an end of an employment and are **not** pension payments.

S1071 Pension payments may be payable to the claimant from the former employer of a deceased partner or other relative. Such payments should be disregarded (see S1105).

S1072 The amount of a service pension may be increased if the claimant has been invalided out of the Forces. The full amount should be taken into account.

S1073 Police officers who retire because of permanent disability may be entitled to an ill health award[1] in addition to a pension under a public service pension scheme. If they are permanently disabled through an injury received while carrying out their duties, they are also entitled to an injury pension. It is a condition for the receipt of both payments that the officer ceases to be a member of a police force. The payments are therefore made in connection with the coming to an end of a police officer's employment and are payments as in S1020 **2.2**.

1 RUC Pensions Regs 1988; Police Pensions (NI) Regs 2007

S1074 – S1085

When to take pension payments into account

First payment of a pension

S1086 Where

1. a claimant is entitled to a pension payment **and**

2. the first payment is **paid** to the claimant

the pension payment should be taken into account from the first day of the benefit week that includes the day which payment is first made[1].

1 JSA Regs (NI) 16, reg 51(2)

Example

Roger claims and is entitled to Jobseeker's Allowance from Friday 8 November. His benefit week ends on a Thursday. He receives a pension payment of £78 a week, starting on Monday 11 November. Only the amount above £50 can be deducted from Jobseeker's Allowance. In the benefit week 8 November to 14 November £28 is deducted from his Jobseeker's Allowance.

Payment in arrears

S1087 Pension payments are often made in arrears, and can be

1. weekly **or**

2. monthly **or**

3. quarterly **or**

4. any other period.

Any pension payments deducted from Jobseeker's Allowance should start from the **first** day of the benefit week that entitlement to the pension, by way of the first payment, has been made to the claimant[1].

1 JSA Regs (NI) 16, reg 51

S1088 The pension payment **must actually be made** before the decision maker deducts an amount from Jobseeker's Allowance because of a pension payment.

Example

William claims and is entitled to Jobseeker's Allowance from Thursday 6 November. His benefit week ends on a Thursday. He is entitled to a pension payment of £78 a week from Monday 3 November of which he receives his first payment (£312) on Monday 1 December. Only the weekly pension amount above £50 can be deducted from Jobseeker's Allowance. Jobseeker's Allowance is awarded at the full rate from 7 November but from the benefit week 28 November to 4 December and thereafter £28 (£78 - £50) is deducted from his Jobseeker's Allowance.

In the following May, William receives his regular pension payment in arrears of £312 and a payment of arrears of £420 covering a period of 202 days. The payment of arrears of £420 gives a weekly amount of £14.55 [(£420 x 7) ÷ 202 = £14.55] to add to his regular pension payment of £78 giving a weekly amount of £92.55. As a result £42.55 (£92.55 - £50) is deducted from his Jobseeker's Allowance. Following this deduction period, when the next regular payment of £312 is received the deduction from his Jobseeker's Allowance reverts to £28 (£78 - £50) from the first day of the benefit week in which the regular payment of £312 is received.

S1089 – S1099

When the pension is uprated

S1100 A claimant's rate of pension may change. Any change should be taken into account from the first day of the benefit week that includes the first day for which the increase or decrease is paid[1].

1 JSA Regs (NI) 16, reg 51(3)

Example

Amrit claims Jobseeker's Allowance, her benefit week ends on a Thursday and she is entitled to Jobseeker's Allowance. She receives a pension payment of £78 a week. Her Jobseeker's Allowance is reduced by £28 each benefit week. She receives an increase of £7 a week in her pension starting on Monday 11 November. The increase in the pension payment is taken into account for the benefit week 8 November to 14 November.

So in the benefit week

1. 1 November to 7 November, £28 is deducted from her Jobseeker's Allowance

2. 8 November to 14 November, £35 is deducted from her Jobseeker's Allowance.

S1101 – S1104

Disregarded payments

S1105 Payments may be payable to the claimant

1. under

1.1 a personal pension scheme **or**

1.2 an occupational pension scheme **or**

1.3 a public service pension scheme **and**

2. because a person who was a member of the scheme has died.

S1106 Any payments in S1105 are known as survivors' benefits and should be disregarded in full[1].

1 JSA Regs (NI) 16, reg 51(4)

Example

Geoff's wife Mildred is a member of an occupational pension scheme. Following Mildred's death a reduced pension payment is paid by the scheme to Geoff. This pension is not taken into account when working out the amount of Jobseeker's Allowance payable to Geoff.

S1107 – S1109

Delay in payment

S1110 Sometimes a pension payment is not made on the date it is due, for example because of industrial action by the employees of the paying authority. If the date that the payment will be made cannot be predicted with reasonable certainty, it is not reasonable to wait for as long as six months before giving a decision.

S1111 If the decision maker considers it unreasonable to defer the decision until payment is made, a decision should be given on the basis that payment has not been made. If a payment is made later, the decision to award Jobseeker's Allowance without any deductions may be revised or superseded. Where a delay in payment occurs the decision maker should obtain evidence of the reason for the delay and its likely duration.

S1112 – S1120

Calculating the amount of the pension

General

S1121 Except for S1123, the amount of the pension payment is the gross amount payable. Where income tax is deducted at source, the amount to be taken into account is the amount before tax is deducted[1].

1 R(U) 8/83

S1122 Some claimants

1. have to make **or**

2. choose to make

certain payments from their pensions. The payments may be to the employer or a third party. With the exception of compulsory payments to buy or repay an element of their current pension, any payments deducted before the pension is paid should be ignored. The claimant's liability to make the payments is separate from the liability to pay the pension. The deductions at source are simply a convenient method of ensuring that the claimant's obligations or wishes are met. The amount of pension to be taken into account is the amount after deduction of any compulsory payments towards the current pension and before other deductions are made. Examples of these payments include

1. repaying a debt to a former employer

2. payments to someone because of a court order

3. subscriptions to a trade union or other association

4. payments into a further pension scheme.

S1123 Where the rules of the claimant's pension scheme provide for compulsory deductions, for example to buy or repay an element of their current pension, the amount deducted should be disregarded in calculating the amount of pension. This is because "payments" refers to the amount the claimant is actually entitled to receive. So a payment made under a binding obligation, for example to acquire additional pension rights, should be disregarded in calculating the amount of the pension.

Example

Jason is employed by an electricity company for 29 years and two months. He retires voluntarily. For superannuation purposes he is treated as having completed 30 years service. Under the rules of the superannuation scheme, a monthly deduction of £32.23 is made from his gross occupational pension of £232.83 for the purchase of

the ten additional months. He is also paying £20.00 a month to a debt collecting agency under a court order.

Jason cannot avoid the reduction to his pension payments. While he must buy additional pension rights under the rules of the scheme he would normally repay his other debts from any net income he receives. The payments made under the court order are not to be disregarded. The decision maker takes into account a pension payment of £200.60 a month[1].

1 R(U) 4/83

S1124 Sometimes pension payments are received by the claimant in a currency other than sterling. To work out the sterling equivalent, decision makers should use the selling rate that applies

1. on the date on which payment is due **and**

2. not the date on which it is actually converted.

No allowance should be made for commission or other expenses incurred in converting currency[1].

1 R(SB) 28/85

S1125 Because exchange rates fluctuate, the decision maker will need to give a fresh decision each time a pension payment is made, for the period it covers (subject to S1086 - S1088). For the purposes of working out a sterling equivalent only, it does not matter that the pension is not available in sterling until some time after the pension is due.

S1126 – S1130

Calculating the weekly pension rate

S1131 If pension payments are not paid weekly, they should be converted into a weekly amount as follows[1]

1. annual payments should be divided by 52

2. quarterly payments (three monthly) should be divided by 13

3. monthly payments should be multiplied by twelve and the result divided by 52. A month means a calendar month[2]

4. payments of two or more calendar months (other than **1.** or **2.**) should be

4.1 Divided by the number of months the payment covers **and**

4.2 the result multiplied by twelve then divided by 52

5. payments for any other period should be divided by the number of days covered by the payment and the result multiplied by seven.

1 JSA Regs (NI) 16, reg 51(5); 2 CG 66/49 (KL)

More than one pension

S1132 Where a claimant is receiving more than one pension the decision maker should

1. calculate the weekly rate of each pension separately **and**

2. add the weekly rates together

before working out the excess over the maximum sum[1].

1 JSA Regs (NI) 16, reg 51(1)

S1133 – S1300

Part-week payments

Introduction

S1301 This chapter gives guidance on the calculation of part-week payments relating to new style Jobseeker's Allowance (hereafter referred to as Jobseeker's Allowance).

Note 1: ADM Chapter M5 (Claims for Universal Credit) provides guidance on the meaning of new style Jobseeker's Allowance.

S1302 Part-week payments do not apply to share fishermen. They receive payments of Jobseeker's Allowance for whole week's only[1]. Guidance on share fishermen is in ADM Chapter S3.

1 JSA Regs (NI) 16, reg 74(1)

S1303 – S1304

Definitions

Meaning of benefit week

S1305 Benefit week[1] means a period of seven days ending with the day determined by the last two digits of the claimant's National Insurance number as shown in the following table, unless the decision maker arranges otherwise.

NI No.	Day
00 – 19	Monday
20 – 39	Tuesday
40 – 59	Wednesday
60 – 79	Thursday
80 – 99	Friday

1 JSA Regs (NI) 16, reg 2(2)

Meaning of part-week

S1306 Part-week[1] means any period of less than a week where there is entitlement to Jobseeker's Allowance.

1 JSA Regs (NI) 16, reg 64(2)

Meaning of relevant week

S1307 Relevant week[1] means the period of seven days, determined in accordance with S1311 to S1312.

1 JSA Regs (NI) 16, reg 64(2)

S1308 – S1310

Relevant week

S1311 Where the part-week[1]

1. is the whole period for which Jobseeker's Allowance

1.1 is payable **or**

1.2 occurs at the beginning of an award

the relevant week is the period of seven days ending on the last day of that part-week **or**

2. occurs at the end of an award, the relevant week is the period of seven days beginning on the first day of the part-week **or**

3. occurs because Jobseeker's Allowance is not payable for any period in accordance with specified legislation[2], the relevant week is the seven days ending immediately before the start of the next benefit week to commence for that claimant.

1 JSA Regs (NI) 16, reg 65(1); 2 JS (NI) Order 95, art 8J & 8K

Example 1

Blair's entitlement to Jobseeker's Allowance begins on Tuesday 10.10.17. His benefit week runs from Thursday to Wednesday. A part-week payment is required for the period Tuesday 10.10.17 to Wednesday 11.10.17. The relevant week is Thursday 5.10.17 to Wednesday 11.10.17.

Example 2

Pearl's entitlement to Jobseeker's Allowance ends Saturday 18.11.17. Her benefit week runs from Tuesday to Monday. A part week is required for the period Tuesday 14.11.17 to Saturday 18.11.17. The relevant week is Tuesday 14.11.17 to Monday 20.11.17.

Example 3

Farooq claims Jobseeker's Allowance from 12.10.17 after leaving his job on 8.10.17. His benefit week runs from Friday to Thursday. On 3.11.17 the decision maker determines that Farooq had no good reason for leaving his job. As this is Farooq's first high level failure, a 91 day reduction is applied. However because the sanctionable failure is a pre-claim failure, the reduction period is reduced by 3 days i.e. the period from 9.10.17 (date after the failure) to 11.10.17 (day before the date of claim to Jobseeker's Allowance). The decision maker imposes a sanction of 88 days, which runs from 3.11.17 to 29.1.18. A part-week payment is required from Tuesday 30.1.17 to Thursday 1.2.18. The relevant week is Friday 26.12.17 to Thursday 1.2.18.

S1312 Where a person has an award of Jobseeker's Allowance and their benefit week changes, for the purpose of calculating the amount of Jobseeker's Allowance payable for the part-week

1. beginning on the day after their last complete benefit week before the change **and**

2. ending immediately before the change

the relevant week is the period of seven days beginning on the day after the last complete benefit week[1].

1 JSA Regs (NI) 16, reg 65(2)

Example

Aisha's benefit week for Jobseeker's Allowance runs from Wednesday to Tuesday. The decision maker directs that Aisha's benefit week should run from Saturday to Friday with effect from Saturday 14.10.17. A part-week payment is due for the period Wednesday 11.10.17 to Friday 13.10.17. The relevant week is Wednesday 11.10.17 to Tuesday 17.10.17.

S1313 – S1315

Sanctions

S1316 Jobseeker's Allowance may not be payable where a sanction has been imposed, which can be for

1. a fixed period of weeks (see ADM S4) **or**

2. a reduced length of time (see ADM S4).

S1317 Where a sanction is imposed for a fixed period, part-week payments are not needed. The sanction begins on the first day of the benefit week and ends on the last day of a benefit week.

S1318 A part-week payment will not be needed at the beginning of the sanction as the change will take effect from the beginning of the next complete benefit week[1]. When a sanction is imposed for a reduced period, a part-week payment may be required at the end of the sanction, if the sanction ends on a day which is not the end of the claimant's benefit week.

1 JSA Regs (NI) 16, reg 22

Example

Henrik has a 6 month contract with a firm from 1.5.18 to 31.10.18. He leaves voluntarily on 30.8.18 and claims Jobseeker's Allowance on 2.9.18. His benefit week is Wednesday to Tuesday. On 11.9.18 the decision maker determines that Henrik left his employment voluntarily without good reason and imposes a sanction of 8 weeks 6 days which runs from 11.9.18 to 12.11.18. A part-week payment is required for 13.11.18. The relevant week is Wednesday 7.11.18 to Tuesday 13.11.8.

S1319 – S1320

Amount of Jobseeker's Allowance payable

S1321 The amount of Jobseeker's Allowance payable in respect of a part-week is to be calculated[1] by applying the formula

$$\frac{N \times X}{7}$$

where

X is the personal rate determined in accordance with specified legislation[2] and

N is the number of days in the part-week.

1 JSA Regs (NI) 16, reg 64(1); 2 JS (NI) Order 95, art 6(1)

Example

Martha is entitled to Jobseeker's Allowance at a personal rate of £71.70. She needs a part-week payment for 4 days.

$\frac{4 \times £71.70}{7}$ = £40.98 (rounded up to the claimant's advantage).

S1322 Where the calculation results in a fraction of a penny, that fraction must be treated as a penny, if it would be to the claimant's advantage. Otherwise it must be disregarded[1].

1 JSA Regs (NI) 16, reg 53

S1323 – S1326

Modification in the calculation of income

S1327 For the purposes of calculating the amount of part-week payable[1] (see S1321), a claimant's income is to be calculated in accordance with specified legislation[2], subject to the following changes

1. any income which is due to be paid in the relevant week is to be treated as paid on the first day of that week

2. where the part-week occurs at the end of the claim, any income or any change in the amount of income of the same kind which is first payable within the relevant week but not on any day in the part-week is to be disregarded

3. where the part-week occurs immediately before a period in which a person was treated as engaged in remunerative work under specified legislation[3], any earnings which are taken into account for the purposes of determining that period are to be disregarded

4. where only part of the weekly amount of income is taken into account in the relevant week, the balance is to be disregarded.

1 JSA Regs (NI) 16, reg 66; 2 Part 7; 3 reg 42

Example 1

Ben's last day of entitlement to Jobseeker's Allowance is Thursday 22.3.18. His benefit week runs from Tuesday to Monday. A part-week payment is due for Tuesday 20.10.18 to Thursday 22.10.18 i.e. 3 days. The relevant week is Tuesday 20.10.18 to Monday 26.10.18.

Ben will receive his first payment of Retirement Pension on Monday 26.10.16. As his Retirement Pension is payable within the relevant week, but not within the part-week, the payment of Retirement Pension is disregarded.

Example 2

Haley's final day of remunerative employment is Friday 23.11.18, on which day she also receives her final earnings. Haley claims and is entitled to Jobseeker's Allowance from 26.11.18. After serving her 3 waiting days, Jobseeker's Allowance is payable from Thursday 29.11.18. Her first complete benefit week is Tuesday 4.12.18 to Monday 10.12.18. Haley's relevant week runs from Tuesday 27.11.18 to Monday 3.12.18. Haley requires a part-week payment for 5 days from Thursday 29.11.18 to Monday 3.12.18.

As Haley's part-week occurs immediately after the period in which she was engaged in remunerative work, her final earnings, received on 23.11.18, are disregarded.

Example 3

Megan claims and is entitled to Jobseeker's Allowance at a personal rate of £71.70 from 8.1.18. After serving her 3 waiting days, Jobseeker's Allowance is payable from 11.1.18. Her first complete benefit week runs from Tuesday 16.1.18 to Monday 22.1.18. A part-week payment is needed for Thursday 11.1.18 to Monday 15.1.18 i.e. 5 days. The relevant week is Tuesday 9.1.18 to Monday 15.1.18

Widow's Benefit is payable for 3 of the days within the part-week i.e. Thursday 11.1.18 to Saturday 13.1.18. The weekly rate of Widow's Benefit is £40.07. As only part of Megan's Widow's Benefit is taken into account in the relevant week, the balance is disregarded.

$\frac{5 \text{ x } £71.70}{7}$ = £51.214 **minus** $\frac{3 \text{ x } £40.07}{7}$ = £17.172

£51.214 - £17.172 = £34.05 (rounded up)

S1328 – S1999

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