Chapter 30 - Students, young claimants and their partners

Contents

Students

Students - general

Introduction 30001

Jobseeker’s Allowance 30003

Income Support 30008

Definitions and meaning of terms 30012

Claimant 30014

Income-based Jobseeker’s Allowance and Income Support -
income and capital 30015

Meaning of course 30023

Modular courses 30025

Course of advanced education 30026

Course of study 30035

Employment-related course 30045

Sandwich courses 30047

Periods of experience 30048

Periods of work experience 30049

Student unable to find placement 30051

Meaning of educational establishment 30056

Academic year 30058

Student loan 30080

Grant 30086

Access funds 30087

Education maintenance allowance 30089

Grant income 30096

Standard maintenance grant 30098

Contribution 30100

Education authority 30106

Meaning of student and full-time student

General 30110

National Health Service funded students

Healthcare professionals 30112

Return to practice courses 30113

New entrepreneur scholarships 30114

Northern Ireland Social Care Council bursaries 30121

Social work bursary 30122

Additional graduate bursary 30125

Teacher training 30131

Open University students 30132

Income Support

General 30141

Full-time student 30142

Jobseeker’s Allowance

General 30146

Student aged less than 19 30147

Student aged 19 or over 30148

Jobseeker’s Allowance and Income Support

Full-time student 30154

Treatment of modular courses 30155

Modular course 30157

Meaning of full-time

General 30161

Evidence from educational establishment 30170

Other evidence 30175

Number of hours involved 30186

Eligibility

General 30206

Jobseeker’s Allowance 30208

Full-time students eligible for Jobseeker’s Allowance 30209

Income Support 30211

Transitional provisions - lone parent obligations 30212

Period of study for entitlement purposes

Income Support 30218

Jobseeker’s Allowance 30219

Last day of the course - Income Support 30226

Meaning of abandons 30228

Meaning of dismissed 30235

Temporary absences 30236

Re-enrolment 30241

Part-time student 30244

Partner only is a full-time student 30245

Contribution-based Jobseeker’s Allowance 30246

Income-based Jobseeker’s Allowance and Income Support 30247

Financial support available to students - Loans and Grants 30255

Loans - eligibility 30260

Qualifying courses 30261

Personal eligibility 30271

Residence conditions 30272

European Economic Area Nationals 30273

Refugees 30274

Student loans treated as income 30281

Amount of loan 30282

Disregards 30290

Disregard for fee loans 30292

Assessed contribution 30296

Calculation of weekly income

Course duration is for one academic year or less 30300

Course duration more than one academic year, any year
except final academic year 30301

Final academic year, other than a course of one academic
year or less 30304

Disregard 30306

Student from Great Britain 30310

Grants 30315

Amount of grant income

Initial disregard 30326

Higher education bursary 30328

Special support grant 30329

Disregards for students with child care responsibilities 30341

Extra disregards 30346

Period over which grant income taken into account 30351

Dependants and lone parent grants 30352

National Health Service dependant grants 30361

Students who started their course of study before 1.9.98 30362

Other grant income 30364

Period of study for grant income purposes 30365

Last day of course 30367

Grant payable for period of study 30371

Sandwich course 30372

Grant not payable for period of study 30373

Access funds 30381

Regular payments 30383

Lump sum payments 30384

Overall limit to income disregard 30391

Income for necessary course expenses 30393

Disregard of partner’s contribution 30411

Disregard of student’s contribution 30412

Covenant income and other income and capital 30421

Covenant income 30422

Student’s tax refund 30425

Other types of loan 30426

Income of former students 30436

Course completed 30438

Course not completed - treatment of grant income 30446

Period income is taken into account 30447

Calculation of weekly income 30461

Course not completed, treatment of loan and dependant grant income

Relevant payment 30466

Calculation of weekly income 30467

Calculation of weekly income when student loan paid in two
or more instalments 30471

Young claimants and young partners

Introduction

Scope of this Chapter 30490

Income-based Jobseeker’s Allowance 30494

Jobseeker’s Allowance - young person 30497

Income Support - young person 30499

Jobseeker’s Allowance and Income Support -
qualifying young person 30501

Jobseeker’s Allowance - entitlement for a young person

Conditions of entitlement for Jobseeker’s Allowance 30513

Hardship 30516

Young persons leaving care 30517

Applicable amounts and resources -
income-based Jobseeker’s Allowance and Income Support 30527

Definitions - income-based Jobseeker’s Allowance
and Income Support 30528

Child Benefit extension period 30530

Conditions 30533

Period 30535

Terminal dates 30536

Chronically sick or mentally or physically disabled 30540

Substantially and permanently disabled 30541

Close relative 30544

Eligible child 30546

Person acting in the place of parents 30558

Voluntary organisation 30559

Parental responsibility 30560

Other cases 30561

Foster parents 30563

Relevant child 30565

Detained 30567

Hospital 30568

Family placements 30569

Relevant enactment 30571

Training 30572

Treatment 30573

Income-based Jobseeker’s Allowance - registration

Registration with the Career’s Officer 30576

Young people who do not have to register with a
Career’s Officer 30577

Unable to register with the Career’s Officer 30578

Hardship because of extra time to register with a
Career’s Officer 30580

Young people entitled to income-based Jobseeker’s Allowance
during the Child Benefit extension period 30597

Young person is a member of a couple 30598

Partner would be entitled to Income Support 30599

Member of a couple and responsible for a child 30600

Laid off or kept on short-time 30601

Temporarily absent from Northern Ireland 30602

Incapable of work 30603

Young person is an orphan 30610

Looked after by a Health and Social Services Board or
Health and Social Services Trust/youth custody 30618

Young person not in the parental home 30623

Young person living away from and unable to be
supported by parents 30630

Young person of necessity living away from parents 30638

Living away from 30642

Estranged 30643

Physical or moral danger 30648

Serious risk to physical or mental health 30656

Young person still treated as a qualifying young person
for Child Benefit purposes 30664

No longer treated as a member of the family 30666

Young people entitled to income-based Jobseeker’s Allowance
at the end of the Child Benefit extension period 30680

Meaning of week 30681

Young person has left certain Health and Social Services Board
or Health and Social Services Trust accommodation 30682

Young person discharged from youth custody or a detention centre 30691

Other circumstances where a young person is entitled to
income-based Jobseeker’s Allowance 30716

Meaning of week 30717

Young person laid off or kept on short-time 30718

Young person is a member of a couple and responsible for a child 30726

Young person would be entitled to Income Support 30733

Young person unable to register with the Career’s Officer
because of an emergency affecting the Department for
Employment and Learning 30740

Young person suffers hardship because of extra time taken to
register with the Career’s Officer 30747

Young person is to enlist in the armed forces 30754

Young person has limited capability for work 30761

Departmental directions - income-based Jobseeker’s Allowance

Action by the Department 30770

Young person attending a Prince’s Trust course of National
Citizen Service 30772

Action by the decision maker following a Departmental direction 30774

Hardship 30775

Appeal rights 30776

Jobseeker’s Allowance applicable amounts 30786

Personal allowances for single young people 30787

Personal allowance for couples and members of a polygamous marriage

Members of couples 30796

Members of polygamous marriages 30797

Couple entitled to personal allowance for a couple where
both members are aged less than 18 30806

Couple entitled to 18 to 24 year old personal allowance 30811

Couple entitled to the appropriate single rate 30816

Couple entitled to personal allowance normally paid to couples
where both aged 18 or over 30820

Couple entitled to the single person aged 25 or over
personal allowance 30823

Jobseeker’s Allowance - circumstances in which the
personal allowance should be reduced 30840

Period of reduction 30841

Amount of reduction

Single young people and lone parents 30844

Couples 30845

Pregnancy 30846

Seriously ill 30850

Rounding of reduction 30860

Reclaims 30865

Income Support applicable amounts 30880

Personal allowances for single claimants aged less than 18 30881

Personal allowance for couples and members of a
polygamous marriage

Members of couples 30890

Members of polygamous marriages 30891

Couple entitled to personal allowance for a couple where
both members are aged less than 18 30898

Couple entitled to 18 to 24 year old personal allowance 30903

Couple entitled to the appropriate single rate personal allowance 30908

Couple entitled to personal allowance normally paid to couples
where both aged 18 or over 30909

Couple entitled to the single person aged 25 or over
personal allowance 30910

Treatment of resources - income-based Jobseeker’s Allowance
and Income Support

Bridging allowance - income-based Jobseeker’s Allowance 30920

Treatment of income of single claimants - income-based
Jobseeker’s Allowance and Income Support 30925

Treatment of income of couples - income-based
Jobseeker’s Allowance and Income Support 30926

Couple - both members aged less than 18 30933

Couple - one member aged less than 18, other member
aged 18 to 24 30937

Couple - one member aged less than 18, other member
aged 25 or over 30941

Partner is member of a polygamous marriage 30944

Treatment of capital 30948

Appendix 1 – Common courses of study

**A****p****pendi****x 2** – Student grants and maximum loans and student disregards

Statutes commonly referred to in Chapter 30

 **Full title Abbreviation**

 Children (Leaving Care) Act CLC Act (NI)
(Northern Ireland) 2002

 Education Act 1944 Education Act 44

 Education and Libraries (Northern E&L (NI) Order 93
Ireland) Order 1993

 Education (Student Support) (Northern Support (NI) Order 98
Ireland) Order 1998

 Further Education (Northern Ireland) F E (NI) Order 97
Order 1997

 Education (Student Loans) (Northern Education (Student Loans)
Ireland) Order 1990 (NI) Order 90

 The Jobseekers (Northern Ireland) JS (NI) Order 95
Order 95

 Social Security Contributions and SS C&B (NI) Act 92
Benefits (Northern Ireland) Act 1992

 Learning and Skills Act 2000 L&S Act 2000

 Further and Higher Education F&HE (Scotland) Act 92
(Scotland) Act 1992

Statutory Rules commonly referred to in Chapter 30

 **Short description Full title Abbreviation**

 Decision Making The Social Security and Child SS & CS (D&A)
and Appeals Support (Decision Making and Regs (NI)
Regulations Appeals) Regulations (Northern
 Ireland) 1998

 IS General The Income Support (General) IS (Gen) Regs (NI)
Regulations Regulations (Northern Ireland) 1987 No 459

 JSA Regulations The Jobseeker’s Allowance JSA Regs (NI)
 Regulations (Northern Ireland) 1996 No 198

 JSA Transitional The Jobseeker’s Allowance JSA (TP) Regs (NI)
Regulations (Transitional Provisions)
 Regulations (Northern Ireland) 1996 No 200
 (1996 No 1515)

 Students Awards The Students Awards Students Awards Regs
Regulations Regulations (Northern Ireland) (NI)

 Students The Students Allowances SA (Sc) Regs
Allowances (Scotland) Regulations 1987
Regulations No 846, 1991 No 1522

 Students The Students Allowances SA (Scotland) Regs
Allowances (Scotland) Regulations 1999
Regulations

 Student Loans Education (Student Loans) Education (Student
Regulations Regulations (Northern Ireland) Loans) Regs (NI)

 Support Education (Student Support) Support Regs (NI)
Regulations Regulations (Northern Ireland) 2001
2001 2001

 Support Education (Student Support) Support Regs (NI)
Regulations Regulations (Northern Ireland) 2006
2006 2006

Chapter 30 - Students, young claimants and their partners

Students

Students - general

Introduction

30001 This section deals with the

**1.** entitlement of students (known as full-time students for Jobseeker’s Allowance) **and**

**2.** calculation and treatment of certain income that is usually paid only to students.

30002 Differences between Jobseeker’s Allowance and Income Support will be pointed out throughout this guidance. For guidance on part time students and availability see DMG 21238 et seq.

Jobseeker’s Allowance

30003 To be entitled to Jobseeker’s Allowance a claimant must satisfy certain labour market conditions1. In particular they must be available for employment2. The law sets out

**1.** when full-time students are or are not to be regarded as available. For guidance on members of joint claim couples who are full time students, see DMG 20025

**2.** special rules that apply when considering the income of a full-time student

**3.** the circumstances in which a full-time student should be treated as having income that they do not have.

1 JS (NI) Order 95, art 3(2); 2 art 3(2)(a); JSA Regs (NI), reg 5 to 17A

30004 For contribution-based Jobseeker’s Allowance it is only a claimant’s own earnings and pension payments that can affect the amount payable1. Any other income of a claimant or their partner cannot. Income paid because the claimant or partner is a full-time student can have no effect.

1 JS (NI) Order 95, art 6(1); JSA Regs (NI), reg 80(2) & 81

30005 For income-based Jobseeker’s Allowance other income of the claimant or their partner may be taken into account1. This includes any income paid to a full-time student.

1 JS (NI) Order 95, art 5(1) & 5(2)

 30006 – 30007

Income Support

30008 In income Support there are no labour market conditions. The law sets out

**1.** when students are excluded from Income Support1

**2.** the special rules that apply when considering a student’s income

**3.** the circumstances in which students should be treated as having income that they do not have

**4.** a special rule that may apply when considering the income of a student’s partner.

1 IS (Gen) Regs (NI), reg 4ZA & Sch 1B

30009 For Income Support the income of a claimant, or any member of their family, may be taken into account1. Any income paid because a claimant or partner is a student may affect the amount payable.

1 SS C&B (NI) Act 92, sec 123(1) & 132(1)

 30010 – 30011

Definitions and meaning of terms

30012 Some words and phrases mean the same for both Jobseeker’s Allowance and Income Support. Some have similar meanings. These are given in DMG 30014 to 30106.

30013 Others have different meanings or are used in only one of the benefits. These are dealt with when they are first mentioned in the guidance.

Claimant

30014 Claimant means1 either

**1.** one person who claims Jobseeker’s Allowance or Income Support **or**

**2.** in the case of a joint claim for Jobseeker’s Allowance

**2.1** the couple **or**

**2.2** each member of the couple, as the context requires.

1 JS (NI) Order 95, art 2(1); IS (Gen) Regs (NI), reg 2(1)

Income-based Jobseeker’s Allowance and Income Support - income and capital

30015 A reference to a student is a reference to that person alone. It does not include the student's partner or a child or young person. But for income-based Jobseeker’s Allowance and Income Support if the student is the claimant's partner, the student's income is treated as the claimant's1. This happens once the weekly amount to be taken into account has been worked out.

1 JS (NI) Order 95, art 15(2); SS C&B (NI) Act 92, sec 132(1)

30016 A student or a member of their family may have income which is not subject to the special student rules. When considering this income a reference to the claimant may be taken to be a reference to a partner, child or young person, who is a member of the family1.

1 JSA Regs (NI), reg 88(1) & 88ZA (1); IS (Gen) Regs (NI), reg 23(1)

30017 There may also be a question about capital. Do not treat the capital of a child or young person as the claimant’s1. Instead, consider whether the capital means that the claimant is not entitled to an applicable amount for the child.

1 JSA Regs (NI), reg 109; IS (Gen) Regs (NI), reg 47

 30018 – 30022

Meaning of course

30023 A course is an arrangement of study, tuition or training. It can be academic, practical, or a combination of both. It is usually done at or by arrangement with an education or training establishment.

30024 It will often lead to a qualification when it is completed. Some non-advanced study, tuition, or training, may not lead to a qualification. This does not mean that it is not a course.

Modular courses

30025 Modular courses are arranged individually to meet students needs. Each module leads to a credit. When all the modules are successfully completed, a qualification is obtained. The course in such a case is the sequence of modules chosen.

Course of advanced education

30026 Course of advanced education means1

**1.** a course leading to

**1.1** a postgraduate degree or comparable qualification

**1.2** a first degree or comparable qualification

**1.3** a diploma of higher education

**1.4** a higher national diploma **or**

**2.** any other course of a standard above that of

**2.1** advanced General National Vocational Qualification or equivalent

**2.2** General Certificate of Education advanced level (A levels)

**2.3** a Scottish National qualification (higher or advanced higher).

1 JSA Regs (NI), reg 1(2); IS (Gen) Regs (NI), reg 61

 30027 – 30034

Course of study

30035 A course of study1 means any course of study including a sandwich course. It does not matter whether a grant is made for attending or undertaking the course.

1 JSA Regs (NI), reg 1(2); IS (Gen) Regs (NI), reg 2(1)

30036 A person who has started a course of study should be treated as attending or undertaking it until

**1.** the last day of the course (DMG 30226) **or**

**2.** such earlier date as they

**2.1** abandon the course (DMG 30228) **or**

**2.2** are dismissed from it (DMG 30235).

 30037 – 30044

Employment-related course

30045 Employment-related course means1 a course that helps people gain or enhance the skills needed for

**1.** employment **or**

**2.** seeking employment **or**

**3.** a particular occupation.

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

 30046

Sandwich courses

30047 A sandwich course1 is a course, other than a course of initial teacher training, made up of alternative periods of full-time study in the educational establishment and work experience. The full-time study must be for an average of at least 18 weeks a year2.

The average is worked out by dividing the total number of weeks attendance by the number of years in the course. For this purpose the course starts with the first period of full-time study and ends with the last period of full-time study.

1 JSA Regs (NI), reg 1(2); IS (Gen) Regs (NI), reg 61(1); 2 Education (Student Support) Regs (NI) 2008,
reg 2(9) [SR 250/08]; Education (Student Support) Regs 2008, reg 2(9) [SI 529/08];
SL (Scot) Regs, reg 5(2) [SI 154/07]

Periods of experience

30048 Periods of experience are periods of work experience which form part of a sandwich course1.

1 JSA Regs (NI), reg 130; IS (Gen) Regs (NI), reg 61(1)

Periods of work experience

30049 Periods of work experience are associated with the full-time study but are done outside an educational establishment. The experience has to be

**1.** industrial **or**

**2.** professional **or**

**3.** commercial1.

1 Education (Student Support) Regs (NI) 2008, reg 2(1)

30050 If the course includes1

**1.** the study of one or more modern languages for at least half the time spent studying **and**

**2.** periods of residence in a country whose language is a part of the course

 periods of work experience means any periods of overseas residence when the student is in gainful employment.

1 Education (Student Support) Regs (NI) 2008, reg 2(1)

Student unable to find placement

30051 A student may not be able to find a placement in the period of work experience. This does not automatically mean that they have stopped being a student. The decision maker should consider whether the student has abandoned or been dismissed from the course (DMG 30228 et seq).

 30052 – 30055

Meaning of educational establishment

30056 The term educational establishment is not defined and so must be given its ordinary everyday meaning. Schools, colleges and universities are clearly such places. But other less obvious places may also be included. For example, the training division of a large organisation specially set up for the purpose.

30057 A person is attending an educational establishment if they are receiving

**1.** training

**2.** instruction **or**

**3.** schooling

in an organisation, or at an establishment, set up for any of those purposes.

 **Note:** For Open University students see DMG 30132.

Academic year

30058 Academic year means1 a period of 12 months starting on

**1.** 1 January for courses starting in winter

**2.** 1 April for courses starting in spring

**3.** 1 July for courses starting in summer

**4.** 1 September for courses starting in autumn.

 **Note:** If a student begins a course in August or September and continues to attend throughout autumn, the beginning of the academic year will be the autumn rather than the summer.

1 JSA Regs (NI), reg 130; IS (Gen) Regs (NI), reg 61(1)

 30059 – 30079

Student loan

30080 A student loan1 is a loan made for a student’s maintenance under specific law2. The Student Loan Company administers student loans.

1 JSA Regs (NI), reg 130; IS (Gen) Regs (NI), reg 61(1);
2 T&HE Act 98, s 22; Support (NI) Order 98, art 3; ED (Scotland) Act 80, s 73

30081 In Scotland only, a **‘Young Student’s Bursary’** may be paid under specific law1. The decision maker should treat such a payment in the same way as a student loan.

1 JSA Regs (NI), reg 130; IS (Gen) Regs (NI), reg 61(1); SA (Scotland) Regs, reg 4(1)(c)

 30082 – 30085

Grant

30086 Grant means1 any kind of educational grant or award and includes any

 **1.** scholarship

 **2.** studentship

 **3.** exhibition

 **4.** allowance

 **5.** bursary.

 Decision makers should note that it does not include any payment derived from access funds or any payment of education maintenance allowance.

1 JSA Regs (NI), reg 130; IS (Gen) Regs (NI), reg 61(1)

Access funds

30087 Access funds are grants, loans or other payments made under specific law1 that are paid on a discretionary basis to help students in financial difficulties2.

1 E&L (NI) Order 93, art 30; FE (NI) Order 97, art 5; F&HE Act 92, sec 68;
ED (Scot) Act 80, sec 73(a), (c) & sec 74(1);
2 JSA Regs (NI), reg 130; IS (Gen) Regs (NI), reg 61(1)

30088 Access funds also include

1. in England - ‘Learner Support Funds’ which may be made available to students under specific law1. For those in further education they are paid out of funds provided by the Secretary of State for Education and the Chief Executive of Education and Skills Funding2
2. in Wales - '’Financial Contingency Funds’ made available by the Welsh Ministers2.

1 F&HE Act 92, s 7; L & S Act 2000, s 5, 6 & 9; 2 JSA Regs (NI), reg 130; IS (Gen) Regs (NI), reg 61(1)

**Note:** Access funds do not include Assembly Learning Grants. Financial Contingency Funds are made available to prevent the financial hardship of students who are not eligible for an Assembly Learning Grant.

Education maintenance allowance

30089 Education maintenance allowance consists of means-tested payments paid under specific law1 to support young people who remain in non-advanced education after the age of 16. Payments can be made for up to 2 years to support young people between the ages of 16 and 19, but in some cases an allowance may continue to be paid for up to 3 years between the ages of 16 and 20.

1 Education and Libraries (NI) Order 1986, art 50 & 51

 30090 – 30095

Grant income

30096 **[See DMG Memo Vol 4/85, 5/73, 6/54, 8/9, 9/2, 13/36 & 14/37] [See DMG Memo Vol 1/78, 2/18, 4/92 & 6/61]** Grant income means1 any income by way of a grant and normally includes any assessed contribution whether paid or not. However where

**1.** for Jobseeker’s Allowance, the student is disabled **or**

**2.** for Income Support, the student is in a prescribed category of person because they are

**2.1** a lone parent **or**

**2.2** a lone foster parent **or**

**2.3** in relevant education2

 an exception applies and only grant and any contribution actually paid is included as grant income.

 **Note 1:** Any such contribution paid by way of a covenant is also included as grant income.

 **Note 2:** Prior to 30.12.09 disabled and deaf students were included in DMG 30096 **2.**. In certain circumstances disabled and deaf students may still fall within DMG 30096 **2.** For these savings provisions for prescribed categories of persons see DMG Chapter 20, Appendix 2.

1 JSA Regs (NI), reg 130; IS (Gen) Regs (NI), reg 61; 2 Sch 1B, para 15A

30097

Standard maintenance grant

30098 In Northern Ireland, England and Wales, the standard maintenance grant is the amount set in law1.

1 Awards Regs, Sch 2(2) & 3; Student Awards Regs (NI), Sch 7;
JSA Regs (NI), reg 130; IS (Gen) Regs (NI), reg 61(1)

30099 In Scotland it is the amount given as the ‘standard maintenance allowance’ in the Student Support in Scotland Guide issued by the Student Awards Agency for Scotland. For bursaries paid under specific law1 and provided by a college of further education or a Local Education Authority, it is the amount given in the nearest equivalent to the guide

1 F&HE (Scotland) Act 92; JSA Regs (NI), reg 130; IS (Gen) Regs (NI), reg 61(1)

Contribution

30100 **[See DMG Memo Vol 4/85, 5/73, 6/54, 8/9, 9/2, 13/36 & 14/37]** The contribution1 is the income of the student or any other person that the Department, an education authority or the Scottish Ministers, takes into account when considering the amount of grant or loan payable2.

1 JSA Regs (NI), reg 130; IS (Gen) Regs (NI), reg 61(1); 2 Students Awards Regs (NI) 2003, reg 11 [SR 459/03];
Education (Student Support) Regs (NI) 2008, reg 25

30101 In Scotland only, the contribution1 is also the amount that the Scottish Ministers or an education authority, consider that the student, their spouse, civil partner or parents or parent’s partner could reasonably be expected to make towards the student’s expenses when considering the amount of allowance or bursary payable.

1 F&HE (Scotland) Act 92; JSA Regs (NI), reg 130; IS (Gen) Regs (NI), reg 61(1)

30102 The amount of support awarded to a student is reduced by the amount assessed contribution.

 30103 – 30105

Education authority

30106 An education authority is1

**1.** a government department **or**

**2.** an education and library board

**3.** in England and Wales, a Local Education Authority, which means2 a

 **3.1** joint education board

 **3.2** county council

 **3.3** metropolitan district council **or**

**4.** in Scotland, a regional or islands council **or**

**5.** any body which is defined as a research council in certain law3 **or**

**6.** any similar government department, authority, board or body of

 **6.1** the Channel Islands **or**

 **6.2** the Isle of Man **or**

 **6.3** any other country outside Northern Ireland.

1 JSA Regs (NI), reg 130; IS (Gen) Regs (NI), reg 61;
2 Education Act 44, sec 114(1); 3 Science and Technology Act 65

 30107 – 30109

Meaning of student and full-time student

General

30110 In both Jobseeker’s Allowance and Income Support the decision maker must decide whether a person is a student. That broadly means a person who is attending or undertaking a full-time course. In Jobseeker’s Allowance such a person is known as a full time student1.

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

30111 For Jobseeker’s Allowance and Income Support, a person who gets a training allowance (see DMG 20007 et seq) is not a student. A person who has reached pensionable age is not a student1.

1 JSA Regs (NI), reg 1(2); IS (Gen) Regs (NI), reg 61

National Health Service funded students

Healthcare professionals

30112 National Health Service students may be undertaking a variety of healthcare professional courses e.g. nursing, midwifery, physiotherapy etc. To be eligible for an National Health Service bursary the student must be accepted for a National Health Service funded place. A National Health Service student undertaking a

**1.** diploma course may receive a non-means tested bursary. Such a student is not entitled to a student loan

**2.** degree level course may be entitled to a means tested bursary and is eligible to apply for a student loan.

Return to practice courses

30113 Those taking part in refresher training known as ‘return to practice’ are students if they are undergoing a course of study at an educational establishment. Any allowances paid to such students over the duration of the course should be treated as grant income and taken into account as such (see DMG 30351).

New entrepreneur scholarships

30114 These scholarships have been developed to address the issue of entrepreneurs from deprived areas being given the chance to gain business management skills. Participants receive no funding for their business through the scholarships. Any payment made in respect of travel costs or books and equipment should be disregarded by decision makers in the normal way (see DMG 30326).

 30115 – 30120

Northern Ireland Social Care Council bursaries

30121 The Northern Ireland Social Care Council award two types of bursary which are

1. non-income assessed bursary known as social work bursary
2. additional graduate bursary.

Social work bursary

30122 This is a non-income assessed grant which is paid as an incentive to train. It consists of three elements, grant, tuition fees and a practice learning opportunity. The grant element is payable over 52 weeks at three rates depending on where the student lives. It is offered to both full and part-time students with part-time students receiving 50% of the grant. Decision makers should take the grant into account over 52 weeks1 (see DMG 30351 et seq) disregarding2 the items listed at DMG 30326 and DMG 303463 as appropriate.

1 JSA Regs (NI), reg 131(4)(b); IS (Gen) Regs (NI), reg 62(3)(b);
2 JSA Regs (NI), reg 131(2); IS (Gen) Regs (NI), reg 62(2);
3 JSA Regs (NI), reg 131(3); IS (Gen) Regs (NI), reg 62(2A)

30123 Tuition fees are either paid in full or the balance that has not been met by the Education and Library Board is paid direct to the University. Decision makers should disregard any amount paid for tuition fees1 (see DMG 30326 **1.**).

1 JSA Regs (NI), reg 131(2)(a); IS (Gen) Regs (NI), reg 62(2)(a)

30124 Any amount payable to a student intended for travelling expenses should be disregarded1.

1 JSA Regs (NI), reg 131(2)(g); IS (Gen) Regs (NI), reg 62(2)(h)

Additional graduate bursary

30125 This is paid to graduates on post-graduate courses who are in receipt of the social work bursary. It is an income assessed grant available to full-time students only. This bursary is paid for 30 weeks to cover the period of the course. There is also an additional days grant which is calculated weekly for courses that extend beyond 30 weeks. However where courses are for 45 weeks or more the bursary is automatically awarded for 52 weeks. Extra allowances may also be payable with the additional graduate bursary e.g. Adult Dependents Allowance and Parents Learning Allowance. These allowances are usually payable over 52 weeks.

30126 Where the income from the additional graduate bursary is payable for the period of study, the decision maker should take that income into account over the period of study1. Where the income is payable for a different period (the automatic 52 weeks) it should be taken into account for that period2. Income from the extra allowances as mentioned in DMG 30125 should be taken into account for the period for which they are payable. The decision maker should disregard3 any amount for items listed at DMG 30326.

1 JSA Regs (NI), reg 131(4)(a); IS (Gen) Regs (NI), reg 62(3)(a);
2 JSA Regs (NI), reg 131(4)(b); IS (Gen) Regs (NI), reg 62(3)(b);
3 JSA Regs (NI), reg 131(2); IS (Gen) Regs (NI), reg 62(2)

 30127 – 30130

Teacher training

30131 A person undertaking or attending teacher training is a student where a course of study is being undertaken at an educational establishment. Any award made as a direct result of their participation on the course should be treated as student income in the normal way.

Open University students

30132 A claimant who is on an Open University course will fall within the definition of a student1. Such courses are not full-time and are normally followed at times that would fit in with employment. Most of the course material is done in the person's home and not at an educational establishment however they are still undertaking a course of study2. See DMG 21355 where an Open University student has to attend a residential course. Any award made as a direct result of their participation on the course should be treated as student income in the normal way.

1 IS (Gen) Regs (NI), reg 61(1); 2 R(IS) 1/96

 30133 – 30140

Income Support

General

30141 A student is a person who is attending or undertaking a course of study at an educational establishment. A person who gets a training allowance is not a student1.

1 IS (Gen) Regs (NI), reg 61(1)

Full-time student

30142 A full-time student is a person who is not a qualifying young person or child under specified legislation1 and is

**1.** aged less than 19 who is attending or undertaking a full-time course of advanced education **or**

**2.** aged 19 or over, but under pension age, who is attending a full-time course of study at an educational establishment **or**

**3.** on a sandwich course2.

1 SS C&B (NI) Act 92, sec 138; 2 JSA Regs (NI), reg 1(2); IS (Gen) Regs (NI), reg 61(1)

 30143 – 30145

Jobseeker’s Allowance

General

30146 When considering whether a person is a full-time student, the decision maker will need to take into account

**1.** the person’s age **and**

**2.** the type of course they are doing.

Student aged less than 19

30147 A person, other than one in receipt of a training allowance, or a qualifying young person or child under specified legislation1, aged less than 19 is a full-time student if they are doing a full-time course of advanced education2. See DMG Chapter 20 et seq for guidance if the course is not advanced and DMG 30508 for the meaning of qualifying young person.

1 SS C&B (NI) Act 92, sec 138; 2 JSA Regs (NI), reg 1(2)

Student aged 19 or over

30148 A person other than one in receipt of a training allowance or a qualifying young person or a child under specified legislation1 aged 19 or over but under pension age, is a full-time student2 if they are attending or undertaking a full-time course of study. In the definition of full time courses of advanced education and full-time students a week is a period of seven days.

1 SS C&B (NI) Act 92, sec 138; 2 JSA Regs (NI), reg 1(2)

 30149 – 30153

Jobseeker’s Allowance and Income Support

Full-time student

30154 A full-time student is treated as attending or undertaking a full-time course of study from the first date of the course until

**1.** the last day of the course **or**

**2.** such earlier date as the student

**2.1** abandons the course **or**

**2.2** is dismissed from it1.

1 JSA Regs (NI), reg 1(2A); IS (Gen) Regs (NI), reg 61(2)(b)

Treatment of modular courses

30155 A student attending or undertaking part of a modular course on a full-time basis is treated as a full-time student from the day that part of the course begins until

**1.** the last day he is registered as attending or undertaking that part as a full-time course of study **or**

**2.** such earlier date as the student

**2.1** abandons the course **or**

**2.2** is dismissed from it1.

1 JSA Regs (NI), reg 1(2A); IS (Gen) Regs (NI), reg 61(2)(a)

30156 The period described in DMG 30155 above includes any period

**1.** that the student attends or undertakes the course to retake exams or a module. The student must have been undertaking the original part of the course or modules as a full-time course of study

**2.** of vacation falling within the period or immediately following it. This does not include a vacation immediately following the last day of the course1.

1 JSA Regs (NI), reg 1(2B); IS (Gen) Regs (NI), reg 61(3)

Modular course

30157 In these circumstances a modular course means a course of study consisting of two or more modules. The student must complete a specified number of modules before they are considered to have completed the course1.

1 JSA Regs (NI), reg 1(2C); IS (Gen) Regs (NI), reg 61(4)

 30158 – 30160

Meaning of full-time

General

30161 Full-time appears in both Jobseeker’s Allowance and Income Support. The decision maker has to consider it when deciding whether a person is a student (a full-time student).

 30162

30163 The term full-time applies to the course itself and not to a person’s attendance on it1. It is the time spent by a notional reasonable student that is considered. A person who attends a full-time course on a part-time basis is still a student.

1 R(SB) 40/83; R(SB) 41/83

30164 Each case must be decided on its facts1. The decision maker must look at the sequence of studies and activities that make up the course itself. The nature of the course is not affected by2

**1.** a person’s reasons for attending it **or**

**2.** a person’s readiness to abandon it, for example, to accept an offer of employment **or**

**3.** what a particular person happens to be doing.

1 R(SB) 40/83; R(SB) 41/83; 2 R(SB) 2/91

30165 In modular courses a sequence of studies is established once a person has decided which modules to take. This sequence can be distinguished from the work that the person is putting in at any given time.

30166 When deciding whether a course is full time, all of the studies and activities involved in it should be taken into account. This includes both supervised and unsupervised study and activity, whether done on or off college premises.

30167 Do not compare the total hours involved with what may be regarded as a full working week. One approach is to look at the total time the course might require of an average student. It may take up a substantial part of a week, after allowing for reasonable rest and recreation. The course might then be regarded as full time.

30168 The decision maker should determine whether the course is modular or non-modular. Whether a modular course counts as a full-time course is a question of fact. If the educational establishment’s description is not conclusive, other relevant evidence may include

**1.** the education establishment’s regulations

**2.** the educational establishments registration procedures

**3.** the course regulations

**4.** the course handbook

**5.** other relevant information given to the student about his status.

 30169

Evidence from educational establishment

30170 The way educational establishments are funded may mean that they no longer classify courses as full-time or part-time.

30171 Educational establishments may still classify courses or may be able to give an opinion on their nature. Accept evidence from the educational establishment as conclusive unless there is strong relevant evidence to the contrary1.

1 R(SB) 40/83; R(SB) 41/83

 30172 – 30174

Other evidence

30175 Educational establishments may be unable or unwilling to say whether a course is full-time or part-time. Or where a classification is provided the decision maker may consider it to be implausible or unreliable. Decision makers will then have to decide whether the course is full-time.

30176 The decision maker should consider other evidence, including

**1.** the type of qualification aimed for

**2.** the number of hours a week normally required for successful completion of the course, including

**2.1** supervised study

**2.2** unsupervised study

**2.3** homework

**2.4** other work carried out on or off the college premises

**3.** the claimant’s own hours of attendance and recommended hours of private study

**4.** the length of time normally required for successful completion of the course (for example 3 years)

**5.** how long the claimant will take to complete the course

**6.** how the course is funded

**7.** the course classification for other purposes, for example, grant or student loan awards

**8.** how the same course has been classified by the college in the past.

 **Note:** The decision maker is not bound to investigate this point where the views of other authorities are not already known.

30177 If the claimant is taking longer than normal to complete the course, it is an indication that the course is part-time1.

1 R(SB) 41/83

30178 A course may be designed for students to attend as and when they can. With such a course the decision maker should consider what is actually happening. If the course is full-time it is of no consequence that the student could have attended part-time.

30179 The course being taken may be new, or the nature of it may have changed. It may then be helpful to compare a similar course, that is full-time, with the claimant’s

**1.** length of study **and**

**2.** eventual qualification.

30180 Do not give weight to the classification of the other course unless it is very similar to the claimant’s course. Also, a classification given by the claimant’s own college should normally be preferred to that given on similar courses by different colleges.

30181 A list of the more common courses and their qualifications is included at Appendix 1. Do not rely on it as evidence of the nature of a particular course. It is provided for information only.

 30182 – 30185

Number of hours involved

30186 The decision maker must have regard to the hours involved. This includes both time spent

**1.** receiving instruction or being supervised **and**

**2.** in private study.

30187 The level of a course may affect the number of hours of attendance in supervised instruction or study. For example, a full-time advanced course may involve less attendance than a full-time non advanced course.

30188 In non advanced courses, hours of supervised instruction or study usually form a larger part of the course. Full-time advanced courses may involve only a few such hours. Do not consider that in isolation. Students may also have to put in many hours of private study.

 30189 – 30205

Eligibility

General

30206 Students (full-time students) are not normally eligible for Jobseeker’s Allowance or Income Support during the period of study. This is because for

**1.** Jobseeker’s Allowance, they are not regarded as available for employment1

**2.** Income Support, they are not a prescribed category of person2.

1 JSA Regs (NI), reg 15(a); 2 IS (Gen) Regs (NI), reg 4ZA(1), (2) & Sch 1B

 30207

Jobseeker’s Allowance

30208 Unless DMG 30209 applies a full-time student is not eligible for Jobseeker’s Allowance during the period of study unless

**1.** they are on an employment related course1 where participation has been approved before the course started by an Employment Officer

**1.1** for a maximum of two weeks **and**

**1.2** one course in any period of twelve months (see DMG 21340) **or**

**2.** they are attending a programme provided by the Venture Trust2 under an arrangement made by the Department

**2.1** for a maximum of 4 weeks **and**

**2.2** one programme in any 12 months (see DMG 21361) **or**

**3.** their partner is also a student and one of them is treated as responsible for a child or young person. The claimant is then eligible during the summer vacation if they are available, or treated as available, for employment3

**4.** the student is treated as responsible for a child or young person. The claimant is then eligible during the summer vacation if they are available, or treated as available for employment4.

 **Note:** In England and Wales there are now no programmes provided by Venture Trust which are provided under an arrangement made by the Secretary of State for the Home Department with the Venture Trust. In Scotland Venture Trust programmes continue to operate under an arrangement made with the Scottish Ministers.

1 JSA Regs (NI), reg 14(1)(a) & 15(a); 2 reg 14(ja) & 15(a); 3 reg 15(a); 4 reg 15(2)

Full-time students eligible for Jobseeker’s Allowance

30209 Full-time students may be eligible for Jobseeker’s Allowance if they stop attending or undertaking a course, with the approval of the education establishment, because they are

**1.** caring for another person or are ill **and**

**2.** have subsequently ceased caring or recovered from their illness **and**

**3.** they are not eligible for a loan or grant for the period at DMG 302101.

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

30210 A student who satisfies the conditions at DMG 30209 **1.** and **2.** above may be entitled to Jobseeker’s Allowance for a period of up to one year. The period

**1.** begins on the day the student recovered from the illness or the caring responsibilities ceased **and**

**2.** ends on the earlier of the day before

**2.1** the day the student resumes the course **or**

**2.2** the day from which the educational establishment has agreed that the student may resume the course1.

1 JSA Regs (NI), reg 1(2E)(b)

Income Support

30211 **[See DMG Memo Vol 1/101, 2/40, 3/89, 4/117, 5/94, 6/81, 8/51, 9/24, 13/54 & 14/52]** A student is not eligible for Income Support during the period of study unless1

**1.** they are a lone parent responsible for a child under the age of 5 who is a member of their household2 **or**

**2.** they are a lone foster parent responsible for a child3 (see DMG 22007) **or**

**3.** they are a person who has been granted refugee status who is learning English4 **or**

**4.** their partner is also a student and one of them is treated as responsible for a child or young person. The claimant is then eligible during the summer vacation if they are a prescribed category of person5 **or**

**5.** they are treated as responsible for a child or young person. The claimant is then eligible during the summer vacation if they are a prescribed category of person6 (see DMG 20100).

 **Note:** Prior to 30.12.09 disabled and deaf students were included in DMG 30211. In certain circumstances disabled and deaf students may still fall within DMG 2011. For these savings provisions for prescribed categories of persons see DMG Chapter 20, Appendix 5.

1 IS (Gen) Regs (NI), reg 4ZA(3); 2 Sch 1B, para 1; 3 Sch 1B, para 2;
4 Sch 1B, para 18; 5 reg 4ZA(3)(c) & Sch 1B; 6 reg 4ZA(3)(c)(ii) and Sch 1B

Transitional provisions - lone parent obligations

30212 From 2.12.08 legislation has been amended to provide transitional protection for some lone parents1 who

**1.** are full-time students **or**

**2.** are following a full-time course of training as part of New Deal for lone parents **or**

**3.** are following a full-time course as part of a scheme which has been approved by the Department as supporting the objectives of New Deal for lone parents.

1 SS (LP & Misc Amdts) Regs (NI), reg 13(3) (SR 478/08)

30213 These provisions apply1 to lone parents who immediately before the relevant day, as described in DMG 30214 below, are

**1.** entitled to Income Support solely on the grounds of being a lone parent **and**

**2.** responsible for a child (or youngest child) aged 6 or over who is a member of that person’s household.

1 SS (LP & Misc Amdts) Regs (NI), reg 13(2)

30214 Transitional protection is for a limited period and will only apply1 in relation to the full-time course of study or training that the lone parent is undertaking immediately before the relevant day. The relevant days2 are

**1.** 2.12.08 in the case of a lone parent whose youngest child is aged 11 or over on that day

**2.** 26.10.09 in the case of a lone parent whose youngest child is aged 9, 10 or 11 on that day

**3.** 25.10.10 in the case of a lone parent whose youngest child is aged 6, 7, 8 or 9 on that day.

1 SS (LP & Misc Amdts) Regs (NI), reg 13(4); 2 reg 13(7)

30215 This will allow the lone parent to remain on Income Support until **at least** the date

**1.** they cease attending the course1 **or**

**2.** their youngest child reaches the age at which benefit entitlement would have ended under the rules that were in place when they started the course

 whichever comes **first**.

1 SS (LP & Misc Amdts) Regs (NI), reg 13(5)

30216 **[See DMG Memo Vol 4/138 & 6/90]** Lone parents who start a full-time course of study or full-time course of training as part of New Deal for lone parents or as part of an approved scheme which supports the objectives of New Deal for lone parents

**1.** before 2.12.08, their entitlement will end when they stop attending their course or their youngest child reaches age 16 whichever comes first

**2.** on or after 2.12.08 and before 26.10.09, their entitlement will end when they stop attending their course or their youngest child reaches age 12 whichever comes first

**3.** on or after 26.10.09 and before 25.10.10, their entitlement will end when they stop attending their course or their youngest child reaches age 10 whichever comes first **and**

**4.** on or after 25.10.10 will be subject to the same rules as other lone parents and their entitlement will end when their youngest child reaches age 7.

30217 Decision makers should also be aware that where a lone parent ceases to be a full-time student or to follow a full-time course of training the date on which entitlement ceases is also subject1 to the guidance at DMG 20082 et seq.

1 SS (LP & Misc Amdts) Regs (NI), reg 13(6) & Sch (SR 478/08)

Period of study for entitlement purposes

Income Support

30218 For entitlement purposes only, the period of study1 begins on the date that the student starts attending or undertaking the course and ends on

**1.** the last day of the course **or**

**2.** such earlier date as the student

**2.1** abandons the course **or**

**2.2** is dismissed from the course.

1 IS (Gen) Regs (NI), reg 2(1)

Jobseeker’s Allowance

30219 For entitlement purposes only, the period of study1 is

**1.** the period that the student is treated as attending or undertaking the course of study **and**

**2.** any period of attendance by the student at their educational establishment or any period of study undertaken by a student in connection with their course, which is before or after the period of the course.

1 JSA Regs (NI), reg 4

 **Note:** The definition at DMG 30218 and DMG 30219 apply to eligibility only. They should not be used for any other purpose.

30220 The period of study continues throughout all vacations within the course.

30221 A person attending for freshers week will not normally be a student for any part of that week as it is before the start of the course. The exception is where the course starts at some time in that week. A person can only be a student from the date the course starts.

30222 Sandwich course students may not be able to find an industrial, professional or commercial placement in their periods of work experience. They are still full-time students in the period of study during that time1.

1 R(IS) 6/97

**Example**

 Sally started a 3 year sandwich course in September 1999. She attended university during the autumn and spring terms of the second year (00/01). Summer term (01) is a period of work experience to be spent in industry. She is not awarded any grant for the summer term.

 Sally is unable to find an industrial placement and claims Jobseeker’s Allowance on 17.6.01. She is not entitled because she is a student during the period of study.

30223 A full-time student is treated as attending or undertaking a full time course of study from the first day they start attending or undertaking it1 until

**1.** the last day of the course **or**

**2.** such earlier date as they

**2.1** abandon the course **or**

**2.2** are dismissed from the course.

1 JSA Regs (NI), reg 1(2) & (2A); IS (Gen) Regs (NI), reg 61(2)(b)

 30224 – 30225

Last day of the course - Income Support

30226 For Income Support, the last day of the course means1 the date of the last day of the final academic term for the course in question.

1 IS (Gen) Regs (NI), reg 2(1) & 61(1)

30227 A student may take their last exams before the last day of the final term. They may not then attend for the last few days of term. They are still a student until the last day of that academic term. In cases of doubt, ask the educational establishment when the academic term officially ends.

Meaning of abandons

30228 The term abandons means1 total, final and permanent abandonment.

1 R(IS) 25/95

30229 Merely deciding to give up a course is not enough. The claimant must have actually taken enough steps to ensure that their connection with the course is permanently severed. In cases of doubt ask for documentary evidence from the educational establishment.

30230 A student may change from a full-time to a part time course at the same educational establishment. This can be an abandonment of the full-time course. But the new course may be very similar to the old course.

30231 Make sure that the course itself has changed and not simply the student’s attendance on it. When considering whether one course has been abandoned in favour of another compare

**1.** the course as it was at the time the student started on it **and**

**2.** the course as it is now.

30232 The decision maker should consider whether there has been any change in

**1.** the number of modules accessed or subjects taken

**2.** the qualification being pursued

**3.** the number of hours of tuition and study

**4.** the length of the course

**5.** the fees payable by the student.

30233 The decision maker should also take into account

**1.** whether the course could be attended full-time or part-time under the arrangements originally made with the college **and**

**2.** any information that may be gained from the college prospectus.

 30234

Meaning of dismissed

30235 Dismissed means the total, final and permanent ending of a person’s participation on a course by the educational authorities. In cases of doubt ask for documentary evidence from the educational establishment.

Temporary absences

30236 Unless DMG 30209 applies a person cannot temporarily abandon a course or be temporarily dismissed from it. They will remain a student if

**1.** they

**1.1** take a break from studies for whatever reason **or**

**1.2** have not gone on to the next year of the course because they failed their end of year exams **or**

**1.3** have either failed or not taken their final exams **and**

**2.** either

**2.1** they have a guaranteed place on the course at some time in the future **or**

**2.2** a place on the course at a future date is available to them

**2.2.a** if they undertake study at home or at the educational establishment **and**

**2.2.b** a fresh application under the normal enrolment procedures will not be required **and**

**2.2.c** the student has not refused to undertake the necessary study **or**

**2.3** they have remained continuously registered at the educational establishment **or**

**2.4** the educational establishment does not regard them as no longer being a student on the course **or**

**2.5** a final and definite decision on their status has not yet been made by the educational establishment.

30237 Other than where DMG 30209 applies, the fact that a grant may not cover such absences or extensions to the course is not relevant.

**Example**

Adrian is a University student in his final year. He failed his final exams in June. He intends to sit them in a year and is still enrolled at the University. He is still a full time student through the summer vacation and until the last day of the following academic year.

30238 A student who has completed the last day of the final academic term may have to submit a thesis or complete course work. This may be required before a qualification can be obtained or enhanced. Such a student has passed the last day of the course. They are not a student during the period after the end of the course when they are expected to complete any course work.

 **Example**

Gemma completed her research working as a post-graduate student in a laboratory at the University on 30 September 2001. She is completing a thesis for submission to the University for her PhD. Gemma does not need to attend the University to complete the thesis. She is also applying for jobs at the same time as completing the thesis. The decision maker decides that Gemma is no longer a full-time student as she has completed her course of study. Gemma is entitled to Jobseeker’s Allowance because she would complete the thesis on a part-time basis if she finds employment.

30239 – 30240

Re-enrolment

30241 A person who has completed a course of study may be going on to do further study. For example, a student with a degree may want to do a postgraduate course. Such a person is not a student in the meantime.

30242 A fresh period of study begins when the next course starts. The usual rules then apply to the new period of study.

 30243

Part-time student

30244 Part time student means1 a person who is attending or undertaking a course of study, who is not a full-time student. Such a person may be able to claim benefit if they are

**1.** in a prescribed category of person2, for Income Support (DMG Chapter 20) **or**

**2.** available for employment3, for Jobseeker’s Allowance (DMG Chapter 21).

1 JSA Regs (NI), reg 1(2); 2 IS (Gen) Regs (NI), Sch 1B; 3 JSA Regs (NI), reg 11

Partner only is a full-time student

30245 If the claimant is not a full-time student but their partner is, the claimant is eligible for Jobseeker’s Allowance or Income Support. This is subject to the normal conditions of entitlement.

Contribution-based Jobseeker’s Allowance

30246 Only a claimant’s own earnings and pension payments can affect the amount of contribution-based Jobseeker’s Allowance payable1. A partner’s loan or grant income can have no effect.

1 JS (NI) Order 95, art 4(1); JSA Regs (NI), reg 80(2) & 81

Income-based Jobseeker’s Allowance and Income Support

30247 Income of a claimant or their partner can affect the amount of income-based Jobseeker’s Allowance1 or Income Support2 payable. Any loan or grant income paid to the partner should be taken into account.

1 JS (NI) Order 95, art 6(3) & 15(2); 2 SS C&B (NI) Act 92, sec 123(1) & 132(1)

 30248 – 30254

Financial support available to students - Loans and Grants

30255 In the case of students and their partners, some of the normal rules on income are modified1. This means that their income may be treated differently.

1 JSA Regs (NI), reg 91; IS (Gen) Regs (NI), reg 26

30256 – 30259

Loans - eligibility

30260 Loans are generally available to students on courses of higher education.

Qualifying courses

30261 Courses must1

**1.** last for at least one academic year or at least six weeks in the case of flexible postgraduate courses for teacher training **and**

**2.** be designated **and**

**3.** be at institutions receiving support from public funds.

1 Education (Student Support) Regs (NI), reg 6(1)

30262 A course is designated1 if it is a

**1.** first degree course

**2.** course for the Diploma of Higher Education

**3.** course for the Certificate of Higher Education

**4.** course for the further training of teachers or youth and community workers

**5.** course for the Higher National Diploma or Higher National Certificate of Business and Technology Education Council or the Scottish Qualifications Authority

**6.** course leading to an initial teacher qualification (including a first degree)

**7.** course for which entry does not normally require a first degree (or equivalent) that

**7.1** is in preparation for a professional examination of a standard higher than

**7.1.a** General Certificate of Education (GCE) and Advanced (A levels)

**7.1.b** Scottish highers

**7.1.c** Business and Technology Education Council and Scottish Qualifications Authority (as distinct from Higher National Certificate and Higher National Diploma) **or**

**7.2** provides education of a standard higher than courses in **7.1**, but not higher than a first degree.

1 Education (Student Support) Regs (NI) 2008, Sch 3

30263 Institutions receiving support from public funds means1 that the monies are provided by Parliament. **Except** where the funds have been provided by a local council.

1 Education (Student Support) Regs (NI) 2008, reg 2

30264 A course is provided by an institution1 if it supplies the teaching and supervision that makes up the course.

1 Education (Student Support) Regs (NI) 2008, reg 6(4)(a)

30265 Loans are generally available for sandwich courses. They are available for the whole of the course. They are not reduced because of the student’s periods of experience.

 30266 – 30270

Personal eligibility

30271 A student must be personally eligible as well as attending or undertaking a qualifying course. A student is eligible for a loan if

**1.** they meet the residence conditions1 (see DMG 30272) **and**

**2.** they have not received an award under certain National Health Service regulations2 **and**

**3.** they are not eligible to receive an allowance under certain Regulations3 **and**

**4.** they are not in breach of any obligation contained in a loan agreement4 **and**

**5.** after reaching age 18 they confirmed any loan agreement that was made while under that age5 **and**

**6.** they are not, in the opinion of the Department, unfit to receive support6.

 **Note:** A student is only eligible for a loan on a single designated course, whether full time or part time, in any one academic year7.

1 Education (Student Support) Regs (NI) 2008, reg 5; 2 reg 5(3)(c); 3 Education (Student Loans) Act 1990;
Education (Student Loans) (NI) Order 1990; 4 Education (Student Support) Regs (NI) 2008, reg 5(3)(d);
5 reg 5(3)(e); 6 reg 5(3)(f); 7 reg 5(6)

Residence conditions

30272 To satisfy the residence conditions a student must1

**1.** be ordinarily resident in Northern Ireland on the first day of their course **and**

**2.** throughout the 3 years before the first day of the course have been ordinarily resident in the

**2.1** UK if

**2.1.a** the student is settled in the UK **or**

**2.1.b** the student, their spouse, civil partner or their parent have been granted leave to remain by the Home Office

**2.2** European Economic Area if the student, their spouse or their partner have established migrant worker status **and** their stay is not wholly or mainly to receive full time education.

1 Education (Student Support) Regs (NI) 2008, Sch 2

European Economic Area Nationals

30273 A student who is an European Economic Area national or the child of an European Economic Area national, may be eligible for a student loan if1

**1.** the conditions at DMG 30272 **2.** are satisfied **and**

**2.** the course in Northern Ireland is provided wholly or partly by an institution in Northern Ireland.

1 Education (Student Support) Regs (NI) 2008, Sch 2

Refugees

30274 A student may be eligible for a student loan if1

**1.** they, their spouse, civil partner or parent are granted refugee status **and**

**2.** from the time they are recognised as a refugee they are ordinarily resident in the UK **and**

**3.** they satisfy the conditions at DMG 30272 **1.**.

1 Education (Student Support) Regs (NI) 2008, Sch 2

30275 – 30280

Student loans treated as income

30281 Student loans are treated as income1. Students are treated as possessing a student loan for an academic year where

**1.** a student loan has been paid to them for that year2 **or**

**2.** they could acquire a loan in respect of that year by taking reasonable steps to get one3.

 **Note:** If there is a condition of entitlement to a student loan that could not be met by taking reasonable steps the decision maker should not treat the student as having a student loan. If, exceptionally, the decision maker needs advice on whether or not a student has taken reasonable steps to acquire a loan, refer the case to Decision Making Services.

1 JSA Regs (NI), reg 136(1); IS (Gen) Regs (NI), reg 66A(1);
2 JSA Regs (NI), reg 136(3)(a); IS (Gen) Regs (NI), reg 66A(3)(a);
3 JSA Regs (NI), reg 136(3)(b); IS (Gen) Regs (NI), reg 66A(3)(b)

Amount of loan

30282 The maximum amount that can be advanced to a student depends on

**1.** where the student is studying **and**

**2.** whether the student has reached the final year of the course **and**

**3.** whether the student lives in the parental home.

 **Note:** See Appendix 2 for the maximum amounts of loan payable.

30283 Where in any academic year a student loan is made to a student, the decision maker should take into account as income

**1.** the maximum amount of student loan the student could get by taking all reasonable steps1 to do so (even if the student applies for less than the maximum loan) **and**

**2.** unless an exception at DMG 30297 applies2, the amount of any contribution whether or not it is paid to the student3.

1 JSA Regs (NI), reg 136(4)(a); IS (Gen) Regs (NI), reg 66A(4)(a); 2 JSA Regs (NI), reg 136(4)(a)(ii);
IS (Gen) Regs (NI), reg 66A(4)(a)(ii); 3 JSA Regs (NI), reg 136(4)(a)(i); IS (Gen) Regs (NI), reg 66A(4)(a)(i)

30284 Where a student loan has not been made for an academic year, the decision maker should take into account as income the maximum loan that the student could get if

**1.** the student took all reasonable steps to obtain the maximum amount1 **and**

**2.** no deduction was made from the loan because of the means test2.

1 JSA Regs (NI), reg 136(4)(b)(i); IS (Gen) Regs (NI), reg 66A(4)(b)(i);
2 JSA Regs (NI), reg 136(4)(b)(ii); IS (Gen) Regs (NI), reg 66A(4)(b)(ii)

30285 – 30289

Disregards

30290 The amount of student loan to be taken into account under DMG 30283 and 30284 should be reduced by1 a fixed amount for

**1.** travel costs **and**

**2.** the costs of books and equipment

whether or not the student has to meet the cost of those items.

**Note:** See Appendix 2 to this Chapter for the amounts to be disregarded.

1 JSA Regs (NI), reg 136(5); IS (Gen) Regs (NI), reg 66A(5)

**Example**

Leslie is undertaking a part-time course of study for which she receives a loan of £500. After taking into account the disregards for travelling costs and books and equipment the decision maker fully disregards the loan.

30291 The disregards for books, travel and equipment applies only once in every academic year1.

*1 JSA Regs (NI), reg 136(5); IS (Gen) Regs (NI), reg 66A(5)*

Disregard for fee loans

30292 Changes to the student support system1 mean that from September 2006 loans for course fees will be paid directly to the university or college. Decision makers should disregard2 a loan for fees, known as a fee loan or a fee contribution loan paid under specified legislation3.

1 Education (Student Support) Regs (NI) 2006, regs 18-23 & 31-32;
2 JSA Regs (NI), reg 136B; IS (Gen) Regs (NI), reg 66C
3 Education (Student Support) (NI) Order 1998, art 3

30293 – 30295

Assessed contribution

30296 **[See DMG Memo Vol 4/85, 5/73, 6/54, 8/9, 9/2, 13/36 & 14/37]** The education authority may decide that the student, the student’s parent, spouse or civil partner should contribute to the loan. The contribution is assessed according to the income of the student, their spouse, civil partner, parent or parent’s partner. The amount of loan awarded is then cut by the assessed contribution1.

1 JSA Regs (NI), reg 130; IS (Gen) Regs (NI), reg 61(1)

30297 **[See DMG Memo Vol 4/85, 5/73, 6/54, 8/9, 9/2, 13/36 & 14/37]** The amount of contribution assessed by the education authority may not be paid to the student in part or in full. But the full amount of the contribution should still be treated as possessed by the student unless for

**1.** Jobseeker’s Allowance1, the student is entitled to a disability premium **or**

**2.** Income Support2, the student is in a prescribed category of person because they are a

**2.1** lone parent **or**

**2.2** lone foster parent **or**

**2.3** in relevant education3.

 **Note:** Prior to 30.12.09 disabled and deaf students were included in DMG 30297 **2.**. In certain circumstances disabled and deaf students may still fall within DMG 30297 **2.**. For these savings provisions for prescribed categories of persons see DMG Chapter 20, Appendix 5.

1 JSA Regs (NI), reg 130, reg 136(4)(a)(ii); 2 IS (Gen) Regs (NI), reg 61(1), reg 66A(4)(a)(ii);
3 Sch 1B, para 15

30298 – 30299

Calculation of weekly income

Course duration is for one academic year or less

30300 Where a student loan is made in respect of any academic year and the course is for one academic year or less, the student loan should be divided equally between the weeks in the period beginning with

**1.** the first benefit week that begins on or after the start of the academic year **or**

**2.** if the student starts attending the course in August or the course is for less than an academic year’s duration, the first benefit week that begins on or after the start of the course

and ending with the last benefit week that ends on or before the last day of the course1.

1 JSA Regs (NI), reg 136(2)(a); IS (Gen) Regs (NI), reg 66A(2)(a)

Course duration more than one academic year, any year except final academic year

30301 Where a student loan is made in respect of an academic year and begins other than on 1 September the decision maker should divide the student loan equally between the period which

**1.** starts at the beginning of the first benefit week starting on or after the first day of the academic year **and**

**2.** ends on the last day of the last benefit week which ends on or before the last day of the academic year **and**

 excludes any complete benefit weeks which fall entirely within the quarter where, in the opinion of the Department, the longest holiday period is taken1.

 **Note:** Quarter means2 one of the periods in the academic year from

**1.** 1 January to 31 March **or**

**2.** 1 April to 30 June **or**

**3.** 1 July to 31 August **or**

**4.** 1 September to 31 December.

1 JSA Regs (NI), reg 136(2)(aa); IS (Gen) Regs (NI), reg 66A(2)(aa); 2 Support Regs (NI), reg 2

30302 Where a student loan is made in respect of an academic year that begins on 1 September the decision maker should divide the student loan equally between the weeks in the period beginning with the earlier of the first day of the first benefit week

**1.** in September **or**

**2.** that begins on or after the first day of the autumn term

and ending with the last benefit week that ends on or before the last day of June1.

1 JSA Regs (NI), reg 136(2)(c); IS (Gen) Regs (NI), reg 66A(2)(c)

30303

Final academic year, other than a course of one academic year or less

30304 Where a student loan is made in respect of a final academic year of a course of more than one year that begins other than on 1 September the decision maker should divide the student loan equally between the period beginning with

**1.** the first benefit week that begins on or after the start of the academic year **and**

**2.** ending with the last benefit week that ends on or before the last day of the course1.

1 JSA Regs (NI), reg 136(2)(b)(i); IS (Gen) Regs (NI), reg 66A(2)(b)(i)

30305 Where a student loan is made in respect of a final academic year that begins on 1 September the decision maker should divide the student loan equally between the weeks in the period beginning with the first benefit week that begins on or after the earlier of

**1.** 1 September **or**

**2.** the first day of the autumn term

and ending with the last benefit week that ends on or before the last day of the course1.

1 JSA Regs (NI), reg 136(2)(b)(ii); IS (Gen) Regs (NI), reg 66A(2)(b)(ii)

Disregard

30306 When the weekly amount has been calculated the decision maker should disregard up to £10 a week. This is subject to the overall limit on the disregarded income of students (see DMG 30391).

 **Example 1**

 Philip is attending a course which lasts for less than a year. The course starts on 9.12.02 and ends on 18.4.03. He is a Tuesday benefit week ending. He has a student loan which, after deducting the appropriate disregards, is taken into account from 11.12.02 until 15.4.03

 **Example 2**

 Martha starts the final year of her course on 7.10.02 and ends it on 6.6.03. She is a Thursday benefit week ending. The decision maker takes her student loan into account from 6.9.02 until 5.6.03 after deducting the appropriate disregards.

 **Example 3**

 Ellis is in his second year of a course. The autumn term begins on 14.10.02. Ellis is a Monday benefit week ending. The decision maker takes his student loan into account, after deducting the appropriate disregards, from 3.9.02 until 30.6.03.

 **Example 4**

 Niall’s university course starts on 13.1.03. The main holiday period is between 30.6.03 and 12.10.03. He is a Wednesday benefit week ending. After deducting the appropriate disregards the decision maker calculates the weekly income by dividing the loan equally between the periods 2.1.03 to 2.7.03 and 28.8.03 and 31.12.03. The decision maker takes the weekly amount into account from 16.1.03 because Niall does not become a student until 13.1.03.

 **Note:** A student loan should not be taken into account until the student commences their course of study because prior to this day they are not a student. As the weekly amount is calculated by apportioning the loan to full benefit weeks it should similarly be attributed to full benefit weeks.

 30307 – 30309

Student from Great Britain

30310 A student from Great Britain may be eligible for a student loan under Great Britain law1. The qualifying conditions are the same as in Northern Ireland. Treat any loan for which the student is eligible in the same way.

1 The Education (Student Loans) Act 90, sec 1

 30311 – 30314

Grants

30315 A student may receive a grant from a number of different sources. Grants, bursaries or allowances etc, may be paid in respect of various types of study such as nursing and teacher training.

30316 Students who are paid under specific law1 may be entitled to supplementary grants

**1.** for extra costs incurred because they are disabled students2

**2.** to prevent hardship, for weeks during the long vacation that the student is not attending the place of study3. These grants can be paid to students under the age of 21 at the start of their course and who have been in the care of a Health and Social Services Board

**3.** towards fees4

**4.** for childcare5

**5.** for living costs6

**6.** for adult dependants7

**7.** for Parent’s Learning Allowance8.

**Note:** This list is not exhaustive.

1 Education (Student Support) Regs (NI); 2 reg 14; 3 reg 15; 4 reg 11; 5 reg 18; 6 reg 13;
7 reg 17; 8 reg 19

 30317 – 30325

Amount of grant income

Initial disregard

 **[See DMG Memo Vol 4/37, 5/30 & 6/23]** **[See DMG Memo Vol 4/85, 5/73, 6/54, 8/9, 9/2, 13/36 & 14/37]**

30326 The decision maker should disregard from the student’s grant income any payment

**1.** intended to meet tuition or examination fees1

**2.** intended to meet additional expense a disabled student has for attending a course2

**3.** intended to meet additional expense connected with term time residential study away from the student’s educational establishment3

**4.** on account of the student maintaining a home at a place other than where they live during the course4

**5.** on account of any other person if5 that person lives outside the UK and there is no applicable amount for them

**6.** intended to meet cost of books and equipment6

**7.** intended to meet travel expenses caused by the student’s attendance on the course7

**8.** intended for the maintenance of a child dependant8

**9.** intended for the child care costs of a child dependant9

**10.** of higher education bursary for care leavers made under specified legislation10.

 **Note:** DMG 30326 **4.** applies only to the extent that the student’s rent is not met by Housing Benefit.

1 JSA Regs (NI), reg 131(2)(a); IS (Gen) Regs (NI), reg 62(2)(a);
2 JSA Regs (NI), reg 131(2)(b); IS (Gen) Regs (NI), reg 62(2)(c);
3 JSA Regs (NI), reg 131(2)(c); IS (Gen) Regs (NI), reg 62(2)(d);
4 JSA Regs (NI), reg 131(2)(d); IS (Gen) Regs (NI), reg 62(2)(e);
5 JSA Regs (NI), reg 131(2)(e); IS (Gen) Regs (NI), reg 62(2)(f);
6 JSA Regs (NI), reg 131(2)(f); IS (Gen) Regs (NI), reg 62(2)(g);
7 JSA Regs (NI), reg 131(2)(g); IS (Gen) Regs (NI), reg 62(2)(h);
8 JSA Regs (NI), reg 131(2)(h); IS (Gen) Regs (NI), reg 62(2)(i);
9 JSA Regs (NI), reg 131(2)(i); IS (Gen) Regs (NI), reg 62(2)(j);
10 JSA Regs (NI), reg 131(2)(j); IS (Gen) Regs (NI), reg 62(2)(k); Children Act 1989, Part III

30327 Disregard amounts under DMG 30326 only if the grant is specifically intended to be used for one of those purposes.

Higher education bursary

30328 The higher education bursary1 was introduced in September 2004. A student qualified for this bursary if he began the designated course on or after 1 September 2004. The bursary is to cover living costs for the purpose of attending that course. Decision makers should disregard2 the amount of the higher education bursary paid to an existing student.

1 Education (Student Support) Regs (NI) 2008, reg 62;
2 JSA Regs (NI), reg 131(2); IS (Gen) Regs (NI), reg 62(2)

Special support grant

30329 The special support grant1 was introduced from 1 September 2006. The grant is to defray the cost of books, equipment, travel or childcare incurred for the purpose of attending that course. Decision makers should disregard2 the amount of special support grant paid to students from 1 September 2006 if it falls within the disregards listed at DMG 30326.

1 Education (Student Support) Regs (NI) 2008, reg 60;
2 JSA Regs (NI), reg 131(2); IS (Gen) Regs (NI), reg 62(2)

 30330 – 30340

Disregards for students with child care responsibilities

30341 **[See DMG Memo Vol 4/37, 5/30 & 6/23]** In Northern Ireland a Parent’s Learning Allowance is available to full-time students with child care responsibilities. Decision makers should disregard this allowance in full1.

1 JSA Regs (NI), reg 131; IS (Gen) Regs (NI), reg 62

 30342 – 30345

Extra disregards

30346 Where a student does not have a student loan and is not treated as having a student loan, the decision maker should disregard from the grant a fixed amount for1

1. travelling expenses **and**
2. books and equipment.

**Note:** These disregards apply whether or not the student spends that amount on those items. See DMG Appendix 2 to this Chapter for the amounts to be disregarded.

1 JSA Regs (NI), reg 136(5); IS (Gen) Regs (NI), reg 62(2A)

**Example 1**

Georgia is a student nurse attending a diploma course. She is not entitled to a student loan. She receives a National Health Service bursary which includes £200 for travelling expenses but no additional amount for books and equipment. The decision maker disregards a total of £779 from Georgia’s allowance. This is made up of an amount awarded specifically to meet travelling expenses - £200; extra disregard for travelling costs - £260 (2001/2002); extra disregard for books and equipment - £319 (2001/2002).

**Example 2**

Isobella is a student teacher completing her last year of teacher training in a school. She receives a training bursary which does not specifically include any amount for travelling costs or books and equipment. She is not entitled to a student loan. The decision maker disregards a total of £579 from Isobella’s income. This is made up of extra disregard for travelling costs - £260 (2001/2002) extra disregard for books and equipment - £319 (2001/2002).

30347 The disregard for books, travel and equipment applies only once in every academic year1.

1 JSA Regs (NI), reg 131(3); IS (Gen) Regs (NI), reg 62(2A)

 30348 – 30350

Period over which grant income taken into account

30351 The amount of grant income to be taken into account should be spread equally over the relevant period. The length of that period depends on

**1.** what elements of grant are involved **and**

**2.** whether the grant is paid for the period of study.

Dependants and lone parent grants

30352 **[See DMG Memo Vol 4/37, 5/30 & 6/23]** The decision maker should take these grants into account

**1.** for the same period as the loan **or**

**2.** for the period a loan would have been taken into account had the student taken reasonable steps to get one1.

1 JSA Regs (NI), reg 131(5A); IS (Gen) Regs (NI), reg 62(3B)

 **Example**

 Gregg is a student with 2 children who started his course in September 2000. He receives a loan for living expenses. He is also entitled to an extra amount for the children and because he is a lone parent this is a non-repayable grant. The decision maker takes the extra grant income into account for the same period as the loan.

 30353 – 30360

National Health Service dependant grants

30361 **[See DMG Memo Vol 4/37, 5/30 & 6/23]** A grant or bursary paid for adult dependants, under relevant law1, to an National Health Service student should be taken into account over

**1.** 52 weeks **or**

**2.** 53 weeks, if there are 53 benefit weeks (including part-weeks) in the year2.

 **Note:** These grants are apportioned over the number of benefit weeks in the year rather than over the period of study.

1 H&PSS (NI) Order, art 44; 2 JSA Regs (NI), reg 131(5); IS (Gen) Regs (NI), reg 62(3A)

Students who started their course of study before 1.9.98

30362 A grant awarded under specific law1 to a student who started the course of study before 1.9.98 may include additional amounts for

**1.** the maintenance of one or more dependants, including adult dependants **or**

**2.** a lone parent.

1 Student Award Regs (NI)

30363 The decision maker should take these elements into account from the first day of the period of study for1

**1.** 52 weeks **or**

**2.** 53 weeks, if there are 53 whole or part benefit weeks in the year.

1 JSA Regs (NI), reg 131(5); IS (Gen) Regs (NI), reg 62(3A)

Other grant income

30364 Other grant income should be taken into account equally between the weeks in the period

**1.** of study, where it is paid for the period of study **or**

**2.** for which it is payable.

Period of study for grant income purposes

30365 Period of study has two different meanings. One for grant income purposes1 and one for eligibility2 (see DMG 30218 - 30219). Do not confuse the two definitions.

1 JSA Regs (NI), reg 1(2); IS (Gen) Regs (NI), reg 61; 2 JSA Regs (NI), reg 4; IS (Gen) Regs (NI), reg 2(1)

30366 For grant income purposes1, each year of a course has a separate period of study. That period

**1.** starts with

**1.1** the first day of the course, in the first or only year **or**

**1.2** the first day of that years course, in any later year **and**

**2.** ends with

**2.1** the last day of the course, in the last or only year **or**

**2.2** the day before the summer holiday, where the grant is not for study throughout the whole year **or**

**2.3** the day before the start of the next academic year of the course, where

 **2.3.a** the grant is for study throughout the year **or**

 **2.3.b** if the student does not have a grant, where a loan would have been assessed as payable throughout the year.

1 JSA Regs (NI), reg 1(2); IS (Gen) Regs (NI), reg 61(1)

 **Example**

Jenny is on a standard 3 year degree course commencing in the Autumn. Her grant is not for study throughout the whole year. She has 3 periods of study. These are

**1.** the first year - the first day of the course to the day before the summer holiday separating the 1st and 2nd years

**2.** the second year - the first day of that years course to the day before the summer holiday separating the 2nd and 3rd years

**3.** the 3rd (final) year - the first day of the academic year to the last day of the course.

Last day of course

30367 For Income Support and Jobseeker’s Allowance the last day of the course means1 the date on which the last day of the final academic term falls in respect of the course in which the student is enrolled.

1 JSA Regs (NI), reg 130; IS (Gen) Regs (NI), reg 61(1)

 30368 – 30370

Grant payable for period of study

30371 Grant income may be payable for the period of study. If so, the decision maker should take the income into account equally between the weeks in the period beginning with the first benefit week that begins on or after the first day of the period of study and ending with the last benefit week which ends on or before the last day of the period of study1.

1 JSA Regs (NI), reg 131(4)(a); IS (Gen) Regs (NI), reg 62(3)(a)

Sandwich course

30372 Where a student is on a sandwich course, any periods of experience should be excluded from the period of study. Grant income is then spread equally between the weeks in the period beginning with the benefit that begins on or after the last day of the period of experience and ends with the last benefit week which ends on or before the last day of the period of study1.

1 JSA Regs (NI), reg 131(6); IS (Gen) Regs (NI), reg 62(4)

Grant not payable for period of study

30373 Grant income may be awarded for a specific period. In these cases the grant income should be taken into account equally between the weeks in the period beginning with the first benefit week that begins on or after the first day of the period for which the grant is payable and ending with the last benefit week which ends on or before the last day of the period for which the grant is payable1.

1 JSA Regs (NI), reg 131(4)(b); IS (Gen) Regs (NI), reg 62(3)(b)

30374 In Northern Ireland mandatory awards cover the short holidays1, but not the summer holidays. Discretionary awards may not include any amount for the short holidays. The grant must then be spread between the distinct periods for which it is awarded.

1 Students Awards Regs (NI) 2003, Sch 6, para 1

 30375 – 30380

Access funds

 **[See DMG Memo Vol 4/37, 5/30 & 6/23]**

30381 Students who are in financial difficulties may receive payments from access funds (see DMG 30087). Treatment of these payments depends upon

**1.** when the payment is made

**2.** what the payment is intended for **and**

**3.** whether the payment is a

**3.1** regular payment **or**

**3.2** single lump sum.

30382 The decision maker should disregard an access fund payment where it is made1

**1.** before the first day of the course in anticipation of the person becoming a student **or**

**2.** on or after the earlier of

**2.1** 1 September **or**

**2.2** the first day of the course **and**

**2.3** the student loan has not been received **and**

**2.4** the payment is intended to help them manage financially until they receive their loan.

1 JSA Regs (NI), reg 136A(4); IS (Gen) Regs (NI), reg 66B(4)

Regular payments

30383 Any access fund payment should be fully disregarded unless it is intended and used for

**1.** food

**2.** ordinary clothing or footwear

**3.** household fuel

**4.** rent or rates for which Housing Benefit is payable

**5.** housing costs met in the applicable amount

**6.** water charges

**Note:** The decision maker should disregard £20 from any payments that are intended and used for the above items. This is subject to the overall limit on disregarded income1 (see DMG 30391 et seq).

1 JSA Regs (NI), reg 136A(3); IS (Gen) Regs (NI), reg 66B(3)

Lump sum payments

30384 Any lump sum payment from an access fund should be treated as capital1.

1 JSA Regs (NI), reg 138(2); IS (Gen) Regs (NI), reg 68(2)

30385 Where a lump sum payment is intended and used for items other than those listed at DMG 30383 the decision maker should disregard the capital for 52 weeks from the date of payment1.

1 JSA Regs (NI), reg 138(3); IS (Gen) Regs (NI), reg 68(3)

 30386 – 30390

Overall limit to income disregard

30391 A student may have income other than grant income, covenant income or a student loan. The amount of any disregard will depend on

**1.** what type of income is paid **and**

**2.** whether it is paid for a specific purpose.

30392 Do not disregard any part of a student’s grant income or covenant income as a charitable or voluntary payment1.

1 JSA Regs (NI), reg 134; IS (Gen) Regs (NI), reg 65

Income for necessary course expenses

30393 The income may be specifically intended (in whole or in part) to meet the cost of any item

**1.** set out in DMG 30326 **and**

**2.** necessary as a result of attendance on the course.

30394 In such a case disregard1

**1.** the total amount specifically intended for the purposes in DMG 30393, **less**

**2.** the total amount of any grant and covenant income already disregarded for the particular item.

1 JSA Regs (NI), reg 135(1); IS (Gen) Regs (NI), reg 66(1)

30395 Where the income does not include an amount specifically intended for books and equipment a disregard can not be made for those items.

30396 If after the disregard in DMG 30394 there is a balance to take into account the normal rules on attribution of income apply (see DMG Chapter 25).

 30397 – 30410

Disregard of partner's contribution

30411 A student’s loan or grant income may include an assessed contribution from their partner. The decision maker should disregard this amount when considering the income of the partner1.

1 JSA Regs (NI), reg 137; IS (Gen) Regs (NI), reg 67

 **Note:** The student may complain because their partner does not have an income on which the assessment was based. The decision maker should advise such a student to contact the authority responsible for the grant. The authority may then reassess the amount of their grant.

Disregard of student’s contribution

30412 Where the student’s own income is taken into account when assessing the loan or grant, the decision maker should disregard this amount when calculating the student’s income1.

1 JSA Regs (NI), reg 137(A); IS (Gen) Regs (NI), reg 67A

30413 The amount to be disregarded under DMG 30411 and 30412 should be spread equally between the period that the loan or grant income has been taken into account. It should be applied to the income of the spouse or the partner respectively. It cannot all be applied to the student’s own income.

 30414 – 30420

Covenant income and other income and capital

30421 Where a student has other income, the normal rules apply. This is subject to the overall limit on disregarded income (see DMG 30391). Where a student has capital other than a student loan (see DMG 30260 et seq), normal rules apply.

Covenant income

30422 Covenant income is1 income payable to a student under a deed of covenant by a person whose income is

**1.** taken into account **or**

**2.** likely to be taken into account

in assessing the student’s grant or award.

1 JSA Regs (NI), reg 130; IS (Gen) Regs (NI), reg 61(1)

30423 There are special rules which cover the assessment and attribution of covenant income. If a student declares that they are in receipt of covenant income the decision maker should forward­ the case to Decision Making Services.

30424 Decision makers are, however, unlikely to see this type of case as the Income Tax advantages associated with Deeds of Covenant were abolished some years ago.

Student’s tax refund

30425 Treat any refund of tax taken from a student’s income as capital1. This is not restricted to tax taken from grant income. It applies to any income related tax refund.

1 JSA Regs (NI), reg 138; IS (Gen) Regs (NI), reg 68

Other types of loan

30426 Students may have loans that are not made under the Education (Student Loans) (NI) Order 1990. The treatment of these loans depends on whether they are capital or income. For guidance on Career Development Loans see DMG 28425 et seq.

 30427 – 30435

Income of former students

30436 A person stops being a student (full-time student) for Jobseeker’s Allowance and Income Support purposes from the day after

**1.** the last day of the course **or**

**2.** the date they abandon or are dismissed from the course.

30437 From the date a person stops being a student, the treatment of income depends on whether the course has been completed.

Course completed

30438 When a student has completed a course the decision maker should disregard from the day after the last day of the course1 any

**1.** grant or covenant income

**2.** loan

**3.** income assessed contribution.

1 JSA Regs (NI), Sch 6, para 57; IS (Gen) Regs (NI), Sch 9, para 59

 30439 – 30445

Course not completed - treatment of grant income

30446 A person has not completed the course if they have abandoned or were dismissed from it. Special rules1 apply to income that

**1.** is grant income (that is not taken into account in DMG 30466 et seq) **and**

**2.** was paid to a person who ceased to be a student before the end of the period for which the income was payable **and**

**3.** has to be repaid because the person ceased to be a student before the end of the period for which the income was payable.

1 JSA Regs (NI), reg 94(2A), 97(7), 103(5A); IS (Gen) Regs (NI), reg 29(2A), 32(6A), 40(3B)

Period income is taken into account

30447 Other than where DMG 30466 applies, grant income is taken into account over a period that

**1.** begins on the date that the income was treated as paid1 **and**

**2.** ends on the earlier of

**2.1** the date when the repayable grant income is repaid **or**

**2.2** the last day of the term or holiday in which the person ceased to be a student **or**

**2.3** where the grant is paid in instalments, on the day before the next instalment would have been paid had the person remained a student1.

1 JSA Regs (NI), reg 94(2A); IS (Gen) Regs (NI), reg 29(2A)

30448 Students who have not completed the course, and have to repay grant income who

**1.** are already receiving Jobseeker’s Allowance or Income Support, will continue to have the same weekly grant income deducted from the date they stopped being a student (see DMG 30461)

**2.** make a new claim to Jobseeker’s Allowance or Income Support, will have the net weekly grant income attributed from the date that the last payment of grant income was treated as paid

 until the date established at DMG 30447 **2.**.

30449 When considering the date income is treated as paid the guidance at DMG Chapter 25 applies. The decision maker will first need to establish the due date of the last grant payment which will usually be the last instalment.

30450 A decision on the due date of a grant instalment must be based on evidence from the local education and library board. The decision maker can get this

**1.** directly from the local education and library board **or**

**2.** from documents produced by them.

30451 If the paying authority give a due date this should generally be followed. Notices of award or the local education and library board general literature may say that payments are to be made available on a set date. This date should usually be accepted as the due date.

30452 It may not be possible to get specific evidence of the due date from the paying authority. The due date should then be accepted as the date of the actual payment.

30453 The paying authority may send payable orders for the maintenance element of mandatory awards to the college or university. They are then ready for collection at the beginning of each term. Take such payments as being due on the first day of the relevant term.

 30454 – 30460

Calculation of weekly income

30461 The weekly grant income of a former student to be taken into account for the period in DMG 30447 is equal to the amount which would have applied if the person was still a student1. This means that

**1.** appropriate deductions and disregards apply (DMG 30326 - 30346)

**2.** weekly amount is calculated in the same way (DMG 30351 et seq).

1 JSA Regs (NI), reg 97(7) & 131; IS (Gen) Regs (NI), reg 32(6A) & 62

30462 The amount of income to be taken into account for each benefit week is calculated on the basis that the person is still a student and none of the income has been repaid1. The weekly amount is not reduced by repayments of the grant.

1 JSA Regs (NI), reg 103(5A); IS (Gen) Regs (NI), reg 40(3B)

 30463 – 30465

Course not completed, treatment of loan and dependant grant income

Relevant payment

30466 A relevant payment is either a student loan or an amount for the maintenance of dependants, or both1, paid to a student who started their course of study after 1 September 1998.

1 JSA Regs (NI), reg 103(5ZB); IS (Gen) Regs (NI), reg 40(3AB)

Calculation of weekly income

30467 If a person abandons or is dismissed from the course of study before the final instalment of a relevant payment has been made, the decision maker should calculate the weekly amount to take into account using the formula1

 A – (B x C)

 D

 Where

**1.** **A** is the total amount of relevant payment which the person would have received, less the appropriate deduction for travel costs, books and equipment, had he remained a student until the last day of the term in which he abandoned or was dismissed from the course.

**2.** **B** is the number of benefit weeks from the benefit week immediately following the one which includes the first day of the academic year to the benefit week immediately before the one which includes the day on which the person abandoned or was dismissed from the course.

**3.** **C** is the weekly amount of the relevant payment, before a £10 disregard, that would have been taken into account as income had the person remained a student. (This is the weekly amount, before disregard, that would have been taken into account had the student been entitled to Jobseeker’s Allowance/Income support.)

**4.** **D** is the number of benefit weeks in the assessment period. This is the number of weeks in the period2

**4.1** beginning with the benefit week that includes the day on which the course was abandoned, or the person was dismissed **and**

**4.2** ending with the benefit week which includes the last day of the last quarter for which an instalment of the relevant payment was payable.

 **Note :** A quarter is one of the periods from 1 January to 31 March, 1 April to 30 June, 1 July to 31 August and 1 September to 31 December3.

1 JSA Regs (NI), reg 103(5ZA); IS (Gen) Regs (NI), reg 40(3AA); 2 JSA Regs (NI), reg 103(5ZB);
IS (Gen) Regs (NI), reg 40(3AB); 3 Support Regs (NI), reg 2

30468 The weekly amount calculated as in DMG 30467 should be taken into account for the period in DMG 30467 **4.**1.

1 JSA Regs (NI), reg 103(5ZA); IS (Gen) Regs (NI), reg 40(3AA)

 **Example**

 Erin abandons her course of study on 22.2.02 in her second year after £2020 of her students loan allocation has been paid. Had she remained a student for the full year she would have been entitled to a loan of £3020 which is paid in 3 instalments; £1020 in October, £1000 in January and £1000 in April. She is a Tuesday benefit week ending.

 The decision maker calculates a weekly amount of £7.69 to take into account from 20.2.02 to 2.4.02;

 A = £1441 (£2020 - £260 - £319)

 B = 24 (number of weeks between 5.9.01 and 19.2.02)

 C = £58.12 (£3020 - £260 - £319 = £2441/42 = £58.12 per week which would have been taken into account (before a £10 disregard) had she remained a student).

 D = 6 (number of weeks between 20.2.02 and 2.4.02)

 £1441 – (24 x £58.12)

 6 = £7.69

30469 A student who has prematurely stopped being a student may voluntarily repay some or all of their student loan. In such a case there are no grounds to revise or supersede the award. This is because the repayment of a student loan is not a relevant change of circumstances1.

1 SS & CS (D&A) Regs (NI), reg 6(6)(a)

30470 Where the former student repays the loan because the loan company has requested repayment, the claimant is under a certain and immediate liability to repay. Under such circumstances the decision maker should not treat the loan as income from the date that such a liability arises.

Calculation of weekly income when student loan paid in two or more instalments

30471 Where the student loan is paid in two or more instalments the decision maker should calculate the weekly amount to take into account using the formula1

 A – (B x C)

 D

 Where

**1.** **A** is the total amount of the relevant payments which the person received or would have received from the first day of the academic year to the day the person abandoned or was dismissed from the course, less the appropriate deduction for travel costs, books and equipment.

**2. B** is the number of benefit weeks from the benefit week immediately following the one which includes the first day of the academic year to the benefit week immediately before the one which includes the day on which the person abandoned or was dismissed from the course.

**3. C** is the weekly amount of the relevant payment, before a £10 disregard, that would have been taken into account as income had the person remained a student. (This is the weekly amount, before disregard, that would have been taken into account had the student been entitled to Jobseeker’s Allowance/Income Support.)

**4. D** is the number of weeks in the assessment period. This is the number of weeks in the period2

**4.1** beginning with the benefit week which includes the day on which the person abandoned or was dismissed from the course **and**

**4.2** ending on the earlier of the benefit week which includes

**4.2.a** the day immediately before the day on which the next instalment of the relevant payment would have been due had the payments continued **or**

**4.2.b** the last day of the last quarter for which an instalment of the relevant payment was payable.

 **Note:** A quarter is one of the periods from 1 January to 31 March, 1 April to 30 June, 1 July to 31 August and 1 September to 31 December3.

1 JSA Regs (NI), reg 103(5AZA); IS (Gen) Regs (NI), reg 40(3AAA);
2 JSA Regs (NI), reg 103(5ZB); IS (Gen) Regs (NI), reg 40(3AB);
3 JSA Regs (NI), reg 103(5ZB); IS (Gen) Regs (NI), reg 40(3AB)

30472 The weekly amount calculated as in DMG 30471 should be taken into account for the period in DMG 30471 **4.**.

 **Example**

 Alan abandons his course of study on 9.2.09 in his second year after receiving £2,000 of his student loan allocation. He was entitled to a student loan of £3,570 and this was being paid in monthly instalments of £400 on the 1st of each month from 1 October - 1 May with a final payment of £370 due on 1 June. He is a Wednesday benefit week ending.

 The decision maker calculates that there is nothing to be taken into account from the student loan:

 A = £1,325 (£2,000 - £295 - £380)

 B = 22 (number of weeks from 4.9.08 - 4.2.09)

 C = £68.92 (£3,570 - £295 - £380 = £2,895/42 weeks (4.9.08 - 24.6.08) = £68.92 per week which would have been taken into account had he remained a student)

 D = 4 (number of weeks between 5.2.09 and 4.3.09)

 £1,325 – (22 x £68.92) = Nil

 4

 30473 – 30489

Young claimants and young partners

Introduction

Scope of this Chapter

30490 This Chapter contains guidance on

**1.** claimants who are

**1.1** entitled to income-based Jobseeker’s Allowance or Income Support **and**

**1.2** aged 16 or 17 **and**

**2.** partners

**2.1** of Jobseeker’s Allowance and Income Support claimants **and**

**2.2** who are aged 16 or 17.

30491 This section also contains guidance on the

**1.** income-based Jobseeker’s Allowance entitlement conditions for young people (see DMG 30499) **and**

**2.** calculation of applicable amounts and treatment of income for claims from, and involving

**2.1** young people for Jobseeker’s Allowance **and**

**2.2** 16 and 17 year olds for Income Support.

30492 Guidance on entitlement conditions for income-based Jobseeker's Allowance and Income Support is in DMG Chapter 20 and DMG Chapter 21.

 30493

Income based Jobseeker’s Allowance

30494 One of the conditions of entitlement to income-based Jobseeker’s Allowance is that the claimant must be 181. But, certain Jobseeker’s Allowance claimants aged 16 or 17 are entitled to income-based Jobseeker’s Allowance. These claimants are called young people.

1 JS (NI) Order 95, art 5(1)(f)(i)

30495 The decision maker should not confuse young people who are entitled to income-based Jobseeker’s Allowance with the young people for whom Jobseeker’s Allowance and Income Support claimants can receive an increase in their applicable amount (see DMG Chapter 22).

 30496

Jobseeker’s Allowance - young person

30497 A young person is a person1

**1.** who has reached the age of 16 but not 18 **and**

**2.** who

**2.1** does not satisfy the contribution conditions (see DMG Chapter 21) for contribution-based Jobseeker's Allowance **or**

**2.2** has had their full entitlement to contribution-based Jobseeker’s Allowance (see DMG Chapter 21)

**3.** who is not excluded from Income Support or Jobseeker’s Allowance under relevant legislation2 after leaving the care of a Health and Social Services Board.

1 JSA Regs (NI), reg 57(1); 2 The Children (Leaving Care) Act (NI) 2002, sec 6

 30498

Income Support - young person

30499 Claimants over the age of 16 may become entitled to Income Support if they meet any of the qualifying conditions1 (see DMG Chapter 20) unless they have recently left care and are an eligible child or relevant child under relevant legislation2 (see DMG 30546 and 30565).

1 IS (Gen) Regs (NI), reg 4ZA(3A); 2 The Children (Leaving Care) Act (NI) 2002, sec 6

 30500

Jobseeker’s Allowance and Income Support - qualifying young person

30501 A person remains a qualifying young person until the later of

**1.** the 31st August following their 16th birthday

**2.** the terminal date (see DMG 30536 et seq) **or**

**3.** the end of the Child Benefit extension period (see DMG 30530 et seq)1.

1 CHB (Gen) Regs 2006, regs 4-7

30502 A qualifying young person is

 **1.** a person aged 16 years, from the date he attains that age up to and including the 31 August that next follows that date1 **or**

 **2.** a person aged 16 years and over who is undertaking a course of full-time education which is not advanced education2 and which is not provided by virtue of his employment or any office held by him provided

**2.1** at a school or college **or**

**2.2** elsewhere but is approved by Her Majesty’s Revenue and Customs Commissioner’s and the full-time education was being received there when that person was still a child **or**

 **3.** a person aged 16 years or over who is undertaking approved training that is not provided through a contract of employment3

 **4.** a person who having undertaken such a course/approved training as is mentioned in DMG 30508 **2.** or **3.** above, has been accepted or is enrolled on a further such course/approved training4.

 **Note:** Any person aged 19 years before 10.4.06 is not a qualifying young person5.

1 CHB (Gen) Regs 2006, reg 4; 2 reg 3(2)(a); 3 reg 3(2)(c); 4 reg 3(2)(d); 5 reg 2(5)

30503 For the purposes of DMG 30508 **2.** and **3.** above the person

 **1.** shall have commenced the course of full-time education or approved training or was accepted or enrolled on the education or training before reaching the age of 19 years1 **and**

 **2.** shall not have reached 20 years of age2.

1 CHB (Gen) Regs 2006, reg 3(4); 2 reg 3(1)

30504 For the purposes of DMG 30508 **2.** above education shall be treated as full-time where over 12 hours per week during term time is spent receiving tuition, engaged in practical work or supervised study or taking examinations1.

1 CHB (Gen) Regs 2006, reg 1

30505 For the purposes of DMG 30508 **2.** above a person shall be treated as undertaking a course of full-time education during the period between the end of one course and the start of another where the person is enrolled or has been accepted on the latter course1.

 **Note:** Guidance on interruptions to education is at DMG 20564 et seq.

1 CHB (Gen) Regs 2006, reg 3(2)(b)

30506 Approved training means1 arrangements made by the government in Northern Ireland arrangements known as “Training for Success” including “Programme Led Apprenticeships”, the “Pathways for Young People” element of “Pathways for Success” or the “Collaboration and Innovation Programme”.

1 CHB (Gen) Regs 2006, reg 1(3)

30507 Within DMG 30506, “arrangements made by the government” means arrangements1 in Northern Ireland, made by the Department for Communities or Department for the Economy under specified legislation2.

1 CHB (Gen) Regs 2006, reg 1(3); 2 E&T (NI) Act 50, sec 1

30508 Where there is doubt that the claimant is in relevant education or the nature of the establishment he is attending, the case should be referred to Her Majesty’s Revenue and Customs and in the interim decide the case on the basis that the reply will not be favourable to the claimant (see DMG 20578 and 20579).

 30509 – 30512

Jobseeker’s Allowance - entitlement for a young person

Conditions of entitlement for Jobseeker’s Allowance

30513 A young person will be entitled to income-based Jobseeker's Allowance if the young person

**1.** is in certain circumstances1 **or**

**2.** has a severe hardship direction from the Department2 (see DMG 30770).

1 JS (NI) Order 95, art 5(1)(f)(ii); 2 art 5(1)(f)(iii)

30514 The young person may be entitled to income-based Jobseeker's Allowance

**1.** during the Child Benefit extension period (see DMG 30597) **or**

**2.** for a period after the Child Benefit extension period (see DMG 30680) **or**

**3.** for another period of time (see DMG 30716).

30515 To be entitled to income-based Jobseeker's Allowance a young person has to satisfy the normal conditions of entitlement. But there are also special rules that apply to a young person for

**1.** availability

**2.** actively seeking employment

**3.** jobseeker's agreement

**4.** sanctions **and**

**5.** registration.

 This Chapter provides guidance on registration. Guidance on the special rules in **1.** - **4.** is in the relevant DMG Chapter.

Hardship

30516 A young person who is in one of the circumstances that lead to entitlement to income-based Jobseeker's Allowance may be entitled to a hardship payment if the young person

 **1.** has received an adverse labour market entitlement decision because the young person does not satisfy certain labour market entitlement conditions

 (**Note:** This does not apply to young persons who have applied for Jobseeker's Allowance through the severe hardship route)

 **2.** has had a sanction imposed by the decision maker resulting in a stoppage of Jobseeker's Allowance

 **3.** is waiting for a decision by the decision maker about whether they satisfy certain labour market entitlement conditions at the start of a claim and their Jobseeker’s Allowance claim has not been processed

 **4.** has had their Jobseeker’s Allowance suspended because a doubt exists about whether they satisfy certain labour market entitlement conditions.

 **Note:** Jobseeker's Allowance hardship payments are not the same thing as payments under the severe hardship provisions.

Young persons leaving care

30517 A young person leaving Health and Social Services Board care will not be entitled to income-based Jobseeker’s Allowance or Income Support if they are an eligible child or a relevant child (see DMG 30546 and 30565).

30518 A young person is treated as not being an eligible child or a relevant child for the purposes of benefit entitlement where the child is an eligible child or a relevant child **and** is either1

 **1.** a lone parent

 **2.** a single person looking after foster children

 **3.** incapable of work

 **4.** a disabled worker

 **5.** appealing against a decision that they are not incapable of work

 **6.** in relevant education, severely mentally or physically handicapped and unlikely to obtain employment within the next twelve months

 **7.** in relevant education, a lone parent of a child for whom they are treated as responsible and is treated as a member of their household.

 **Note:** Prior to 30.12.09 disabled, blind and deaf students were included in DMG 30518. In certain circumstances disabled, blind and deaf students may still fall within DMG 30518. For these savings provisions for prescribed categories of persons see DMG Chapter 20, Appendix 5.

1 Children (Leaving Care) Social Security Benefits Regs (NI) 2001, reg 2(1)

 30519 – 30526

Applicable amounts and resources - income-based Jobseeker’s Allowance and Income Support

30527 There are special rules for

**1.** applicable amounts (see DMG 30786 and DMG 30880) for

**1.1** couples **and**

**1.2** certain single claimants **and**

**1.3** members of polygamous marriages **and**

**2.** treatment of resources (see DMG 30920).

 **Note:** In the case of couples or members of polygamous marriages the Department may need to advise that a change of claimant is required for there to be entitlement to benefit.

Definitions - income-based Jobseeker's Allowance and Income Support

30528 The following terms are used when deciding entitlement to income-based Jobseeker’s Allowance and Income Support.

 30529

Child Benefit extension period

30530 The Child Benefit extension period is the period that entitlement to Child Benefit is extended beyond the date the young person ceased education1. If the young person reaches age 18 during the extension period, unless they count as a qualifying young person on another ground, Child Benefit ends from the first Child Benefit payday after the 18th birthday2.

1 JSA Regs (NI), reg 57(1); CHB (Gen) Regs 2006, reg 5(1)

30531 When deciding if a young person is entitled to Jobseeker’s Allowance the Child Benefit extension period is important. Because the young person will probably be living away from parents or people acting in place of parents

**1.** there will not be an award of Child Benefit **and**

**2.** the Child Benefit extension period should be decided.

30532 Where the 16/17 year old in a Child Benefit extension period is orphaned or estranged they have to satisfy the conditions laid down in DMG 30533. It is unlikely that they will be able to satisfy the condition at DMG 30533 **5.** so estranged or orphaned young people are treated as satisfying this condition1 and will therefore still be entitled, subject to other conditions of entitlement to Income Support. There is no requirement that these young people should transfer to income-based Jobseeker’s Allowance prior to being placed back in education.

1 IS (Gen) Regs (NI), reg 13(2A)(b); CHB (Gen) Regs 2006, reg 5(2)(e) & (f)

Conditions

30533 Child Benefit can be extended for 16 and 17 year olds where1

 **1.** they have ceased to be in relevant education or training

 **2.** they are registered for work, education or training with a qualifying body

 **3.** they are not engaged in remunerative work

 **4.** the extension period has not expired

 **5.** the person who is responsible for the 16/17 year old

**5.1** was entitled to child benefit for them immediately before the extension period began **and**

**5.2** has made a written request to Her Majesty’s Revenue Commissioner’s within three months of the education or training ceasing for the payment of child benefit during the extension period.

1 CHB (Gen) Regs 2006, reg 5(2)

30534In DMG 30533 **2.** “qualifying body” means1

**1.** the Department for Communities, the Department for the Economy or the Education Authority established under specified legislation2 **or**

**2.** any corresponding body in another member state.

1 CHB (Gen) Regs 2006; reg 5(4); 2 Education and Libraries (NI) Order 1986, art 3

Period

30535 From 10.4.06 the Child Benefit extension period1

 **1.** begins on the first day of the week after the week in which the person ceased to be in education or training **and**

 **2.** ends 20 weeks later.

 **Note:** It is not to be calculated from the compulsory school leaving dates.

1 CHB (Gen) Regs 2006, reg 5(3); JSA Regs (NI), reg 57

 **Example 1**

Jenny is 16 years old and left school after completing her last exam on 13.6.06. She lives at home with her parents. Child Benefit will cease to be payable from Monday 4.9.06 but if she registers with the Department for the Economy and meets other related conditions, Child Benefit could be payable for the extension period which would run to 5.11.06, 20 weeks from the first day of the week following that in which she ceased education.

 **Example 2**

 Craig is 17 years old and lives with his parents. He stayed on at school into the 6th form but last attended on 12.4.06. Child Benefit will be payable up to the next terminal date which will be the Monday following 31.5.06. The Child Benefit extension would be 20 weeks from 17.4.06 so Child Benefit would cease to be payable from 4.9.06, unless he reaches age 18 before that date.

Terminal dates

30536 A person continues to be treated as a qualifying young person and entitled to Child Benefit where they have left relevant education or approved training up to and including

**1.** the week including the terminal date **or**

**2.** if they attain the age of 20 on or before that date, the week including the last Monday before they were 201.

1 CHB (Gen) Regs 2006, reg 7(2) Case 1.1

30537 For the purposes of DMG 30536 above the terminal dates are

**1.** the last day in February

**2.** the last day in May

**3.** the last day in August

**4.** the last day in November

 whichever occurs first after they have ceased relevant education or approved training1.

1 CHB (Gen) Regs 2006, reg 7(2), Case 1.2

 30538 – 30539

Chronically sick or mentally or physically disabled

30540 People are chronically sick or mentally or physically disabled if1

**1.** they satisfy the Income Support conditions for

**1.1** disability premium **or**

**1.2** higher pensioner premium2 **or**

**2.** if3

**2.1** they are disabled former members of the forces **and**

**2.2** an amount is paid to them for the cost of providing and maintaining a vehicle **or**

**3.** they are substantially and permanently disabled4.

1 JSA Regs (NI), reg 57(1); IS (Gen) Regs (NI), reg 13(3)(b); 2 reg 13(3)(b)(i); Sch 2, para 12(1);
3 reg 13(3)(b)(ii); 4 reg 13(3)(b)(iii)

Substantially and permanently disabled

30541 People are substantially and permanently disabled if

**1.** they have suffered some loss of

**1.1** physical **or**

**1.2** mental

 faculty so that their abilities are impaired **and**

**2.** the impairment is both substantial and permanent.

30542 The decision maker should accept people who are registered with a Health and Social Services Board1 as disabled. If they have been refused registration and their condition has not worsened the decision maker should not accept them as disabled.

1 Chronically Sick and Disabled Persons Act (NI) 87

30543 In any other case a decision should be made on the evidence available. Examples of disablement are

**1.** the loss of a limb

**2.** paraplegia

**3.** paralysis

**4.** mental illness

**5.** polio victims

**6.** sufferers from rheumatoid arthritis who have substantial difficulty with day to day tasks.

 This list is not exhaustive.

Close relative

30544 A close relative is1

**1.** a parent, parent-in-law, son, son-in-law, daughter, daughter-in-law, step-parent, step-son, step-daughter, brother, half-brother, sister, half-sister **and**

**2.** the partner of any of those person's in **1.**.

1 JSA Regs (NI), reg 1(2); IS (Gen) Regs (NI), reg 2(1); R(SB) 22/87

30545 For the purposes of DMG 30544, a child who is adopted becomes

**1.** a child of the adoptive parents **and**

**2.** the brother or sister of any other child of those parents.

 The child stops being the child of, or the brother or sister of any children of, the natural parents. Whether an adopted person is a close relative of another person depends upon the **legal relationship** and not the blood relationship1.

1 R(SB) 22/87

Eligible child

30546 An “eligible child” is a child who

 **1.** is aged 16 or 17 **and**

 **2.** has, since the age of 14, been looked after by an authority for a period of at least 13 weeks, or aggregated periods amounting to at least 13 weeks which ended after the child reached the age of 161.

1 The Children (NI) Order 95, art 34A(3)(b); CLC Regs (NI), reg 2(1)

30547 An exception to this is where

 **1.** an authority has placed the child in a pre-planned series of short-term placements, none of which individually exceeds 4 weeks (even though they may amount in all to 13 weeks) **and**

 **2.** at the end of each placement the child returns to their parents, or the person who has parental responsibility for the child1.

1 CLC Regs (NI), reg 2(2) & 2(3)

 30548 – 30557

Person acting in the place of parents

30558 A person acting in the place of parents **includes**1

**1.** the Department, or any other Government Department, or voluntary organisation into whose care the registered person has been placed under a relevant enactment (DMG 30563) **or**

**2.** any person with whom the registered person has been boarded out by the Department or voluntary organisation, whether or not payment is made.

1 JSA Regs (NI), reg 57(3); IS (Gen) Regs (NI), reg 13(3)(a), Sch 2, para 1A(2)(b) & (c);
Interpretation Act 78, sec 17(2)(a)

Voluntary organisation

30559 A voluntary organisation is a non-profit making organisation1. Examples of voluntary organisations are

**1.** the Church of Ireland Board of Social Responsibility

**2.** Barnardo’s

**3.** the Catholic Family Care Society.

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

Parental responsibility

30560 Parental responsibility means all

**1.** the1

**1.1** rights

**1.2** duties

**1.3** powers

**1.4** responsibilities **and**

**1.5** authority that a parent has by law for the young person and any property of the young person **and**

**2.** the

**2.1** rights

**2.2** powers **and**

**2.3** duties that a guardian of a young person’s estate would have for the young person and any property of the young person.

1 The Children (NI) Order 95, art 6

Other cases

30561 In all other cases, to decide if a person is acting in place of the parents, the decision maker should consider whether the person

**1.** provides supervision and financial, social, moral or other care and guidance

**2.** provides shelter, food and clothing

**3.** is responsible for any necessary disciplinary action

 that would be appropriate for a person the same age as the young person.

30562 If a person other than the young person’s parents is claiming Child Benefit or another benefit for the young person, there is a strong indication that the person is acting in place of the young person’s parents.

Foster parents

30563 A Health and Social Services Board may place a young person who is the subject of a care order with foster parents. These foster parents will be acting in place of parents1. The conditions in DMG 30597 **1.2** to **1.6** and DMG 30680 will not be satisfied where a young person

**1.** claims income-based Jobseeker’s Allowance **and**

**2.** is living with foster parents.

1 JSA Regs (NI), reg 57(3)

30564 When the care order expires, usually on the young person's 18th birthday but it could be earlier, a young person may continue to live with their former foster parents. In these cases the former foster parents are not acting in place of parents. The decision maker should consider if any of the conditions in DMG 30597 and DMG 30680 are met.

 **Example**

Robin is 18 years old. Robin was the subject of a care order and the Health and Social Services Board placed him with foster parents. The care order expired on his 18th birthday. Robin is estranged from his natural parents, he has not seen them for 7 years. He continues to live with his former foster parents and is expected to make a contribution towards his upkeep. Robin claims Jobseeker’s Allowance.

The decision maker considers whether any of the conditions in DMG 30597 and DMG 30680 are satisfied. The decision maker decides that Robin is entitled1 to income-based Jobseeker’s Allowance because

**1.** Robin's former foster parents are not acting in place of parents **and**

**2.** Robin is estranged from his natural parents and is of necessity living away from them.

1 R(IS) 9/94

Relevant child

30565 A relevant child is a child who is aged 16 or 17

**1.** who

**1.1** is not being looked after by an authority **and**

**1.2** was an eligible child before ceasing to be looked after by an authority **or**

**2.** is not subject to a care order **and**

**2.1** on reaching 16 was detained or admitted to hospital **and**

**2.2** immediately before had been looked after by an authority for a period or periods amounting to at least 13 weeks, which began after the child reached 14 years of age1.

1 The Children (NI) Order 95, art 34B(2) & (3); CLC Regs (NI), regs 3(1) & (2)

30566 The 13 weeks referred to at DMG 30565 **2.2** do not include any periods where the child was

**1.** looked after by an authority in any of a series of pre-planned short-term placements which individually lasted for 4 weeks or less **and**

**2.** at the end of each placement the child returned to the care of their parents or the person who has parental responsibility for the child1.

1 CLC Regs (NI), reg 3(3)

Detained

30567 “Detained” in DMG 30565 **2.1** means detained in a juvenile justice centre or a young offenders centre1.

1 CLC Regs (NI), reg 3(4)(a)

Hospital

30568 “Hospital” in DMG 30565 **2.1** means1

**1.** any hospital within the meaning of article 2(2) of the Health and Personal Social Services (Northern Ireland) Order 1972 **or**

**2.** any private hospital as defined in article 90(2) of the Mental Health (Northern Ireland) Order 1986.

1 CLC Regs (NI), reg 3(4)(b)

Family placements

30569 Where a child has been placed with a person or family under the relevant legislation1 and has stayed for at least 6 months, the child is not a relevant child, despite falling within the definition2. This applies whether or not the 6 month period began before or after the child ceased to be looked after by an authority3.

1 The Children (NI) Order 95, art 27(4); 2 CLC Regs (NI), reg 3(5); 3 reg 3(6)

 30570

Relevant enactment

30571 A relevant enactment is any of the following1

**1.** Guardianship of Infants Act 1886 **or**

**2.** Army Act 1995 **or**

**3.** Airforce Act 1955 **or**

**4.** Naval Discipline Act 1957 **or**

**5.** Children & Young Persons Act (Northern Ireland) 1968 **or**

**6.** Health & Personal Social Services (Northern Ireland) Order 1972 **or**

**7.** Family Law Reform (Northern Ireland) Order 1977 **or**

**8.** Matrimonial Causes (Northern Ireland) Order 1978 **or**

**9.** Domestic Proceedings (Northern Ireland) Order 1980 **or**

**10.** Adoption (Northern Ireland) Order 1987

**11**. Children (Northern Ireland) Order 1995.

1 JSA Regs (NI), reg 1(2) & 78(9); IS (Gen) Regs (NI), reg 2(1) & 16(8); Interpretation Act 78, sec 17(2)(a)

Training

30572 Guidance on training is at DMG Chapter 34.

Treatment

30573 Treatment means treatment for a disease or physical or mental disablement carried out by, or under the supervision of a person qualified to provide

**1.** medical treatment **or**

**2.** physiotherapy **or**

**3.** a form of treatment that is similar to, or related to **1.** or **2.**1.

1 JSA Regs (NI), reg 57(1)

 30574 – 30575

Income-based Jobseeker's Allowance - registration

Registration with a Career’s Officer

30576 To receive income-based Jobseeker's Allowance a young person must register, with a Career’s Officer, for

**1.** work **and**

**2.** training (see DMG Chapter 34)1.

 If a young person does not register for both **1.** and **2.** that young person is not entitled to income-based Jobseeker’s Allowance.

1 JS (NI) Order 95, art 3(2); JSA Regs (NI), reg 62(1)

Young people who do not have to register with a Career’s Officer

30577 Certain young people do not have to register with a Career’s Officer. They are young people1

**1.** who have been laid off or kept on short-time (see DMG Chapter 21) and satisfy the availability for employment conditions for young people **or**

**2.** who have accepted a firm offer of enlistment by one of the armed forces to start within 8 weeks of the offer (see DMG 30754).

1 JSA Regs (NI), reg 62(1)

Unable to register with a Career’s Officer

30578 A young person who is unable to register with a Career’s Officer because of an emergency affecting the Career’s Office such as a

**1.** strike **or**

**2.** fire

 must register with the Department for both employment and training1.

1 JSA Regs (NI), reg 62(2)

30579 An emergency is a situation of danger or conflict that arises unexpectedly and requires urgent action.

Hardship because of extra time to register with the Career’s Officer

30580 Young people who would suffer hardship because of the extra time it would take them to register with the Career’s Officer must register with the Department for work and training1.

1 JSA Regs (NI), reg 62(3)

 **Example 1**

 Alex is aged 16. He lives in a remote area. There is a Jobcentre Plus office in his home town but the Careers Service office is in the next town. Public transport timetables will not allow Alex to register at the Careers Service and then go to the Jobcentre Plus office on the same day.

 He goes to the Jobcentre Plus office to register for employment and training stating he will suffer hardship if the has to take an extra day to register at the Careers Service and then attend the Jobcentre Plus office.

 The decision maker accepts that Alex will suffer hardship and he registers for work and training at the Jobcentre Plus office. The decision maker then decides if Alex is entitled to Jobseeker’s Allowance.

 **Example 2**

 Louise is aged 16. She claims Jobseeker's Allowance. She has not yet registered with the Career’s Officer which is in the same town. She refuses to register with the Career’s Officer until she receives some benefit.

The decision maker decides that Louise

**1.** cannot register for work or training at the Jobcentre Plus office as she has not contacted the Career’s Officer to make an appointment with them **and**

**2.** is not entitled to Jobseeker’s Allowance as she has not registered with the Career’s Officer for employment and training.

 30581 – 30596

Young people entitled to income-based Jobseeker's Allowance during the Child Benefit extension period

30597 A young person is entitled to income-based Jobseeker’s Allowance during the Child Benefit extension period if1

**1.** the young person is

**1.1** a member of a married couple or of a civil partnership and other conditions are met (see DMG 30598 - 30603) **or**

**1.2** an orphan and there is no one acting in place of parents (see DMG 30610 - 30612) **or**

**1.3** not living with parents or any person acting in place of parents and immediately before reaching the age of 16 was

**1.3.a** being looked after by a Health and Social Services Board or Health and Social Services Trust **or**

**1.3.b** in youth custody or a detention centre (see DMG 30618) **or**

**1.4** living in accommodation that is not the parental home (see DMG 30623 - 30624) **or**

**1.5** living away from and unable to be supported by parents (see DMG 30630 - 30631) **or**

**1.6** of necessity, living away from parents (see DMG 30638 - 30658) **and**

**2.** any other entitlement conditions are met.

 **Note:** Guidance on benefits for parents of young people not entitled to Jobseeker’s Allowance is at DMG 30663 et seq.

1 JSA Regs (NI), reg 57(2) & 59

Young person is a member of a couple

30598 A young person will be entitled to income-based Jobseeker’s Allowance during the Child Benefit extension period if the young person is a member of a married couple or of a civil partnership and the other member of that couple or civil partnership is1

**1.** aged 18 or over **or**

**2.** a young person

**2.1** who is registered with the Career’s Officer for work and training **or**

**2.2** with a severe hardship direction **or**

**3.** a young person who satisfies one of the conditions in DMG 30599 - 30603.

1 JSA Regs (NI), reg 57(2)(a) & reg 59(1)

Partner would be entitled to Income Support

30599 **[See DMG Memo Vol 1/78, 2/18, 4/92 & 6/61]** DMG 30598 **3.** is satisfied if the young person’s partner would be entitled to Income Support because the partner is1

**1.** a lone parent **or**

**2.** a lone foster parent **or**

**3.** temporarily looking after another person **or**

**4.** caring for another person **or**

**5.** pregnant **or**

**6.** in relevant education but still entitled to Income Support **or**

**7.** a refugee learning English **or**

**8.** a person from abroad who would be entitled to an urgent case payment (see DMG Chapter 31) **or**

**9.** a member of a couple

**9.1** who is responsible for a child who is a member of the household **and**

**9.2** where the other member of that couple is temporarily absent from Northern Ireland **or**

**10.** in receipt of a training allowance.

 Guidance on the above conditions is in the guidance on Income Support conditions of entitlement. Guidance on persons from abroad is at DMG 070831 et seq.

1 JSA Regs (NI), reg 57(4)(a)

 **Note:** Prior to 6.4.10 disabled, blind and deaf students were included in DMG 30599. In certain circumstances disabled, blind and deaf students may still fall within DMG 30599. For guidance on savings provisions for prescribed categories of persons see DMG Chapter 20 Appendix 5.

Member of a couple and responsible for a child

30600 DMG 30598 **3.** is satisfied if the partner is treated as responsible for a child who is a member of the same household1.

1 JSA Regs (NI), reg 57(4)(b)

Laid off or kept on short-time

30601 DMG 30598 **3.** is satisfied if the partner is a person who1

**1.** is laid off or kept on short-time (see DMG Chapter 21) **and**

**2.** satisfies all of the availability conditions for a young person **and**

**3.** has not been laid off or kept on short-time for more than 13 weeks.

1 JSA Regs (NI), reg 57(4)(c)

Temporarily absent from Northern Ireland

30602 DMG 30598 **3.** is satisfied if the young persons’ partner is1

**1.** temporarily absent from Northern Ireland because the partner is taking a member of the family who is a child or young person abroad for treatment (DMG Chapter 07) **and**

**2.** for

**2.1** Jobseeker’s Allowance purposes, treated as being in Northern Ireland for 8 weeks **or**

**2.2** Income Support purposes, entitlement to Income Support would continue for 8 weeks **and**

**3.** not claiming Jobseeker’s Allowance or Income Support.

1 JSA Regs (NI), reg 57(4)(d)

Incapable of work

30603 DMG 30598 **3.** is satisfied if1

**1.** the partner was incapable of work and training because of some disease or physical or mental disablement **and**

**2.** in the opinion of a medical practitioner the partner is likely to remain incapable for 12 months or more.

 **Note:** The young person’s medical evidence should be accepted unless there is other evidence that casts doubt on it.

1 JSA Regs (NI), reg 57(4)(e)

 30604 – 30609

Young person is an orphan

30610 A young person is entitled to income-based Jobseeker’s Allowance during the Child Benefit extension period if the young person has no1

**1.** living parents **or**

**2.** person acting in place of parents.

1 JSA Regs (NI), reg 57(2)(b)

30611 This condition is not satisfied if the young person does not know

**1.** if the parents are alive or dead **or**

**2.** where the parents are.

 The decision maker should consider other conditions if the young person has had no contact with the parents for a considerable time.

30612 This condition is also not satisfied if the young person is living with

**1.** a relative **or**

**2.** other person

 who has taken over the parental role. The decision maker should regard the young person as dependant on that person.

 30613 – 30617

Looked after by a Health and Social Services Board or Health and Social Services Trust in youth custody

30618 A young person is entitled to income-based Jobseeker’s Allowance during the Child Benefit extension period if the young person is not living with parents or any person acting in place of parents and immediately before reaching the age of 16 was1

**1.** being looked after by a Health and Social Services Board under a relevant enactment (see DMG 30563) and was placed with a person who was not a close relative **or**

**2.** in youth custody or a detention centre.

1 JSA Regs (NI), reg 57(2)(c)

 30619 – 30622

Young person not in the parental home

30623 A young person will be entitled to income-based Jobseeker’s Allowance during the Child Benefit extension period if the young person is in accommodation

**1.** as part of a programme of rehabilitation or resettlement that is supervised by the probation service or a Health and Social Services Board **or**

**2.** to avoid physical or sexual abuse **or**

**3.** because they require special accommodation because of a mental or physical handicap or illness

 and that accommodation is not the parental home, nor the home of a person acting in place of their parents1.

1 JSA Regs (NI), reg 57(2)(d)

30624 For the purposes of DMG 30623 **2.** confirmation of the young person’s own evidence is not always necessary. Additional evidence should only be sought if there is a doubt1.

1 R(I) 2/51; R(SB) 33/85

 30625 – 30629

Young person living away from and unable to be supported by parents

30630 Young people can get income-based Jobseeker’s Allowance during the Child Benefit extension period if

**1.** they are living away from their parents and any person acting in their place **and**

**2.** their parents, or person acting in their place, are unable to support them financially1 **and**

**3.** their parents, or person acting in their place, are

**3.1** chronically sick or mentally or physically disabled (see DMG 30540 - 30543) **or**

**3.2** detained in custody pending trial or awaiting sentence, or in prison **or**

**3.3** not allowed to enter or re-enter Northern Ireland.

 **Note:** People who are not British citizens are not allowed to enter Northern Ireland unless they have been given leave to do so. There does not have to be an order, or any other form of formal decision not allowing entry into Northern Ireland2.

1 JSA Regs (NI), reg 57(2)(e); 2 R(IS) 9/94

30631 When applying the conditions at DMG 30630 **3.** take account of the fact that

**1.** both parents have to satisfy the conditions, unless the young person has only one parent **and**

**2.** the parents do not have to satisfy the same conditions for example, the father might be in prison and the mother chronically sick **and**

**3.** **1.** and **2.** apply where more than one person is acting in place of the parents, for example, both grandparents.

 30632 – 30637

Young person of necessity living away from parents

30638 A young person is entitled to income-based Jobseeker’s Allowance during the Child Benefit extension period if the young person is, of necessity, living away from parents and any person acting in place of parents because1

**1.** the young person is estranged from them (DMG 30643) **or**

**2.** the young person is in physical or moral danger (DMG 30648) **or**

**3.** there is a serious risk to the young person's physical or mental health (DMG 30656).

1 JSA Regs (NI), reg 57(2)(f)

30639 For the purposes of DMG 30638 **1.** to **3.** it is not always necessary to ask for confirmation of the young person’s evidence. Additional evidence should only be sought if there is a doubt1.

1 R(I) 2/51; R(SB) 33/85

30640 Where a young person is the subject of a care order, the Health and Social Services Board is acting in place of parents1. But some young people who are the subject of a care order may have to live in accommodation away from the Health and Social Services Board. For example, there may be reasons why a young person cannot live in a home or foster home and lives in a flat instead.

1 JSA Regs (NI), reg 57(3)

30641 In these cases the Health and Social Services Board is acting in place of parents because the care order still exists1. But the decision maker should consider the guidance at DMG 30642 - 30646 to decide if the young person is living away from the Health and Social Services Board for any of the reasons in DMG 30638.

1 JSA Regs (NI), reg 57(3)

Living away from

30642 Living away from includes young people

**1.** who have left the family home to live at another address **or**

**2.** whose parents, or person acting in place of parents, have left them **or**

**3.** who are living away from people representing the Health and Social Services Board - for example a young person who lives alone in a flat rather than living with foster parents or in a care home is living away from a Health and Social Services Board.

Estranged

30643 The word “estranged” is not defined. The decision maker should give the word estranged its ordinary everyday meaning1 of “alienated in feeling or affection”. A young person may be estranged from parents or people acting in place of parents if

**1.** there is no intention or desire to live with them **or**

**2.** there is no desire to have any physical or emotional association with them **or**

**3.** the parents, or person acting in place of parents have feelings as in **1.** or **2.** towards the young person.

1 Cozens v Brutus [1972] 3WLR 521; R(SB) 19/82; R(SB) 38/85

30644 There may be estrangement where the young person’s parent is providing some financial support. But a young person will not satisfy this condition just because estrangement is said to exist. The decision maker should be satisfied that the young person has, of necessity, to live away from the parents because of the estrangement.

30645 "Estranged" includes estrangement from either the care home or from foster parents where the young person has been placed by the Health and Social Services Board. The existence of the care order does not mean that the young person cannot be estranged from the Health and Social Services Board. The decision maker should have regard to the young person's circumstances to decide if estrangement exists.

30646 For the conditions in DMG 30638 to be satisfied the young person has **of necessity** to live away from the Health and Social Services Board. The decision maker should find out the reasons why the young person cannot live in accommodation provided by the Health and Social Services Board.

 30647

Physical or moral danger

30648 It will be a question of fact if the young person is in physical or moral danger if living at home. The decision maker should decide the degree of danger taking into account all the circumstances of each case.

30649 The expression physical or moral danger should be given a wide interpretation and the following points should be considered

**1.** the danger may not come from the parents or people acting in place of parents, for example the danger may come from civil war

**2.** the danger should include any physical or moral danger that requires the young person to live away from parents or people acting in place of parents1

**3.** the young person’s evidence that there is physical or moral danger should be accepted unless there is overriding evidence to the contrary.

1 R(IS) 9/94

30650 A young person will not satisfy this condition unless the decision maker is satisfied that the young person has, of necessity, to live away from home because of physical or moral danger.

 30651 – 30655

Serious risk to physical or mental health

30656 There must be a serious risk to the physical or mental health of the young person for this condition to be satisfied. The fact that there is a risk to health is not enough to satisfy this condition.

30657 Examples of a serious risk to physical or mental health are1

**1.** a young person who suffers from chronic bronchitis which is affected by damp conditions in the family home **or**

**2.** a young person who has a history of mental illness and the parents’ attitude towards the young person makes the illness worse.

1 R(SB) 8/82

30658 To decide if the conditions in DMG 30657 would be a serious risk to the health of a young person, the decision maker should consider the degree that the young person is at risk. A young person will not satisfy this condition unless the decision maker is satisfied that because of the serious risk the young person has, of necessity, to live away from home.

 30659 – 30663

Young person still treated as a qualifying young person for Child Benefit purposes

30664 A young person who is treated as a qualifying young person child for Child Benefit purposes is treated as a member of the family unless the young person is entitled to Jobseeker’s Allowance or Income Support in their own right (see DMG 20646 - 20728 for Income Support and DMG 30597 - 30658 for Jobseeker’s Allowance).

30665 A young person will be treated as a child for Child Benefit purposes for the Child Benefit extension period1 if the young person continues to satisfy the necessary conditions.

1 CHB (Gen) Regs 2006, reg 5

No longer treated as a member of the family

30666 A young person who is treated as a member of the family during the Child Benefit extension period should not be treated as such from

**1.** the Monday following the week that the young person starts remunerative work. This is the day that entitlement to Child Benefit ends **or**

**2.** the Monday following the week that the young person is no longer registered for work or training. A young person who starts a training scheme may still be registered for work or training and will still be treated as a member of the family **or**

**3.** the day that the young person becomes entitled to Jobseeker’s Allowance or Income Support. It is not enough for the young person to be in one of the groups that are eligible for Jobseeker’s Allowance or Income Support, the young person must also be entitled.

 30667 – 30679

Young people entitled to income-based Jobseeker's Allowance at the end of the Child Benefit extension period

30680 A young person is entitled to income-based Jobseeker’s Allowance after the end of the Child Benefit extension period if1 the young person

**1.** is

**1.1** of necessity, living away from parents and any person acting in place of parents and has left certain Health and Social Services Board or Health and Social Services Trust accommodation (DMG 30682 - 30685) **or**

**1.2** in certain circumstances and has been discharged from youth custody or a detention centre (DMG 30691 - 30692) **and**

**2.** any other entitlement conditions are met.

1 JSA Regs (NI), reg 60

Meaning of week

30681 For the purpose of deciding entitlement at the end of the Child Benefit extension period “week” means any period of 7 consecutive days1.

1 JSA Regs (NI), reg 60(3)

Young person has left certain Health and Social Services Board or Health and Social Services Trust accommodation

30682 A young person is entitled to income-based Jobseeker’s Allowance at the end of the Child Benefit extension period if the young person1

**1.** is, of necessity, living away from parents and any person acting in place of parents **and**

**2.** has left accommodation provided by a Health and Social Services Board or Health and Social Services Trust under specified legislation2.

1 JSA Regs (NI), reg 60(1)(a); 2 The Children (NI) Order 1995, art 21, Part IV

30683 The young person does not need to have been in care. A Health and Social Services Board or Health and Social Services Trust can provide accommodation in a number of ways, for example by arranging independent living. A person who has moved from one type of accommodation to another may still have their accommodation provided by a Health and Social Services Board or Health and Social Services Trust.

30684 Social services should be contacted to confirm if the accommodation was provided by the Health and Social Services Board or Health and Social Services Trust under specified legislation1. The Health and Social Services Board or Heath and Social Services Trust should

**1.** have provided the accommodation **and**

**2.** not simply have assisted the young person to find accommodation.

1 The Children (NI) Order 1995

30685 A young person who satisfies this condition is entitled to income-based Jobseeker’s Allowance for the period starting on the day that the young person left Health and Social Services Board care and ending on the earlier of1

**1.** the last day of the 8 week period following that date **or**

**2.** the day before the young person’s 18th birthday.

 Any week that the young person is entitled to income-based Jobseeker’s Allowance in the Child Benefit extension period will count towards the 8 week period.

1 JSA Regs (NI), reg 60(2)(a)

 30686 – 30690

Young person discharged from youth custody or a detention centre

30691 A young person is entitled to income-based Jobseeker’s Allowance at the end of the Child Benefit extension period if the young person

**1.** has been discharged from a

**1.1** young offenders centre **or**

**1.2** training school

 after the Child Benefit extension period **and**

**2.** is in any of the circumstances that leads to entitlement to income-based Jobseeker’s Allowance in the Child Benefit extension period, for example, estranged or orphaned.

30692 A young person who satisfies this condition is entitled to income-based Jobseeker’s Allowance for the period starting on the day after the young person was discharged and ending on the earlier of the1

**1.** last day of the 8 week period following that date **or**

**2.** day before the young person’s 18th birthday

1 JSA Regs (NI), reg 60(2)(b)

 30693 – 30715

Other circumstances where a young person is entitled to income-based Jobseeker's Allowance

30716 A young person is entitled to income-based Jobseeker’s Allowance if1

**1.** the young person

**1.1** is laid off or kept on short-time (see DMG 30718 - 30719) **or**

**1.2** is a member of a couple and responsible for a child (see DMG 30726 - 30727) **or**

**1.3** would be entitled to Income Support (see DMG 30733 - 30734) **or**

**1.4** is in certain circumstances and unable to register with the Career’s Officer because of an emergency affecting the Department for Employment and Learning (see DMG 30740 - 30741) **or**

**1.5** is in certain circumstances and would suffer hardship because of the extra time it would take to register with the Career’s Officer (see DMG 30747 - 30748) **or**

**1.6** is to enlist in the armed forces (see DMG 30754 - 30756) **and**

**1.7** has limited capability for work (DMG 30761 - 30762) **and**

**2.** any other entitlement conditions are met.

1 JSA Regs (NI), reg 61

Meaning of week

30717 For the purpose of deciding entitlement to income-based Jobseeker’s Allowance in these circumstances, “week” means a period of 7 consecutive days1.

1 JSA Regs (NI), reg 61(3)

Young person laid off or kept on short-time

30718 A young person is entitled to income-based Jobseeker’s Allowance if the young person

**1.** is laid off or kept on short-time (DMG Volume 4, Chapter 21) **and**

**2.** satisfies the availability for employment condition for a young person1.

1 JSA Regs (NI), reg 61(1)(a)

30719 A young person who satisfies this condition is entitled to income-based Jobseeker’s Allowance for the period starting on the day the young person was laid off or kept on short-time and ending on the earlier of the1

**1.** day that the young person is no longer laid off or kept on short-time **or**

**2.** last day of the 13 week period following that date **or**

**3.** day before the young person’s 18th birthday.

1 JSA Regs (NI), reg 61(2)(a)

 30720 – 30725

Young person is a member of a couple and responsible for a child

30726 A young person is entitled to income-based Jobseeker’s Allowance if the young person is

**1.** a member of a couple **and**

**2.** treated as responsible for a child who is a member of the household1.

 See DMG 22031 for guidance on "responsible".

1 JSA Regs (NI), reg 61(1)(b)

30727 A young person who satisfies this condition is entitled to income-based Jobseeker’s Allowance for the period starting on the date of claim and ending on the earlier of the1

**1.** day before the young person’s 18th birthday **or**

**2.** day before this condition is no longer satisfied.

1 JSA Regs (NI), reg 61(2)(b)

 30728 – 30732

Young person would be entitled to Income Support

30733 A young person is entitled to income-based Jobseeker’s Allowance if the young person falls into one of the groups of people who would be entitled to Income Support but chooses to claim Jobseeker’s Allowance instead1. See DMG Chapter 20 for guidance on Income Support conditions of entitlement.

1 JSA Regs (NI), reg 61(1)(c)

30734 A young person who satisfies this condition will be entitled to income-based Jobseeker’s Allowance for the period starting on the date of claim and ending on the earlier of the1

**1.** day before the young person’s 18th birthday **or**

**2.** day before this condition is no longer satisfied.

1 JSA Regs (NI), reg 61(2)(b)

 30735 – 30739

Young person unable to register with the Career’s Officer because of an emergency affecting the Department for Employment and Learning

30740 A young person is entitled to income-based Jobseeker's Allowance if the young person1

**1.** is unable to register with the Career’s Officer because of an emergency affecting the Department for Employment and Learning **and**

**2.** has registered with the Department **and**

**3.** is not the subject of a Departmental direction **and**

**4.** is entitled to income-based Jobseeker's Allowance

**4.1** during the Child Benefit extension period **or**

**4.2** at the end of the Child Benefit extension period **or**

**4.3** because the young person is a member of a couple and responsible for a child **or**

**4.4** because the young person has chosen to claim Jobseeker's Allowance rather than Income Support and the young person would be entitled to Income Support.

1 JSA Regs (NI), reg 61(1)(d)

30741 A young person who satisfies this condition is entitled to income-based Jobseeker's Allowance starting with the date of registration with the Department and ending on the earlier of the1

**1.** day the young person next has to attend an appointment as specified by an employment officer (see DMG 20911 - 20912) **or**

**2.** day the young person’s income-based Jobseeker's Allowance entitlement as in DMG 30740 **4.** would end.

1 JSA Regs (NI), reg 61(2)(c)

 30742 – 30746

Young person suffers hardship because of extra time taken to register with the Career’s Officer

30747 A young person is entitled to income-based Jobseeker's Allowance if the young person1

**1.** registers for work and training with the Department of Employment and Learning **and**

**2.** would suffer hardship because of the extra time it would take to register with the Career’s Officer **and**

**3.** is not the subject of a Departmental direction **and**

**4.** is entitled to Income-based Jobseeker's Allowance

**4.1** during the Child Benefit extension period **or**

**4.2** at the end of the Child Benefit extension period **or**

**4.3** because the young person is a member of a couple and responsible for a child **or**

**4.4** because the young person has chosen to claim Jobseeker's Allowance rather than Income Support and the young person would be entitled to Income Support.

1 JSA Regs (NI), reg 61(1)(e)

30748 A young person who satisfies this condition is entitled to income-based Jobseeker's Allowance for the period starting with the date of registration at the Department of Employment and Learning and ending on the earlier of1

**1.** 5 days after that date **or**

**2.** the day after the day the young person registers with the Career’s Officer **or**

**3.** the day the young person’s income-based Jobseeker's Allowance entitlement as in DMG 30740 **4.** would end1.

1 JSA Regs (NI), reg 61(2)(d)

 30749 – 30753

Young person is to enlist in the armed forces

30754 A young person will be entitled to income-based Jobseeker's Allowance if they1

**1.** have accepted a firm offer of enlistment by one of the armed forces **and**

**2.** have an enlistment date not more than 8 weeks after the offer was made **and**

**3.** are not in employment or training at the time the offer was made **and**

**4.** have never had a reduction to any income-based Jobseeker's Allowance entitlement because

**4.1** the Department had reduced the severe hardship payment (see DMG 34856 - 34857) **and**

**4.2** the decision maker had reduced the amount of income-based Jobseeker's Allowance payable because

**4.2.a** of one of the sanctionable offences at DMG 34721 **or**

**4.2.b** they have refused employment or neglected to avail themselves of employment without good reason **and**

**5.** have never been sanctioned because of

**5.1** leaving employment voluntarily without good reason **or**

**5.2** losing employment through misconduct.

1 JSA Regs (NI), reg 61(1)(f)

30755 The decision maker should be satisfied that the offer of enlistment into one of the armed forces has been accepted. Acceptance could be confirmed by

**1.** asking the young person for a copy of the letter of acceptance **or**

**2.** contacting the recruitment office that issued the written offer of a place.

30756 A young person who satisfies this condition is entitled to Income-based Jobseeker's Allowance for the period starting with the date of claim and ending on the earlier of1

**1.** the day before the young person is due to enlist **or**

**2.** the day before the young person's 18th birthday.

1 JSA Regs (NI), reg 61(2)(e)

 30757 – 30760

Young person has limited capability for work

30761 A young person is entitled to income-based Jobseeker’s Allowance if the young person has limited capability for work1.

1 WR Act (NI) 07, Part 1; JSA Regs (NI), reg 61(1)(g)

30762 A young person who satisfies this condition is entitled to income-based Jobseeker’s Allowance for the period starting on the date of claim and ending on the earlier of1

**1.** the day before the young person’s 18th birthday **or**

**2.** the day before this condition is no longer satisfied.

1 JSA Regs (NI), reg 61(2)(b)

 30763 – 30769

Departmental directions - income-based Jobseeker's Allowance

Action by the Department

30770 A young person is not excluded from receiving income-based Jobseeker's Allowance if

 **1.** that young person

 **1.1** has reached the age of 16 but not the age of 18 **and**

 **1.2** is not entitled to Jobseeker's Allowance or Income Support **and**

 **1.3** is registered for training but not being provided with any training **and**

 **2.** the Department directs that the young person would suffer if income-based Jobseeker's Allowance was not paid1.

1 JS (NI) Order 95, art 5(1)(f)(ii) & art 18(1)

30771 The Department

**1.** will state the period that the direction applies for1

**2.** has the power to revoke any direction2

**3.** has the power to reduce the amount of income-based Jobseeker's Allowance3.

1 JS (NI) Order 95, art 18(2); 2 art 18(3); 3 art 19

Young person attending a Prince’s Trust course or National Citizen Service

30772 A young person who attends a Prince’s Trust course or National Citizen Service can continue to receive Jobseeker’s Allowance if they fit into a prescribed group or have been awarded a severe hardship direction, as long as they continue to meet Jobseeker’s Allowance conditions. A severe hardship direction should normally remain in place where the claimant is on a short National Citizen Service or Prince’s Trust residential course, even though the degree of hardship may be reduced.

 30773

Action by the decision maker following a Departmental direction

30774 Once the Department has directed that a young person is not excluded from receiving income-based Jobseeker's Allowance the decision maker should decide

**1.** if the other conditions of entitlement for Jobseeker's Allowance are satisfied (DMG 20001 et seq and DMG 21001 et seq) **and**

**2.** if **1.** is satisfied, the weekly amount of Jobseeker’s Allowance.

 There is no special rate for severe hardship cases. income-based Jobseeker’s Allowance should not be awarded for any day outside the period of the Departmental direction.

Hardship

30775 A young person who is entitled to income-based Jobseeker’s Allowance because of a Departmental direction may be entitled to a hardship payment if

 **1.** the young person is sanctioned **or**

**2.** a question has been passed to the decision maker on the young person’s

**2.1** availability **or**

**2.2** actively seeking employment **or**

**2.3** jobseeker's agreement.

Appeal rights

30776 A young person can appeal against some decision maker’s decisions, see Volume 1

**1.** Annex D for decisions that are appealable

**2.** Annex E for decisions that are not appealable.

 30777 – 30785

Jobseeker's Allowance applicable amounts

30786 The applicable amount for a young person is calculated in the usual way, that is personal allowances, premiums, housing costs and the transitional element. But there are special rules that allow for different rates of personal allowances.

Personal allowances for single young people

30787 From 7.4.08 the weekly rate for 16 to 17 year olds was abolished, so the rate payable for single claimants aged 16 to 17 is the same as that paid to 18 to 24 year olds1.

1 JSA Regs (NI), Sch 1, para 1(1) & (2)

 30788 – 30795

Personal allowance for couples and members of a polygamous marriage

Members of couples

30796 The personal allowance for couples where both members are not yet 18or one of the couple is aged 18 or over depends on the couple’s circumstances. A couple may be entitled to a

**1.** couple allowance (DMG 30806 and 30820) **or**

**2.** single person's allowance (DMG 30811, 30816 and 30823).

Members of polygamous marriages

30797 Young people who are members of a polygamous marriage should be treated in the same way as those young people who are members of a couple. The decision maker should not allow an amount for the partner of a young person who is aged less than 18 unless that partner1

**1.** is treated as responsible for a child **or**

**2.** would, as a single person, qualify for income-based Jobseeker’s Allowance

**2.1** for any period in DMG 30514 **or**

**2.2** because of a Departmental direction.

1 JSA Regs (NI), reg 84(2)

30798 The decision maker should decide the appropriate personal allowance for the young person and one partner. The partner chosen for this decision should be

**1.** any partner aged 18 or over **or**

**2.** if **1.** does not apply, any partner who satisfies DMG 30797 **or**

**3.** if **1.** or **2.** does not apply, any partner.

30799 The applicable amount should include1

**1.** personal allowances for the young person and the partner chosen as in DMG 30798 **and**

**2.** personal allowances for each other partner that is the difference between

**2.1** the higher rate for a couple (DMG 23029 **3.2**) **and**

**2.2** the rate for a single claimant aged 25 or over (DMG 23029 **1.3**) **and**

**3.** any child or young person (DMG 22006 - 22007) **and**

**4.** any premium, housing costs or transitional element.

1 JSA Regs (NI), reg 84(1)

 30800 – 30805

Couple entitled to personal allowance for a couple where both members are aged less than 18

30806 A young person is entitled to this couple personal allowance if the young person is a member of a couple where both members are aged less than 18 and any of the following applies

**1.** one of the couple is treated as responsible for a child1 **or**

**2.** had they not been a member of a couple each member would be entitled to income-based Jobseeker's Allowance for any period in DMG 305142 **or**

**3.** had they not been a member of a couple3

**3.1** the claimant would be entitled to income-based Jobseeker's Allowance for any period in DMG 30514 **and**

**3.2** the partner would be entitled to Income Support or income-related Employment and Support Allowance, if claimed **or**

**4.** the couple are married4 or part of a civil partnership **and**

**4.1** one member of the couple would be entitled to income-based Jobseeker's Allowance for any period in DMG 30514 **and**

**4.2** the other member is registered with the Career’s Officer for work and training (see DMG 30576) **or**

**5.** they are married and each member of the couple would be entitled to income-based Jobseeker's Allowance for any period in 305145 **or**

**6.** each member of the couple is the subject of a Departmental direction6 **or**

**7.** one member is the subject of a Departmental direction and the other member would be entitled to income-based Jobseeker's Allowance for any period in DMG 305147 **or**

**8.** one member is the subject of a Departmental direction and the other member would be entitled to Income Support or income-related Employment and Support Allowance if claimed8.

1 JSA Regs (NI), Sch 1, para 1(3)(a)(i); 2 Sch 1, para 1(3)(a)(ii); 3 Sch 1, para 1(3)(a)(iii);
4 Sch 1, para 1(3)(a)(iv); 5 Sch 1, para 1(3)(a)(iv); 6 Sch 1, para 1(3)(a)(v); 7 Sch 1, para 1(3)(a)(vi);
8 Sch 1, para 1(3)(a)(vii)

 30807 – 30810

Couple entitled to 18 to 24 year old personal allowance

30811 The claimant will be entitled to this personal allowance if any of the following applies

**1.** the young person is a member of a couple where1

**1.1** both members are aged less than 18 and DMG 30806 does not apply **and**

**1.2** one member of the couple is in any of the circumstances that lead to entitlement to income-based Jobseeker's Allowance during the Child Benefit extension period, for example, estranged or orphaned **and**

**1.2.a** would be entitled to income-based Jobseeker’s Allowance for any period in DMG 30514 **or**

**1.2.b** is the subject of a Departmental direction **or**

**2.** the young person is a member of a couple where2

**2.1** both members are aged less than 18 **and**

**2.2** **1.** above, DMG 30806, and DMG 30816 do not apply **and**

**2.3** one member of the couple is entitled to the lower rate disability premium Jobseeker's Allowance **or**

**3.** the claimant is a member of a couple where3

**3.1** one member is aged 18 but not 25 **and**

**3.2** the other member is aged less than 18 who

**3.2.a** would not be entitled to income-based Jobseeker's Allowance as a young person **and**

**3.2.b** is not the subject of a Departmental direction **and**

**3.2.c** is not entitled to Income Support or income-related Employment and Support Allowance, if claimed.

1 JSA Regs (NI), Sch 1, para 1(3)(b); 2 Sch 1, para 1(3)(d); 3 Sch 1, para 1(3)(g)

30812 – 30815

Couple entitled to the appropriate single rate

30816 A young person is entitled to this personal allowance if the young person is a member of a couple where both members are aged less than 18 and1

**1.** DMG 30806 and DMG 30811 do not apply **and**

**2.** one member of the couple

**2.1** would be entitled to income-based Jobseeker’s Allowance for any period in DMG 30514 **or**

**2.2** is the subject of a Departmental direction.

1 JSA Regs (NI), Sch 1, para 1(3)(c)

30817 – 30819

Couple entitled to personal allowance normally paid to couples where both aged 18 or over

30820 A claimant is entitled to this personal allowance if the claimant is a member of a couple where one member is aged 18 or over and the other member is aged less than 18 who is treated as responsible for a child1.

1 JSA Regs (NI), Sch 1, para 1(3)(e)

30821 A claimant is entitled to this personal allowance if the claimant is a member of a couple where one member is aged 18 or over and the other member is aged less than 18 who

**1.** would be entitled to income-based Jobseeker's Allowance for any period in DMG 305141 **or**

**2.** is the subject of a severe hardship direction2 **or**

**3.** satisfies the conditions for being entitled to Income Support, or who would do so if he were not a member of a couple, other than the requirement to make a claim for it3 **or**

**4.** satisfies the conditions for being entitled to income-related Employment and Support Allowance other than the requirement to make a claim for it4.

1 JSA Regs (NI), Sch 1, para 1(3)(f)(i); 2 Sch 1, para 1(3)(f)(ii);
3 Sch 1, para 1(3)(f)(iii); 4 Sch 1, para 1(3)(f)(iv)

30822

Couple entitled to the single person aged 25 or over personal allowance

30823 A claimant is entitled to this personal allowance if the claimant is a member of a couple where one member is aged 25 or over and the other member is aged less than 18 who1

**1.** would not be entitled to income-based Jobseeker's Allowance as a young person **or**

**2.** is not the subject of a Departmental direction **and**

**3.** is not entitled to Income Support or income-related Employment and Support Allowance if claimed.

1 JSA Regs (NI), Sch 1, para 1(3)(h)

 30824 – 30839

Jobseeker's Allowance - circumstances in which the personal allowance should be reduced

30840 If a young person is

**1.** entitled to income-based Jobseeker's Allowance for any period in DMG 30514 **and**

**2.** the subject of a sanction because of DMG Chapter 34

 the young person’s personal allowance is reduced.

 **Note:** From 6.3.12 the reduction should also be applied where a young person has been sanctioned for failure to attend (see DMG Chapter 20).

Period of reduction

30841 The personal allowance is reduced for 2 weeks1. After 2 weeks the young person is entitled to the full personal allowance2.

1 JSA Regs (NI), reg 68(1); 2 reg 68(5)

30842 If the young person reaches the age of 18 before the 2 week period ends, the young person is entitled to the full personal allowance from the 18th birthday1.

1 JSA Regs (NI), reg 68(1)

30843 The 2 week period starts on the first day of the benefit week after the decision maker decides that the young person should be sanctioned1.

1 JSA Regs (NI), reg 4 & 68(1)

Amount of reduction

Single young people and lone parents

30844 If the young person is single or lone parent, income-based Jobseeker's Allowance should be reduced by 40%1 of the personal allowance included in the applicable amount. But if the young person or a member of the family is

**1.** pregnant **or**

**2.** seriously ill

 income-based Jobseeker's Allowance should be reduced by 20% of the personal allowance included in the applicable amount2.

1 JSA Regs (NI), reg 68(1); 2 reg 68(2)

**Example**

Christine is a single young person entitled to income-based Jobseeker’s Allowance of £43.25 per week. The decision maker decides that she should be sanctioned and have her income-based Jobseeker's Allowance reduced for 2 weeks. Christine is not pregnant or seriously ill. Her Income-based Jobseeker's Allowance is reduced by 40% of £43.25, which is the personal allowance that is included in her applicable amount.

Couples

30845 If the young person is a member of a couple, the amount of the reduction depends on whether the young person or a member of their family is pregnant or seriously ill where

**1.** **no-one is pregnant or seriously ill** - reduce the income-based Jobseeker's Allowance by 40% of the personal allowance that would have been payable if the young person had been single1 **or**

**2.** **the young person or a member of the family is pregnant or seriously ill** - reduce their income-based Jobseeker's Allowance by 20% of the personal allowance that would have been payable if the young person had been single2.

1 JSA Regs (NI), reg 68(1); 2 reg 68(2)

 **Example 1**

Kevin is married to Kate. He is entitled to income-based Jobseeker's Allowance of £65.30. Kate is pregnant. The decision maker decides that Kevin should be sanctioned and have his personal allowance reduced for 2 weeks. As Kate is pregnant the reduction is 20% of £43.25, which is the personal allowance that would have been payable to Kevin if he had been a single person.

**Example 2**

Patrick is living with Graham who does not satisfy any of the conditions in DMG 30806. Patrick is entitled to income-based Jobseeker's Allowance of £43.25. The decision maker decides that Patrick should be sanctioned and have his personal allowance reduced for 2 weeks. The reduction is 40% of £43.25, which is the personal allowance that would have been payable to Patrick if he had been single.

Pregnancy

30846 The decision maker should be satisfied that a young person or any partner is pregnant before applying the 20% reduction. This condition is not satisfied if the young person or partner only thinks that she might be pregnant.

30847 If there are any doubts that the young person or partner is pregnant, written confirmation of the pregnancy should be requested, for example a certificate of the expected date of confinement.

 30848 – 30849

Seriously ill

30850 The term “seriously ill” is not defined. It should be given its ordinary everyday meaning1 of being an important or significant illness.

1 Cozens v Brutus [1972] 3WLR 521; R(SB) 19/82; R(SB) 38/85

30851 Illnesses such as coughs or colds will not normally be serious. The decision maker should decide if an illness is serious for the person concerned.

30852 The decision maker should not consider whether a serious illness is likely to occur because of the 40% or 20% reduction.

30853 If there are any doubts that the young person or a member of the young person’s family is seriously ill the young person should be asked to provide evidence from a doctor.

30854 If a young person or a member of the young person’s family has limited capability for work, that person may be entitled to Employment and Support Allowance.

 **Note:** If a young person’s partner is seriously ill the decision maker will normally advise that person to claim Employment and Support Allowance if that person has limited capability for work.

30855 A young person who is not capable of work does not satisfy the Jobseeker’s Allowance conditions of entitlement. If a young person is seriously ill the decision maker should consider if the young person is capable of work.

 30856 – 30859

Rounding of reduction

30860 The amount of the reduction should be rounded, where it is not a multiple of 5p, to the nearest 5p (2.5p being rounded down).

 30861 – 30864

Reclaims

30865 If the young person’s Jobseeker’s Allowance claim terminates before the end of the 2 week period of reduction, the balance of the reduction should be made on any reclaim to Jobseeker’s Allowance.

30866 If the young person reaches the age of 18 before the end of the period of reduction, the young person is entitled to the full personal allowance from the young person’s 18th birthday1.

1 JSA Regs (NI), reg 68(4)

30867 If the claimant is aged 18 on the reclaim to Jobseeker’s Allowance the claimant is entitled to the full personal allowance from the date of claim unless other sanctions prevent this1.

1 JSA Regs (NI), reg 68(4)

**Example 1**

Mandy is aged 16, she is in receipt of income-based Jobseeker’s Allowance, her benefit week ending day is a Wednesday. The decision maker decides on 14.1.97 that Mandy should be sanctioned and have her personal allowance reduced by 40% for 2 weeks. The reduction is effective from 16.1.97.

On 20.1.97 Mandy starts a Jobskills course. Income-based Jobseeker’s Allowance at the reduced rate is paid to 19.1.97. Her personal allowance has been reduced for 4 days.

On 7.3.97 Mandy reclaims Jobseeker’s Allowance, she is still aged 16. She is entitled to income-based Jobseeker’s Allowance from 7.3.97. The decision maker decides that Mandy’s personal allowance should be reduced by 40% from 7.3.97 to 16.3.97.

**Example 2**

Anthony is aged 17, he is in receipt of income-based Jobseeker’s Allowance for himself and his wife, Marie, who is pregnant. His benefit week ending is a Monday. The decision maker decides on 11.2.97 that Anthony should be sanctioned and have his personal allowance reduced by 20% for 2 weeks. The reduction is effective from 18.2.97.

On 24.2.97 Anthony starts remunerative work. Income-based Jobseeker’s Allowance at the reduced rate is paid to 23.2.97. His personal allowance has been reduced for 6 days.

On 5.5.97 Anthony reclaims Jobseeker’s Allowance. He is now aged 18. His personal allowance should not be reduced to take account of the remaining days of his sanction.

 30868 – 30879

Income Support applicable amounts

30880 The applicable amount for an Income Support claimant aged 16 or 17 is calculated in the usual way, that is personal allowances, premiums, housing costs and transitional element. But there are special rules that allow for different rates of personal allowances. For premiums, housing costs and transitional element see DMG Chapter 23.

Personal allowances for single claimants aged less than 18

30881 From 7.4.08 the weekly rate for 16 to 17 year olds was abolished, so the rate payable for single claimants aged 16 to 17 is the same as that paid to 18 to 24 year olds1.

1 IS (Gen) Regs (NI), Sch 2, para 1(1) & (2)

 30882 – 30889

Personal allowance for couples and members of a polygamous marriage

Members of couples

30890 The personal allowance for couples where both members are not yet 18 or one of the couple is aged 18 or over depends on the couple’s circumstances. A couple may be entitled to a

**1.** couple allowance (DMG 30898 and 30909) **or**

**2.** single person's allowance (DMG 30903, 30908 and 30910).

Members of polygamous marriages

30891 Claimants who are members of a polygamous marriage should be treated in the same way as those claimants who are members of a couple. The decision maker should not allow an amount for a partner who is not yet 18 years old unless that partner1

**1.** is treated as responsible for a child **or**

**2.** would, as a single person, be entitled to Income Support **or**

**3.** would be entitled to income-based Jobseeker’s Allowance for any period in DMG 30514 **or**

**4.** is the subject of a Departmental direction.

1 IS (Gen) Regs (NI), reg 18(2)

30892 The decision maker should decide the appropriate personal allowance for the claimant and one partner. The partner chosen for this decision should be

**1.** any partner aged 18 or over **or**

**2.** if **1.** does not apply, any partner who satisfies DMG 30891 **or**

**3.** if **1.** or **2.** does not apply, any partner.

30893 The applicable amount should include1

**1.** personal allowances for the claimant and the partner chosen as in DMG 30892 **and**

**2.** personal allowances for each other partner that is the difference between

**2.1** the higher rate for a couple (see DMG Chapter 23) **and**

**2.2** the rate for a single claimant aged 25 or over (see DMG Chapter 23) **and**

**3.** any child or young person (DMG Chapter 22) **and**

**4.** any premium, housing costs or transitional element.

1 IS (Gen) Regs (NI), reg 18(1)

 30894 – 30897

Couple entitled to personal allowance for a couple where both members are aged less than 18

30898 A claimant is entitled to this couple personal allowance if the claimant is a member of a couple where both members are aged less than 18 and1

**1.** one of the couple is treated as responsible for a child **or**

**2.** had they not been members of a couple each member would qualify for Income Support or income-related Employment and Support Allowance **or**

**3.** the claimants’ partner would be entitled to income-based Jobseeker’s Allowance

**3.1** for any period in DMG 30514 **or**

**3.2** because the partner is the subject of a Departmental direction.

1 IS (Gen) Regs (NI), Sch 2, para 1(3)(a)

 30899 – 30902

Couple entitled to 18 to 24 year old personal allowance

30903 A claimant is entitled to this personal allowance if the claimant

**1.** is a member of a couple where1

**1.1** both members of the couple are aged less than 18 and DMG 30898 does not apply **and**

**1.2** one member of the couple satisfies DMG 30904 **1.**-**2.** **or**

**2.** is aged 18 to 24 and the claimant’s partner is aged less than 18 and the claimant’s partner2

**2.1** would not, if a single person, be entitled to Income Support or income-related Employment and Support Allowance **and**

**2.2** would not be entitled to income-based Jobseeker’s Allowance as a young person **and**

**2.3** is not the subject of a Departmental direction.

1 IS (Gen) Regs (NI), Sch 2, para 1(3)(b); 2 Sch 2, para 1(3)(f)

30904 The circumstances referred to in DMG 30903 **1.2** are that the person1

**1.** is

**1.1** an orphan2 (see DMG 30610) **or**

**1.2** not in the parental home for certain reasons3 (see DMG 30623) **or**

**1.3** living away from and unable to be supported by parents4 (see DMG 30630) **or**

**1.4** of necessity living away from parents for certain reasons5 (see DMG 30638) **or**

**2.** was being looked after by a Health and Social Services Board or Health and Social Services Trust6 (see DMG 30618).

1 IS (Gen) Regs (NI), Sch 2, para 1(1)(b); 2 para 1A(1)(a); 3 para 1A(1)(c); 4 para 1A(1)(d);
5 para 1A(1)(e); 6 para 1A(1)(b)

 30905 – 30907

Couple entitled to the appropriate single rate personal allowance

30908 A claimant is entitled to this personal allowance if the claimant is a member of a couple and1

**1.** both members of the couple are aged less than 18 **and**

**2.** DMG 30898 & 30903 **1.** do not apply.

1 IS (Gen) Regs (NI), Sch 2, para 1(3)(c)

Couple entitled to personal allowance normally paid to couples where both aged 18 or over

30909 A claimant is entitled to this personal allowance if one member of the couple is aged 18 or over and the other member is aged less than 18 who1

**1.** if not a member of a couple, is or would be, entitled to Income Support or income-related Employment and Support Allowance **or**

**2.** would be entitled to income-based Jobseeker’s Allowance for any period in DMG 30514 **or**

**3.** is the subject of a Departmental direction.

1 IS (Gen) Regs (NI), Sch 2, para 1(3)(e)

Couple entitled to the single person aged 25 or over personal allowance

30910 A claimant is entitled to this personal allowance if

**1.** the claimant is aged 25 or over **and**

**2.** the claimant’s partner is aged less than 181 **and**

**2.1** would not, if a single person, be entitled to Income Support or income-related Employment and Support Allowance **and**

**2.2** would not be entitled to income-based Jobseeker’s Allowance as a young person **and**

**2.3** is not the subject of a Departmental direction.

1 IS (Gen) Regs (NI), Sch 2, para 1(3)(g)

 30911 – 30919

Treatment of resources - income-based Jobseeker's Allowance and Income Support

Bridging allowance - income-based Jobseeker’s Allowance

30920 A young person may receive a bridging allowance while waiting on a training scheme place.

30921 This allowance is normally paid if the young person is not entitled to income-based Jobseeker’s Allowance. But it can be paid to a young person

**1.** who is registered disabled **or**

**2.** after the Child Benefit extension period if the young person

**2.1** is discharged from custody and the young person's parents were entitled to Child Benefit on the Child Benefit terminal date **or**

**2.2** has lost a job or training scheme place during the Child Benefit extension period **or**

**2.3** has recovered from an illness which stopped the young person taking part in a training scheme or a job **or**

**2.4** is a trainee affected by but not involved in a trade dispute.

30922 Usually a bridging allowance is treated as income and taken into account in full1. But some couples have part of the bridging allowance disregarded.

1 JSA Regs (NI), reg 103

 30923 – 30924

Treatment of income of single claimants - income-based Jobseeker’s Allowance and Income Support

30925 A single claimant's income should be calculated and taken into account in the normal way1.

1 JSA Regs (NI), reg 93; IS (Gen) Regs (NI), reg 28

Treatment of income of couples - income-based Jobseeker’s Allowance and Income Support

30926 Special rules apply to the treatment of income for certain couples and members of polygamous marriages where the claimant or partner is aged less than 18.

30927 The decision maker should not take any partner's income fully into account if income-based Jobseeker’s Allowance or Income Support is not paid for that partner. The amount that the decision maker should disregard depends on how the couple’s personal allowance has been calculated1. The decision maker should treat any remaining balance of the partner’s income in the normal way. A further disregard may apply.

1 JSA Regs (NI), reg 88(3); IS (Gen) Regs (NI), reg 23(4)

30928 The claimant's income should be calculated and taken in account in the normal way.

 30929 – 30932

Couple - both members aged less than 18

30933 Where both members of a couple are aged less than 18 the decision maker should disregard the amount of the partner’s income that is the difference between the personal allowance for1

**1.** couples where both members are less than 18 **and**

**2.** a single person aged less than 18.

1 JSA Regs (NI), reg 88(3)(a); IS (Gen) Regs (NI), reg 23(4)(a)

**Example**

Mark is aged 17, he claims Jobseeker’s Allowance. He has a partner, Esther, who is aged 16. The decision maker decides that Mark is entitled to income-based Jobseeker’s Allowance of £64.45 per week.

Esther starts working 14 hours per week, she earns £40 per week.

The decision maker decides that

**1.** £31.55 (£64.45 - £32.90) should be disregarded immediately **and**

**2.** the balance of £8.45 is subject to the normal £10 earnings disregard.

 30934 – 30936

Couple - one member aged less than 18, other member aged 18 to 24

30937 Where one member of a couple is aged less than 18 and the other member is aged 18 but not 25 the decision maker should disregard the amount of the partner’s income that is the difference between the personal allowance for1

**1.** couples where both members are aged 18 or over **and**

**2.** a single person aged 18 to 24.

1 JSA Regs (NI), reg 88(3)(b); IS (Gen) Regs (NI), reg 23(4)(b)

**Example**

Andy is aged 19. He is in receipt of Income Support at £32.90 per week. Andy declares that he now has a partner, Alison. Alison is aged 17 and on a training scheme; she receives £35 per week training allowance.

The decision maker decides that

**1.** Andy is still entitled to a personal allowance of £32.90 per week **and**

**2.** no income is to be taken into account on Andy’s claim. This is because £52.85 (£85.75 - £32.90) is the amount that can be disregarded immediately. The training allowance is £35, therefore no income is to be taken into account.

 30938 – 30940

Couple - one member aged less than 18, other member aged 25 or over

30941 Where one member of a couple is aged less than 18 and the other member is aged 25 or over the decision maker should disregard the amount of the partner’s income that is the difference between the personal allowance for1

**1.** couples where both members are aged 18 or over **and**

**2.** a single person aged 25 or over.

1 JSA Regs (NI), reg 88(3)(b); IS (Gen) Regs (NI), reg 23(4)(b)

**Example**

Karen is aged 26. She claims Jobseeker’s Allowance. Karen has a partner, George, who is aged 17 and on a training scheme receiving £35 per week training allowance. The decision maker decides that

**1.** Karen is entitled to a personal allowance of £54.65 per week **and**

**2.** income of £3.90 should be taken into account on Karen’s claim. This is because £31.10 (£85.75 - £54.65) of the training allowance should be disregarded immediately. The balance of £3.90 is to be taken into account.

 30942 – 30943

Partner is member of a polygamous marriage

30944 If a partner

**1.** is aged less than 18 **and**

**2.** is a member of a polygamous marriage **and**

**3.** has no amount allowed in the calculation of the personal allowance

 a special disregard applies to any income that the partner receives.

30945 The amount of the partner’s income that the decision maker should disregard is the difference between the personal allowance for1

**1.** a couple where both members are aged 18 or over **and**

**2.** a single person aged 25 or over.

1 JSA Regs (NI), reg 88(5); IS (Gen) Regs (NI), reg 23(5)

**Example**

Hussain claims Income Support. He is a member of a polygamous marriage and has three wives. Fatima is aged 24, Parveen is aged 23 and Yasmin is aged 16. Yasmin works 15 hours per week and earns £35.

The decision maker decides

**1.** Hussain is entitled to £85.75 personal allowance for himself and Fatima. He is also entitled to £31.10 (£85.75 - £54.65) for Parveen (DMG 30799). No personal allowance is payable for Yasmin **and**

**2.** no income is to be taken into account on Hussain’s claim. This is because £31.10 (£85.75 - £54.65) of the £35 wages can be disregarded immediately. The balance of £3.90 is subject to the normal earnings disregard of £10. Therefore no income is to be taken into account.

 30946 – 30947

Treatment of capital

30948 The capital of the

**1.** claimant **and**

**2.** partner

 should be taken into account in the normal way.

 30949 – 30999

Appendix 1

Common courses of study

BTECs

BTEC First Certificates and Diplomas

 This is normally a one year programme and is considered equivalent to several GCSEs - the Certificate is usually studied PT and the Diploma full-time.

BTEC National Certificates and Diplomas

 This is normally a 2 year course and is considered equivalent to 2 or 3 A levels - the Certificate is usually studied part-time and the Diploma full-time.

BTEC Higher National Certificates and Diplomas

 This is normally a 2 year course and is considered equivalent to a degree - the Certificate is usually studied part-time and the Diploma full-time.

GNVQs and NVQs

 These are work-related qualifications introduced in 1993. They are gradually replacing existing BTEC qualifications in selected subjects. BTEC Firsts will be replaced by BTEC Intermediate, GNVQs and BTEC Nationals by BTEC Advanced GNVQs. NVQs relate to existing qualifications as shown below

 NVQ level 2 = Intermediate GNVQ, BTEC and GCSEs

 NVQ level 3 = Advanced GNVQ, BTEC Nationals and A levels

 NVQ level 4 = BTEC Higher Nationals and Degrees**.**

Appendix 2

Maximum loans and student grants

Maximum student loans – national figures

 **00/01 01/02 02/03 03/04**

 **£ £ £ £**

Course Course Course Course Course Course

 begins begins begins begins begins begins

 before after before after before after before

 1.9.98 1.9.98 1.9.98 1.9.98 1.9.98 1.9.98 1.9.98

**Full year rate**

Living at parents’

home 1395 2950 1430 3020 1465 3090 3165

Living away from

parents' home

- in London 2255 4590 2310 4700 2365 4815 4930

- elsewhere 1825 3725 1870 3815 1915 3905 4000

**Final year rate**

Living at parents’

home 1020 2575 1045 2635 1075 2700 2765

Living away from

parents' home

- in London 1645 3980 1685 4075 1725 4175 4275

- elsewhere 1330 3230 1365 3310 1400 3390 3470

**Note:** The London rate applies to a student attending a course at

**1.** the University of London

**2.** any institution within the City of London or the Metropolitan Police District.

Part-time student loan 03/04 £500.

Student Disregards

The amount to be deducted from the students loan for books and equipment and travelling is1

 **00/01 01/02 02/03 03/04 04/05 05/06 06/07 07/08 08/09 09/10**

 **£ £ £ £ £ £ £ £ £ £**

**Books and equipment** 311\* 319 327 335 343 352 361 370 380 390

**Travelling expenses** 255 260 265 270 275 280 285 290 295 303

**Note:** \*This amount can only be deducted from the student loan if no amount for books and equipment has been specifically included and disregarded in the student **grant**.

1 JSA Regs (NI), reg 136(5); IS (Gen) Regs (NI), reg 66A(5)

Grants for students with dependants

 **03/04**

 **£**

Adult dependant 2280

Lone Parents Grant (England and Wales) up to 1125

Parents Learning Allowance (England, up to 1300

Wales and Northern Ireland – full-time only)

Child Care Grant (England, Wales and Northern Ireland – full-time students only)

One child up to £114.75 p.w. (or 85%

 of actual costs) up to £135 p.w.

Two or more children up to £170 p.w. (or 85% of

 actual costs) up to £200 p.w.

Dependant children (Scotland only)

Aged under 11 475

Aged 11-15 950

Aged 16-17 1270

Aged 18 or over 1825

Second Home Allowance 795

Allowance for lone parents 1125

Allowance for lone parents with 1050

formal childcare costs

Standard maintenance grant

 **99/00 00/01 01/02 02/03 03/04**

 **£ £ £ £ £**

Course Course Course Course Course

 begins begins begins begins begins

 before before before before before

 1.9.98 1.9.98 1.9.98 1.9.98 1.9.98

**Full year rate**

Living at parents’ home 1515 1555 1590 1625 1665

Living away from parents’

Home

- in London 2280 2335 2390 2450 2420

- elsewhere 1855 1900 1945 1990 1960

Extra disregard

The amount to be deducted from a student’s grant income where the student does not have a student loan and is not treated as having a student loan is1

 **00/01 01/02 02/03 03/04 04/05 05/06 06/07 07/08 08/09 09/10**

 **£ £ £ £ £ £ £ £ £ £**

**Books and equipment** 311\* 319 327 335 343 352 361 370 380 390

**Travelling expenses** 255 260 265 270 275 280 285 290 295 303

**Note:** \*This amount can only be deducted from the grant if no amount for books and equipment has been specifically included and disregarded in the students grant.

1 JSA Regs (NI), reg 131(3); IS (Gen) Regs (NI), reg 62(2A)