DMG Memo Vol 2/66

Amendment to the Great britain Reciprocal Arrangements regulations in respect of Bereavement Support payment, contribution-based employment and support allowance and income-based jobseekers allowance

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introduction

1. This memo provides guidance to decision makers on the changes made by the Social Security (Great Britain Reciprocal Arrangements) (Amendment) Regulations (Northern Ireland) 2016 (S.R. 2016 No. 393). The changes take effect on 27.11.16 for income-based Jobseekers Allowance and contribution-based Employment and Support Allowance1, and on 06.04.17 for Bereavement Support Payment2.

1 SS (GB Reciprocal Arrangements) (Amendment) Regs (NI) 2016, reg 1((2)a); 2 reg 1(2)(b)

income-based jobseekers allowance

1. From 6 April 2016, under the Social Security (Great Britain Reciprocal Arrangements) Regulations (NI) 2016, contribution-based Jobseekers Allowance continued to be included within the scope of the reciprocal arrangements with Great Britain. However, income-based Jobseekers Allowance remained excluded. From the date at paragraph **1.** above income-based Jobseekers Allowance1 will also be included in the reciprocal arrangements.

1 SS (GB Reciprocal Arrangements) Regs (NI), Sch, Art 1(1) definition of “legislation” sub-paras (a)(iii) & (b)(iii)

**BEREAVEMENT SUPPORT PAYMENT**

1. From the date at paragraph **1.** above, Bereavement Support Payment1 will also be included in the reciprocal arrangements, this being the date Bereavement Support Payment will be introduced.

1 SS (GB Reciprocal Arrangements) Regs (NI), Sch, Art 1(1) definition of “legislation” sub-paras (a)(ix) & (b)(ix)

Contribution-based employment and support allowance

1. Prior to 6 April 2016, there was no reciprocal arrangement in place between Northern Ireland and Great Britain in respect of Employment and Support Allowance. This meant that Employment and Support Allowance claimants who moved between the two territories were required to make a new claim for Employment and Support Allowance regardless of their entitlement in the other territory. As a consequence of this, there were claimants who had been entitled to contribution-based Employment and Support Allowance in the territory that they departed, but who were not entitled to contribution-based Employment and Support Allowance in the new territory, because they were unable to rely on the same national insurance contributions. To mitigate for this, these claimants have been made extra-statutory payments, equivalent to the amount of contribution-based Employment and Support Allowance they would have received if there had been a reciprocal arrangement in place.
2. Under the Social Security (Great Britain Reciprocal Arrangements) Regulations (NI) 20161, Employment and Support Allowance was brought into the reciprocal arrangements. However, this only benefited claimants who moved between the two territories on or after 6 April 2016; people who moved before this date have continued to receive extra-statutory payments, where appropriate. The Amendment Regulations place these payments on a statutory footing.

1 SS (GB Reciprocal Arrangements) Regs (NI), Sch, Art 1(1) definition of “legislation” sub-paras (a)(vi) & (b)(vi)

1. Paragraph 7 below applies to a claimant1 who
2. was entitled to an award of contribution-based Employment and Support Allowance **and**
3. moved between Northern Ireland and Great Britain or Great Britain and Northern Ireland **and**
4. lost their entitlement as a consequence of the move, because (due to a lack of reciprocal arrangements between Northern Ireland and Great Britain before April 2016) they had to make a new claim and couldn’t rely on the same National Insurance contributions as before **and**
5. does not satisfy the conditions2 where they have moved to **and**
6. on 27.11.16 satisfies the basic conditions of entitlement to Employment and Support Allowance 3 **and**
7. up to 26.11.16 has been paid a weekly sum equivalent to their previous entitlement to contribution-based Employment and Support Allowance on an extra-statutory basis.

1 SS (GB Reciprocal Arrangements) Regs (NI), Sch, Art 2A; 2 Welfare Reform Act 2007, Sch 1, Part 1, Welfare Reform Act 2007(NI), Sch 1, Part 1; 3 Welfare Reform Act 2007, s1(3), Welfare Reform Act 2007 (NI), s1(3)

1. A claimant to whom paragraph 6 above applies is, for the purposes of entitlement to Employment and Support Allowance
2. treated as having made a claim for Employment and Support Allowance on 27.11.16 **and**
3. treated as satisfying the contribution conditions

and the period of Limited Capability for Work in respect of the award referred to in paragraph 6**.1** and the period of Limited Capability for Work in relation to the claim is treated as one continuous period of Limited Capability for Work1.

1 SS (GB Reciprocal Arrangements) Regs (NI), Sch, Art 2B

**Example**

John was awarded contribution-based Employment and Support Allowance in Birmingham in 2008. Following the Work Capability Assessment, he is placed in the work-related activity group. He moves to Northern Ireland in 2010. Due to the absence of a reciprocal arrangement in respect of Employment and Support Allowance between Northern Ireland and Great Britain, his entitlement to contribution-based Employment and Support Allowance ceases because he cannot satisfy the contribution conditions. He is paid by the Department on an extra-statutory basis an amount equal to his previous weekly entitlement to contribution-based Employment and Support Allowance. Payments continue up to and including 26.11.16. Assuming that John still satisfies the basic conditions for entitlement to benefit on 27.11.16 a decision maker treats John as having made a new claim to contribution-based Employment and Support Allowance. The decision maker determines that the contribution conditions are treated as being satisfied and also that John should be placed in the work-related activity group. Applying the 365 day time limit on entitlement, an award of contribution-based Employment and Support Allowance is made to John for the fixed period 27.11.16 – 26.11.17. John’s award will include the Work Related Activity Component and he will not have to serve waiting days or the assessment phase.

annotations

Please annotate the number of this memo (DMG Memo Vol 2/66) against the following DMG paragraphs:

070530 and 073793

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