

JOBSEEKER'S ALLOWANCE AND MEMBERS OF THE RESERVE FORCES

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INTRODUCTION

1. This memo provides guidance to decision makers on the changes made by The Jobseeker's Allowance (Members of the Reserve Forces) Regulations (NI) 2012 (SR 2012/284). The changes take effect on 30 July 2012¹.

¹ *The Jobseeker's Allowance (Members of the Reserve Forces) Regulations (NI) 2012, reg 1*

BACKGROUND

2. The changes allow Jobseeker's Allowance claimants who are members of the reserve forces to attend their annual training camp (known as "annual continuous training") whilst maintaining their entitlement to Jobseeker's

Allowance. The appendix to this memo lists the territorial or reserve forces to whom the changes apply¹.

1 SS (Conts) Regs 01, Sch 6, Part 1

BASIC CONDITIONS TO JOBSEEKER'S ALLOWANCE

3. DMG 20003 provides guidance on the basic conditions of entitlement to Jobseeker's Allowance. The note to that para explains that serving members of the forces are not entitled to Jobseeker's Allowance. For the purposes of this guidance
 1. this no longer applies so that Jobseeker's Allowance claimants who are members of the reserve forces can now be entitled to Jobseeker's Allowance whilst attending annual continuous training.
 2. attendance at annual continuous training includes training outside of Northern Ireland.

THE LABOUR MARKET CONDITIONS AND ATTENDANCE

4. In order to maintain entitlement to Jobseeker's Allowance, claimants are required to
 1. be available for employment¹ **and**
 2. be actively seeking employment² **and**
 3. attend the Social Security Office/Jobs and Benefits Office at such time as the Employment Officer may specify³.

1 JS (NI) Order 95, art 3(2)(a); 2 art 3(2)(c); 3 art 10(1)(a) & 10(2); JSA Regs (NI), reg 23

5. For Jobseeker's Allowance claimants who are also members of the reserve forces, changes have been made to those conditions.

Available for employment

6. A claimant has to be treated as available for employment where they are
 1. a member of the reserve forces **and**
 2. attending annual continuous training as a member of the reserve forces.

The claimant can be treated as available while attending continuous training for a maximum of 15 days in any calendar year¹.

1 JSA Regs (NI), reg 14(1)(u)

Actively seeking employment

7. A claimant has to be treated as actively seeking employment in any week where they are
 1. a member of the reserve forces **and**
 2. attending annual continuous training for 3 days or more in the week.

Under this rule the claimant can be treated as actively seeking employment for a maximum of 15 days in any calendar year¹.

1 JSA Regs (NI), reg 19(1)(x)

Attendance and signing

8. DMG 20938 - 20939 provides guidance on claimants who have good cause for failing to attend or attend on time when required to by an Employment Officer. A claimant who has been treated as available as in para 6 above, has to be regarded as having good cause for failing to attend or failing to attend on time¹.

1 JSA Regs (NI), reg 30(c)

Example

Jane is in receipt of Jobseeker's Allowance. She is a member of the Territorial Army.

As part of her duties with the Territorial Army, Jane goes away for a 15 day annual camp where she is to partake in military training. Jane will be away from 3.9.12 and returns home on 17.9.12. Whilst away at camp, Jane will not be immediately available for work and nor will she be actively seeking work.

Ordinarily Jane is required to sign on at her local Jobs and Benefits Office every other Wednesday. As a result of being away, Jane will miss her next signing day of 12.9.12.

The decision maker determines that whilst Jane is away she

1. has good cause for not attending the Jobs and Benefits Office on 12.9.12 **and**
2. can be treated as actively seeking work for the period 3.9.12 to 17.9.12 **and**
3. can be treated as available for work for the period 3.9.12 to 17.9.12.

Jane attends the office to sign on her next signing day, 26.9.12.

TREATMENT OF EARNINGS

9. Payment in respect of a claimant's attendance at an annual training camp is a payment of earnings (see DMG 26092) and therefore must be attributed as earnings of an employed earner.

The period of attribution

10. Where a Jobseeker's Allowance claimant who is a member of the reserve forces receives a payment in respect of their attendance at their annual continuous training, then this payment of earnings has to be taken into account over a period
 1. equal to the length of the training camp **or**
 2. of 14 days where the training camp exceeded a period of 14 days¹.

1 JSA Regs (NI), reg 94(2B)

11. The period of attribution begins on the day that the payment is treated as paid¹. DMG 25043 et seq provides guidance on the date that income (including earnings) is treated as paid. The general rule is that the payment is treated as paid on the first day of the benefit week in which it is due to be paid or the first day of the successive benefit week when it is practicable to take into account².

1 JSA Regs (NI), reg 94(2C); 2 reg 96(1)

Disregards

12. DMG 26118 et seq provides guidance on the £20 disregard that applies to earnings from "Special occupations" including reserve forces. In addition to this disregard, there is now a new disregard to apply to the earnings paid to a Jobseeker's Allowance claimant in respect of their attendance at continuous annual training as a member of the reserve forces. The purpose of the new disregard is to take these earnings into account to the extent that 10 pence Jobseeker's Allowance is left in payment to the claimant. This ensures that entitlement to Jobseeker's Allowance is maintained whilst the earnings are taken into account.
13. For contribution-based Jobseeker's Allowance claimants, any earnings in respect of attendance at annual continuous training, in aggregate with any other earnings that the claimant may have, are disregarded to the extent of
 1. the claimant's personal rate of contribution-based Jobseeker's Allowance **less**
 2. ten pence¹.

1 JSA Regs (NI), Sch 5, para 19(1) & (3)

14. For income-based Jobseeker's Allowance claimants, any earnings in respect of attendance at annual continuous training, in aggregate with any other income that the claimant may have, are disregarded which exceed
 1. the claimant's applicable amount of income-based Jobseeker's Allowance **less**
 2. ten pence¹.

1 JSA Regs (NI), Sch 5, para 19(2) & (3)

Example

On 30.9.12 Jane receives a payment of £532 from the Army in respect of the time spent away training at camp. She was at camp for 15 days from 3.9.12 to 17.9.12. Her applicable amount for income-based Jobseeker's Allowance is £67.50.

The decision maker decides that the payment in respect of time spent at camp

1. is taken into account, subject to the appropriate disregards
2. is to be treated as paid on 27.9.12 because that is the first day of the benefit week in which it is received
3. is attributed for a period of 14 days because it is payment specifically in respect of duties performed at a camp lasting in excess of 14 days. It is therefore taken into account from 27.9.12 to 10.10.12
4. the weekly amount of the payment is determined to be £248.26
5. for the weeks ending 3.10.12 and 10.10.12 only £67.40 of the earnings are taken into account. This is because this is the amount of Jane's applicable amount less 10 pence.

Jane's Jobseeker's Allowance resumes at its normal rate of £67.50 from 11.10.12.

ANNOTATIONS

Please annotate the number of this memo (DMG Memo Vol 4/115 & 5/90) against the following DMG paragraphs: 20003, 20938, 20939, 21305 heading, 21690 heading, 25056 heading, 26090, 26118, 26120.

CONTACTS

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APPENDIX

Territorial or reserve forces

1. Royal Fleet Reserve
2. Royal Naval Reserve
3. Royal Marines Reserve
4. Army Reserve
5. Territorial Army
6. Royal Air Force Reserve
7. Royal Auxiliary Air Force
8. The Royal Irish Regiment to the extent that its members are not members of any regular naval, military or air forces of the Crown.