

**Welfare**

**R I G H T S**

B r i e f i n g N o t e

# **Changes to Income Support Rules for Lone Parents**

The information contained in this booklet is intended to make you aware of some of the complex benefit issues that may arise. It is not a statement of the law on these issues. Every effort has been made to compile this booklet using information which is up to date at the time of publication. Leicestershire County Council however cannot accept responsibility for any loss arising from the use of the information contained in this guidance or any omissions therein.

You are advised to seek independent advice if you believe that any of the information in this booklet might be relevant in your particular situation.

This booklet is available in other languages. If you would like a translated copy please contact Dennis Stenson, Welfare Rights Training & Information Officer, Tel: 0116 2787111.

The Social Services Department is constantly working to improve its services. If you would like to make a comment, suggestion or complaint, please contact:

Complaints & Commendations Service  
Social Services Department  
FREEPOST NAT 8605  
COALVILLE  
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## Changes to Income Support & Lone Parents

### **What is Changing?**

The government is proposing to alter the rules concerning lone parents who claim Income Support from November 2008.

At present lone parents whose youngest or only child is under 16 can claim Income Support as a single parent. From November 2008 it is proposed that all **new** or **repeat** claimants of Income Support with lone parent status will only be able to claim up until the youngest or only child's 12<sup>th</sup> birthday (it is intended that this age is further reduced to age 10 by 2009 and age 7 by 2010). Those already in receipt of Income Support whose youngest or only child is 12 or over in November 2008 will have their claim affected from early 2009.

### **What Alternatives are there?**

All lone parents who are no longer eligible for Income Support as single parents will be expected to sign on, look for work and claim Job Seekers Allowance (JSA) unless they can claim Income Support via another route. There are two main alternative reasons for claiming Income Support, these are:

- Because you are ill or disabled
- Because you provide care for someone who is disabled

### **What if I am ill?**

**Before 27/10/08** – If you are ill you should claim Incapacity Benefit (IB) and Income Support. Incapacity Benefit is a contribution-based benefit and unless you have paid enough National Insurance contributions (namely been working and earning over a set amount for two of the last three years) you will not be entitled to Incapacity Benefit but you should be entitled to Income Support paid because of an incapacity for work.

To claim call 0800 055 66 88 or go to [direct.gov.uk](http://direct.gov.uk) where you can claim online or download a claim form (SC1 for IB and A1 for Income Support). You will have to provide medical evidence in the form of a medical certificate (sick note/Med 3) from your GP. You must continue to provide medical evidence until the DWP no longer requires this, this is usually after you have filled out a medical questionnaire and, as is often the case, attended a medical examination.

Once you have been ill for 52 weeks or if you receive any rate of Disability Living Allowance you have an extra amount added to your Income Support called a Disability Premium. Therefore if you have been receiving treatment from your doctor for some time but you did not claim Incapacity Benefit because you were getting Income Support as a lone parent you should ask your GP for a backdated sicknote (Med 5) from the date when you became ill.

This does not mean you will be paid for the whole period that is backdated but it goes towards the qualifying period for the Disability Premium.

It is advisable to claim before 27/10/2008 as after that date Employment & Support Allowance (ESA) rules will apply.

**On or after 27/10/08** – You should claim Income-Based Employment & Support Allowance (ESA), although if you request backdating of your claim you may be entitled to Income Support paid because of incapacity for work (see above), if this is the case seek advice.

The full details of how to claim ESA are not yet available but it is thought that you claim via a call centre 0800 055 66 88. You are then assessed over a 13 week period (this can be extended) and the DWP decide if you are too ill to work or if you should claim JSA.

If you are considered too ill to work you are put into one of two groups:

- Support Group – this group is the most severely ill or disabled and there is no expectation for you to look for work
- Work Related Activity Group – This group comprises those who will be expected to return to work at some point. You will be expected to participate in work-related and other activities to assist you in finding and starting work. If you do not participate in these activities your benefit will be sanctioned (reduced).

If you are not considered to be too ill to work after the assessment phase you will have to claim JSA (see below) or claim as a Carer if appropriate.

### **What if I am a Carer?**

To claim Income Support as a carer you must be entitled to Carer's Allowance.

To qualify for Carer's Allowance you must fulfil the following criteria, you must:

- Provide care for someone who receives the Middle or High Rate of Care Component DLA or any rate of Attendance Allowance
- Provide care for at least 35 hours per week
- Not be gainfully employed (you cannot earn more than £95.00 per week)
- Not be a full-time student (21 hours supervised study)
- Be aged 16 or over

To claim Carer's Allowance you can call the Carer's Allowance Unit on 01253 856123 or claim online or download a form at [direct.gov.uk](http://direct.gov.uk). Claim on form DS700 if you are under retirement age and DS700(SP) if you are over retirement age.

Carer's Allowance is £50.55 per week (2008 – 2009 rates) and is classed as income so it will be deducted from any Income Support you receive, however if you receive Income Support and Carer's Allowance you will have an extra amount added to your Income Support called a Carer's Premium so the amount you receive every week should increase.

You can claim Income Support as a Carer for up to 6 months if the disabled person is awaiting a decision on a Disability Living Allowance or Attendance Allowance claim or appeal.

Carer's Allowance can be backdated for up to three months or to the date of the award of a qualifying benefit (if claimed within three months of the decision) if the qualifying conditions were met.

For more information about claiming Carer's Allowance, Disability Living Allowance and Attendance Allowance see the briefing notes on the Leicestershire County Council website at:

[http://www.leics.gov.uk/index/social\\_services/general\\_information/ss\\_publications/ss\\_publications\\_welfare.htm](http://www.leics.gov.uk/index/social_services/general_information/ss_publications/ss_publications_welfare.htm)

Other people who can claim Income Support include:

- Pregnant women who are:
  - Incapable of work because of their pregnancy and
  - There is less than 11 weeks before the baby is due
- People who are fostering a child under 16 through a local authority or charitable institution who are not part of a couple
- People who are looking after their partner or child for whom they are responsible and who lives in their household who is temporarily ill

For a more comprehensive list of all of those who can claim Income Support see the companion guide in this series Social Security Benefits – A Simple Guide.

### **What if I have to go on Job Seekers Allowance?**

If you claim Job Seekers Allowance you must sign a Job Seekers Agreement and fulfil your obligations that show you are:

- Available for work
- Actively seeking work

If you have to claim Job Seekers Allowance you will be given a Personal Advisor who will help you formulate an action plan of steps to help you find work that you must follow.

You will have to attend the Job Centre Plus every two weeks to show that you have taken these steps.

### **I still have to look after my child(ren), what can I do?**

When you make a Job Seekers Agreement and you care for a child under 16 you can put restrictions on the type of work you will accept and you can state that you will not look for work for more than 16 hours a week.

You can be treated as available for work and not have to attend two-weekly job reviews if you are:

- Caring for a child during school holidays
- Caring for a child who has been excluded from school
- Subject to a Parenting Order or entered a Parenting Contract under the Anti Social Behaviour Act

Additionally there are certain other situations where you can be treated as available for work. These are if you suffer:

- A domestic emergency to you or a close relative or close friend
- A bereavement of a close relative or friend
- A death of someone you are caring for

At present you will be expected to attend an interview at 48 hours notice and take up a job with 7 days notice. These regulations are being amended so that lone parents will have to attend an interview at 7 days notice and take up a job within 28 days notice.

If you do not fulfil your obligations under your Job Seekers Agreement you will be sanctioned by having your benefit reduced.

### **How will my benefit be reduced?**

If a Decision Maker decides that you are not fulfilling your obligations in respect of claiming JSA without good cause your benefit can be stopped altogether for 2, 4 or up to 26 weeks depending on whether you have been sanctioned previously.

If your JSA is stopped and you are a lone parent you can claim Hardship payments that are paid at 60% of your normal JSA rate.

If your benefits are sanctioned seek expert advice as soon as possible.

### **What if I cannot find suitable childcare?**

The DWP has stated that if you cannot take a job because you cannot find appropriate affordable childcare you will not be penalised. You will have to demonstrate to the DWP that you have taken reasonable steps to look for childcare and why particular childcare is not appropriate for your child(ren). If your Personal Advisor does not feel these steps were adequate you will be referred to a Decision Maker who will then decide if you will be subject to sanctions.

### **What if I am studying or training?**

The DWP have stated that anyone studying or training full-time with a child under 16 when the new rules are introduced will be allowed to continue to claim Income Support under the old rules until the course ends or the youngest or only child reaches their 16<sup>th</sup> birthday whichever is soonest.

If you start a course after the new rules apply you cannot claim JSA for the duration of the course. You may be able to claim JSA during vacations if you are available and actively seeking work.

If you are a part-time student you may be able to claim JSA if you:

- Are studying outside of the hours you have agreed with your Personal Advisor that you will be available for work.
- You state you are willing to change the hours you study or give up the course if an appropriate job becomes available

**If you need more advice**

If you need advice about any of the topics covered in this leaflet you should contact your Social Worker or other support worker. Your Social Worker can ask the Welfare Rights Service to assist you.

If you do not receive services provided by Leicestershire County Council (Children and Young People's Service, Adult Social Care Service or Community Mental Health Team) you will need to contact an advice agency such as Citizen's Advice Bureau.