

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



**Leicestershire
County Council**

November 2009

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 the 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:

- **Corporate Complaints Manager**
Social Care Service
FREEPOST LE17795
County Hall (Eastern Annex)
Glenfield
Leicester
LE3 8XR

Tel: 0116 305 5875

email: adult-social-care-tell-us@leics.gov.uk or childrens-social-care-tell-us@leics.gov.uk

Changes to Income Support & Lone Parents

What is Changing?

Since November 2008 the government has introduced a series of changes to the rules for people claiming Income Support as lone parent, and there is a phased implementation of these changes.

At present lone parents whose youngest or only child is under 10 can claim Income Support as a single parent. From October 2010 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 7th birthday. Those already in receipt of Income Support whose youngest or only child is 11 or 10 in November 2009 will have their claim affected from early 2010.

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) or if they are ill claim Employment & Support Allowance (ESA) 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 (only if your illness began before 30/12/09)
- Because you provide care for someone who is disabled

What if I am ill?

If you all ready receive Income Support – If you already receive Income Support and you are too ill to work you should see your GP and get a medical certificate, also known as a sick note.

If your period of illness began **before 30/12/09** and this is before your child's 10th birthday you should get a sick note from the date when your illness began before this birthday and send it to the Jobcentre with a letter that you wish to claim Income Support on "*the grounds of disability*". As you are already in receipt of Income Support you should not have to make a fresh claim but the DWP will probably send you a SC1 claim form for Incapacity Benefit, you should complete this and return to the DWP as soon as possible. The DWP will then apply the test for Incapacity Benefit called the Personal Capability Assessment (PCA) to determine if you have an Incapacity for Work and you continue to be entitled to Income Support you must continue to send in sick notes until the DWP tell you otherwise. You will probably be sent a questionnaire, an IB50, and will most likely be called in for a medical assessment (for more information about these tests and how to contest an unfavourable decision see the guides "Claiming Incapacity Benefit" and "Appealing Against a Decision to Stop Benefit" in this series).

If your period of illness began **after 30/12/09** you will have to claim Employment & Support Allowance (see below).

However some lone parents were wrongly advised that they would have to claim Employment & Support Allowance or Job-Seekers Allowance. If you were advised to claim ESA and were made to come off Income Support before 30/12/09 you should seek expert advice as you may be entitled to reinstate you Income Support claim.

If you no longer get Income Support – If your period of illness began after your child's 10th birthday and you were no longer in receipt of Income Support you will have to claim Employment & Support Allowance.

Claiming Employment & Support Allowance – To claim ESA you should call the contact centre 0800 055 66 88. You can make your claim over the telephone or request a claim form. All of your information is taken and you will be sent a copy of your claim to check. 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. The DWP will send an ESA50 questionnaire and probably call you in for a medical (for more information see the companion guide "ESA – A Simple Guide" in this series)

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 getting "work ready". 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 0800 055 66 88 or claim online or download a form at 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 £53.10 per week (2009 – 2010 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 Employment & Support Allowance, 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

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 claim 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. There are various schemes and help the DWP provide and they can call you in to discuss further measures to assist you in finding work, usually after 13 weeks of claiming and regular periods thereafter. Lone parents who receive Income Support whose youngest or only child is approaching a relevant birthday will be expected to attend a Work Focused Interview every 13 weeks in the year before Income Support ends so the DWP can explain the options and outline their new responsibilities.

These interviews should take place as follows

- 26 October 2009 – for lone parents with a youngest child aged 6 to 8
- 25 October 2010 – for lone parents with a youngest child aged 6

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 as long as you can show reasonable prospects of securing employment.

As well as the measures mentioned above you cannot be expected to take up employment if you cannot find “*affordable and appropriate childcare*” there is no definition as to what constitutes affordable and appropriate childcare but the circumstances of each individual case should be considered.

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 into 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 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 16th 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.