

# Freedom of Information request 2315/2013

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## Information request

*The weekly rate that is received by claimants is structured upon their age instead of personal circumstances.*

*This is "in my eyes" age discrimination.*

*Please could you provide:*

*A: Information relating to how pay rate is calculated "in relation to age".*

*B: Who decided this, and how can this be challenged.*

*C: Information relating to any plans for reform "which relate to this".*

## DWP response

### **A: Information relating to how pay rate is calculated "in relation to age".**

Employment Support Allowance, Jobseeker's Allowance and Income Support are paid at a lower rate to single people under 25 as many more 16-24 year olds than those aged over 25 do not live independently and may legitimately be regarded as having lower living costs than those aged over 25. In addition, people in the 18-24 age-group in general earn less than those 25 or over, and may legitimately be regarded as having lower earnings expectations. The lower benefit rates for young people reflect these labour-market realities. It is vital that benefit rates do not erode work incentives for this age group.

An exception is made for lone parents aged 18 to 24 who get the full adult rate. This reflects the fact that they are more likely as a group to be living independently.

The main components of Income Support are the personal allowances, paid according to age and family status, and flat rate premiums for groups

recognised as having special needs, such as disabled and elderly people and families. This structure enables the Government to focus help most effectively on those groups who face the greatest pressure.

**B: Who decided this, and how can this be challenged.**

There has been a distinction between the rates of benefit paid to younger income-related benefit claimants since the introduction of Income Support in April 1988.

The government introduces new laws, or changes to existing laws, by presenting them to Parliament for approval, before they can become law.

More information about Parliament's role can be found at:

<http://www.parliament.uk/about/how/role/>

The rates of social security benefits are reviewed each year by the Secretary of State and are up-rated under powers conferred by the Social Security Administration Act 1992, Section 150.

A challenge was brought against the Secretary of State for Work and Pensions in the case of R (on the application of Carson) v Secretary of State for Work and Pensions; R (on the application of Reynolds) v Secretary of State for Work and Pensions [2005] UKHL 37 on the grounds that the reduced rate of JSA/IS for under 25 year olds resulted in unlawful discrimination against that group when compared with those aged 25 and over (under Article 14 of the European Convention on Human Rights read together with Article 1 Protocol 1 to the Convention).

The House of Lords accepted that (for the reasons explained in response to question A) the necessary expenses of younger people as a class, were lower than those of older people and that they could properly be treated differently for the purpose of social security payments, and that, it is for Parliament to choose how to give effect to this distinction.

The House of Lords also accepted that it was necessary to draw a line somewhere (e.g. between those aged under 25 and those aged 25) in order to meet the legitimate aims of having legal certainty and a workable rule for the administration of the social security system.

**C: Information relating to any plans for reform "which relate to this".**

There are no plans for reform.