

Chapter 35 - Hardship

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Chapter 35 - Hardship

People in hardship

Jobseeker's Allowance hardship payments - introduction

Scope of this Chapter

35000 This Chapter of the DMG gives guidance on JSA hardship payments. It does not give guidance on IS.

What are hardship payments

35001 Hardship payments are payments of JSA(IB) that are made to certain people who

1. do not qualify for JSA under normal rules **and**
2. would suffer hardship if JSA is not paid.

Note: The test of hardship is a test of the lack of the basic essential necessities of life, e.g. accommodation, food, water, heating and hygiene (see DMG 35155).

35002 Hardship payments can also be made to certain couples who are claiming JSA jointly.

Note: From 13.3.14 couple means two people who are married to, or civil partners of, each other and are members of the same household **or** two people who are not married to, or civil partners of, each other but are LTAMC¹.

1 JS Act 95, s 35(1)

35003 Claimants who want hardship payments must provide a statement of the circumstances relied on to show hardship on a form approved by the DM¹.

1 JSA Regs, reg 143 & reg 146E

Hardship and benefit fraud offences

35004 Where reference is made to certain JSA legislation¹, DMs should note the equivalent legislation² for benefit fraud offences.

1 JSA Regs, regs 140 - 146H; 2 SS (Loss of Benefit) Regs, regs 5 - 16

Who can get hardship payments

Claimants who are not available, ASE or do not have a JSAG

35005 Hardship payments may be made to claimants who

1. are not
 - 1.1 available **or**

1.2 ASE or

- 2.** have failed to make a JSAg¹.

Note: DMs should not confuse the above with cases where the claimant has been disallowed JSA on the grounds of availability or ASE and a subsequent award is subject to an intermediate sanction. In those cases the claimant has access to hardship² and the guidance at DMG 35007 and 35299 et seq will apply.

1 JS Act 95, Sch 1, paras 8 & 9; 2 JS Act 95, s 19B(1); JSA Regs, reg 69B(1) & (2)

- 35006 Hardship payments may be made to joint-claim couples where either or both members of the couple fails to satisfy the entitlement conditions referred to in DMG 35005¹.

1 JS Act 95, Sch 1, para 8A

Claimants who are sanctioned

- 35007 Hardship payments may be made to claimants whose JSA is not payable because of a sanction¹ (see further guidance at DMG 35272). Hardship payments may be made to joint-claim couples whose JSA is not payable because both members of the couple are subject to a sanction².

Note 1: Where only one member of a joint-claim couple is subject to a sanction a reduced amount of JSA is payable to the member of the couple who is not subject to the sanction³.

Note 2: For guidance on when claimants have access to hardship where a claimant is subject to a sanction see DMG 35299 – 35307, Appendix 2, Appendix 2.1 and Appendix 5.

1 JS Act 95, s 19, 19A & 19B; 2 s 20B(4); 3 s 20A(5)(b)

Claimants waiting for a DM's determination

- 35008 Hardship payments may be made to a claimant, a joint-claim couple or a member of a joint claim couple who is waiting for a DM's decision on their

- 1.** availability or
- 2.** ASE or
- 3.** JSAg¹

at the beginning of a claim. The doubt concerning availability, ASE or a JSAg must be the only reason for the delay in deciding the claim. Hardship payments cannot be made if other conditions of entitlement to JSA(IB) are in doubt.

Note: DMs should not confuse the above with cases where a claimant was disallowed JSA on the grounds of availability or ASE and makes a subsequent claim which is subject to an intermediate sanction. In those cases the guidance at DMG 35007 and 35299 et seq will apply.

1 JS Act 95, Sch 1, para 10(1)

Example 1

Fergus claims JSA. The claim is referred to the DM because of a doubt concerning a JSAg.

There is also a delay in obtaining Fergus's contribution record.

The DM cannot determine if Fergus satisfies the conditions of entitlement to JSA(Cont).

Fergus requests hardship payments. The DM determines that Fergus is a person in hardship.

The DM cannot award hardship payments until the contribution record is obtained.

Example 2

Finlay claims JSA.

The case is referred to the DM because of a doubt concerning availability.

Finlay owns a house which he does not live in. The DM needs to obtain a valuation of the house so Finlay's capital can be calculated.

Finlay applies for hardship payments.

The DM determines that although Finlay is waiting for a decision on availability that is not the only reason for the delay.

The DM refuses to make a hardship payment.

Claimants whose JSA has been suspended

35009 Hardship payments may be made to claimants whose JSA payments have been suspended by the DM because of a doubt concerning their

1. availability **or**
2. ASE **or**
3. JSAg¹.

Note 1: The DM will not normally suspend JSA payments if a doubt about a JSAg occurs during a claim.

Note 2: DMs should not confuse the above with cases where JSA is suspended or with cases where a claimant has been disallowed JSA on the grounds of availability or ASE and makes a subsequent claim which is subject to an intermediate sanction. In those cases the guidance at DMG 35007 and 35299 et seq will apply.

1 JS Act 95, Sch 1, para 10(2) SS Act 98, Sch 8

Claimants whose JSA has been disqualified following a benefit fraud offence

35010 Hardship payments may be made to a claimant, a joint-claim couple or a member of a joint claim couple¹ whose JSA payments have been disqualified following conviction of a benefit offence² in two separate sets of proceedings.

1 SS (Loss of Benefit) Regs, regs 5-16; 2 SS Fraud Act 01, s 7

35011 Full guidance on when the people mentioned in DMG 35005 - 35010 can get hardship payments is given at DMG 35250 et seq.

Who cannot get hardship payments

People who are waiting for a decision or who are not entitled to JSA(IB)

35012 Hardship payments should not be made if the claimant

1. is not entitled to JSA(IB) for any reason other than
 - 1.1 availability **or**
 - 1.2 ASE **or**
 - 1.3 having a JSAG in force **or**
2. is waiting for a DM's decision on another aspect of the claim.

Example 1

Karen claims JSA. She is awarded JSA(Cont). The DM determines that she should be sanctioned because of the reasons why she lost her job. Payment of the award of JSA(Cont) stops.

Karen asks for hardship payments and provides a statement of circumstances, and an award is made, after her entitlement to JSA(IB) has been established.

Karen then fails to keep her appointment at the Jobcentre Plus office at the next time the Secretary of State requires her to attend.

She is no longer entitled to hardship payments as she is no longer entitled to JSA(IB), because she has failed to attend the Jobcentre Plus office when required to do so by the DM.

Example 2

Keith claims JSA. He has recently arrived in GB from Zimbabwe. The DM determines that Keith is habitually resident in the UK.

There are no doubts about his availability or that he is ASE. He has made a JSAG. The claim has not been referred to the DM to consider a sanction.

Keith has not made sufficient SS contributions to qualify for JSA(Cont). He has a property in Zimbabwe. The DM needs to obtain a valuation of the property.

Keith asks for hardship payments because of the delay in deciding the claim.

The DM decides that hardship payments cannot be made because the delay in deciding the claim does not involve availability, ASE or a JSAg.

Is the claimant or partner entitled to IS or ESA(IR)

35013 Hardship payments cannot be made if the claimant or partner

1. is entitled to
 - 1.1 IS
 - 1.2 ESA(IR) or
2. satisfies the normal conditions of entitlement for IS (see DMG 35015)¹ or ESA(IR) (see DMG 35018).

Note: A person must make a claim to be entitled to IS or ESA(IR)². The DM will normally advise people who appear to be entitled to IS or ESA(IR) to claim it.

1 JSA Regs, reg 140(3); SS (Loss of Benefit) Regs, reg 5(3) & reg 11(4); 2 SS A Act 92, s 1

35014 If the claimant or partner has made a claim to IS or ESA(IR) and the DM has not decided whether they

1. are entitled to IS or ESA(IR) or
2. satisfy the normal conditions of entitlement for IS (see DMG 35015) or ESA(IR) (see DMG 35018)

hardship payments can be made.

Normal conditions of entitlement to IS

35015 People who satisfy the normal conditions of entitlement for IS are listed below¹

1. single people looking after children (including foster parents)
2. people temporarily looking after another person
3. people caring for another person
4. people who were caring for a person during the previous eight weeks
5. people incapable of work (prior to 27.10.08)
6. deaf students
7. women incapable of work because of pregnancy
8. disabled workers

9. people in employment living in care homes, independent hospitals or Abbeyfield homes
10. disabled students
11. blind people
12. certain people on parental or paternity leave
13. certain people in education
14. persons engaged in training
15. certain refugees
16. people required to attend court
17. people affected by a TD
18. certain persons subject to immigration control
19. a member of a couple looking after a child while the other member is temporarily abroad
20. people appealing against a decision that they are not incapable of work
21. certain people who have commenced remunerative work.

1 IS (Gen) Regs, Sch 1B & reg 4ZA

35016 Full guidance on IS conditions of entitlement is given at DMG Chapter 20. DMs should note that many of the people in the categories listed in DMG 35015 could not satisfy the conditions of entitlement to JSA.

Note: People who claim IS do not have to be available or ASE or have JSAG. People who do not fall into the categories in DMG 35015 do not qualify for IS.

35017

Basic conditions of entitlement to ESA(IR)

35018 Claimants are entitled to ESA(IR)¹ if they

1. have LCW (see DMG Chapter 42) **and**
2. are aged 16 or over **and**
3. have not reached pensionable age (see DMG 41014) **and**
4. are in GB (except for certain temporary absences abroad) (see DMG Chapter 07) **and**
5. are not entitled to IS **and**
6. are not
 - 6.1 entitled to JSA **or**
 - 6.2 a member of a couple entitled to joint-claim JSA².

7. have no income, or an income which does not exceed the applicable amount **and**
8. do not have capital, or a prescribed part of capital, which exceeds the prescribed amount **and**
9. are not be entitled to SPC **and**
10. do not have a partner who is entitled to
 - 10.1 ESA(IR) **or**
 - 10.2 SPC **or**
 - 10.3 IS **or**
 - 10.4 JSA(IB) **and**
11. are not in remunerative work (see DMG 41271 et seq) **and**
12. do not have a partner who is in remunerative work (see DMG 41301 et seq) **and**
13. are not receiving education (see DMG 41551 et seq).

1 WR Act 07, s 1(3); 2 s 1(6); JS Act 95, s 1(2B)

35019 Full guidance on ESA conditions of entitlement is given at DMG Chapter 41.

35020 - 35049

Deciding if a person is a person in hardship

What is a person in hardship

35050 A person in hardship is a claimant¹ who

1. will **or**
2. has a member of the family who will

be likely to suffer hardship if JSA is not paid (see guidance at DMG 35155 for the meaning of hardship). Certain people who may be more likely to suffer hardship if JSA is not paid are treated as being members of a vulnerable group and have access to hardship without a waiting period (see guidance at 35055).

Note 1: The person in hardship is always the claimant, even though it may be another member of the family who must be likely to suffer hardship.

Note 2: A claimant and joint claim couples who are subject to a MWA sanction or an ESE scheme sanction have access to JSA hardship payments.

1 JSA Regs, reg 140(1) & (2), reg 146A(1) & (2)

35051 To determine whether the claimant is a person in hardship the DM should

1. identify the pay-day when
 - 1.1 JSA will not be paid **or**
 - 1.2 a reduced amount of JSA will be paid
2. determine whether the
 - 2.1 claimant **or**
 - 2.2 relevant member of the family will suffer hardship if JSA is not paid for the usual period on that pay-day
3. if there will be hardship, identify the period that a hardship payment must cover to give
 - 3.1 a payment **or**
 - 3.2 an increased paymenton that pay-day.

The claimant becomes a person in hardship on the first day of the period identified in **3**.

Example

Neil is married and has a two year old child. He attends the Jobcentre Plus office fortnightly. His normal payment is issued on 14 April.

JSA is not payable from 15 April to 15 September because of a sanction.

The DM decides that Neil's child will suffer hardship if JSA is not paid on 28 April.

For payment to be made on 28 April a hardship payment is needed for the period 15 to 28 April.

Neil is a person in hardship from 15 April.

35052 - 35054

What is a vulnerable group for hardship purposes

35055 Vulnerable group is the term used in this guidance to describe people who are more likely to suffer hardship if JSA is not paid without a waiting period, i.e. those people who are defined as “persons in hardship” in JSA legislation¹. Claimants in a defined vulnerable group are entitled to hardship payments in circumstances where other claimants are not².

Note 1: The test of hardship is not a test of ‘vulnerability’ but a test of the lack of the basic essential necessities of life, e.g. accommodation, food, water, heating and hygiene (see DMG 35155).

Note 2: The term ‘vulnerable group’ for hardship purposes is not the same as the DWP wider definition of ‘vulnerability’, or ‘vulnerable groups’ for any other purposes and applies exclusively to those defined in JSA regulations as “persons in hardship”¹. Where the term ‘vulnerable group’ is used throughout this chapter it means those defined exclusively for hardship purposes (i.e. those who have access to hardship without a waiting period).

1 JSA Regs, regs 140(1) & 146A(1); 2 regs 141 & 146C(1)

35056 The date from which entitlement to hardship payments starts also depends on whether the claimant is in a defined vulnerable group for hardship purposes¹.

1 JSA Regs, regs 141, 142, 146C & 146D

People who are members of a vulnerable group for hardship purposes

35057 The DM must treat claimants or partners who are

1. pregnant women **or**
2. lone parents responsible for a young person **or**
3. members of couples or polygamous marriages responsible for children or young people **or**
4. people who qualify for DP **or**
5. certain people with long-term medical conditions **or**
6. certain people who provide care for disabled people **or**
7. certain people aged 16 or 17 **or**
8. certain people under the age of 21

as “persons in hardship”, (members of a vulnerable group for hardship purposes¹ i.e. those who can have access to hardship without a waiting period).

Note 1: Further guidance on these categories is given in DMG 35060 - 35135. Some of these people may satisfy the conditions of entitlement for IS or ESA(IR). If a claimant or partner satisfies an IS or ESA(IR) condition of entitlement the claimant cannot be a person in hardship (see DMG 35013).

Note 2: DMs should not interpret those with language difficulties, long term mental health conditions, or drug/alcohol dependencies as being in a vulnerable group for the purposes of JSA hardship unless the condition causes limitations in functional capacity because of a physical impairment² (see further guidance on physical and mental health conditions at DMG 35070 et seq and 35095).

1 JSA Regs, reg 140(1); 2 reg 140(1)(g)

35058 - 35059

Pregnancy, children and young people

Pregnant women

35060 A pregnant woman who is a

1. single claimant¹ **or**
2. member of a couple² **or**
3. member of a polygamous marriage³

should be treated as a member of a vulnerable group if she would suffer hardship if JSA is not paid.

1 JSA Regs, reg 140(1)(a); 2 regs 140(1)(c) & 146A(1)(a); 3 regs 140(1)(d) & 146A(1)(b)

Lone parents

35061 A lone parent who has responsibility for a child or young person should be treated as a member of a vulnerable group if the child or young person would suffer hardship if JSA is not paid¹.

1 JSA Regs, reg 140(1)(b)

Lone parents who do not qualify for hardship payments

35062 Those lone parents who can claim IS cannot be treated as persons in hardship for JSA purposes because they satisfy the conditions of entitlement for IS¹.

1 JSA Regs, reg 140(3)

Members of couples responsible for children or young people

35063 A member of a couple who is responsible for a

1. child **or**
2. young person

should be treated as a member of a vulnerable group if the child or young person would suffer hardship if JSA is not paid¹.

1 JSA Regs, reg 140(1)(e)

Members of polygamous marriages responsible for children or young people

35064 A member of a polygamous marriage who is responsible for a

1. child **or**
2. young person

should be treated as a member of a vulnerable group if the child or young person would suffer hardship if JSA is not paid¹.

Note: A polygamous marriage means any marriage during which a party to the marriage is married to more than one person, and for which the marriage ceremony took place in a country where the law of that country permitted polygamy at the time of that ceremony².

1 JSA Regs, reg 140(1)(e); 2 reg 1(3)

Health and disability

Disability premium

Claimants with DP in their applicable amount

35065 A claimant whose applicable amount

1. includes DP in an award of JSA that has been
 - 1.1 made but is not being paid because of a sanction **or**
 - 1.2 suspended because of a doubt about availability, ASE or a JSAg **or**
2. would include DP if JSA was awarded

should be treated as a member of a vulnerable group if the person who qualifies for the DP would suffer hardship if JSA is not paid¹. Guidance on DP is given at DMG 23121 et seq.

1 JSA Regs, regs 140(1)(f) & 146A(1)(c)

35066 DMs should carefully consider if a claimant with DP in the applicable amount should not be treated as a person in hardship because the

1. claimant **or**
2. member of a joint-claim couple **or**
3. partner

satisfies the conditions of entitlement for IS (see DMG 35013).

35067 - 35069

Long term medical conditions

People with long term medical conditions

35070 A claimant should be treated as a member of a vulnerable group if they or their partner have a long-term medical condition **and**

1. that condition restricts their functional capacity to carry out ordinary activities because of physical impairment **and**
2. that condition has lasted or is expected to last at least 26 weeks **and**
3. the claimant or partner's health would decline more than that of a normal healthy adult within two weeks of the DM's decision **and**
4. the person with the medical condition would suffer hardship if JSA is not paid¹.

1 JSA Regs, regs 140(1)(g) & 146A(1)(d)

Meaning of physical impairment

- 35071 Physical impairment is not defined in the regulations. A person is physically impaired if they have any loss or abnormality in the function or anatomical structure of limbs, organs, tissues or any other structures of the body excluding the systems of mental function.

Meaning of restriction or limitation of functional capacity

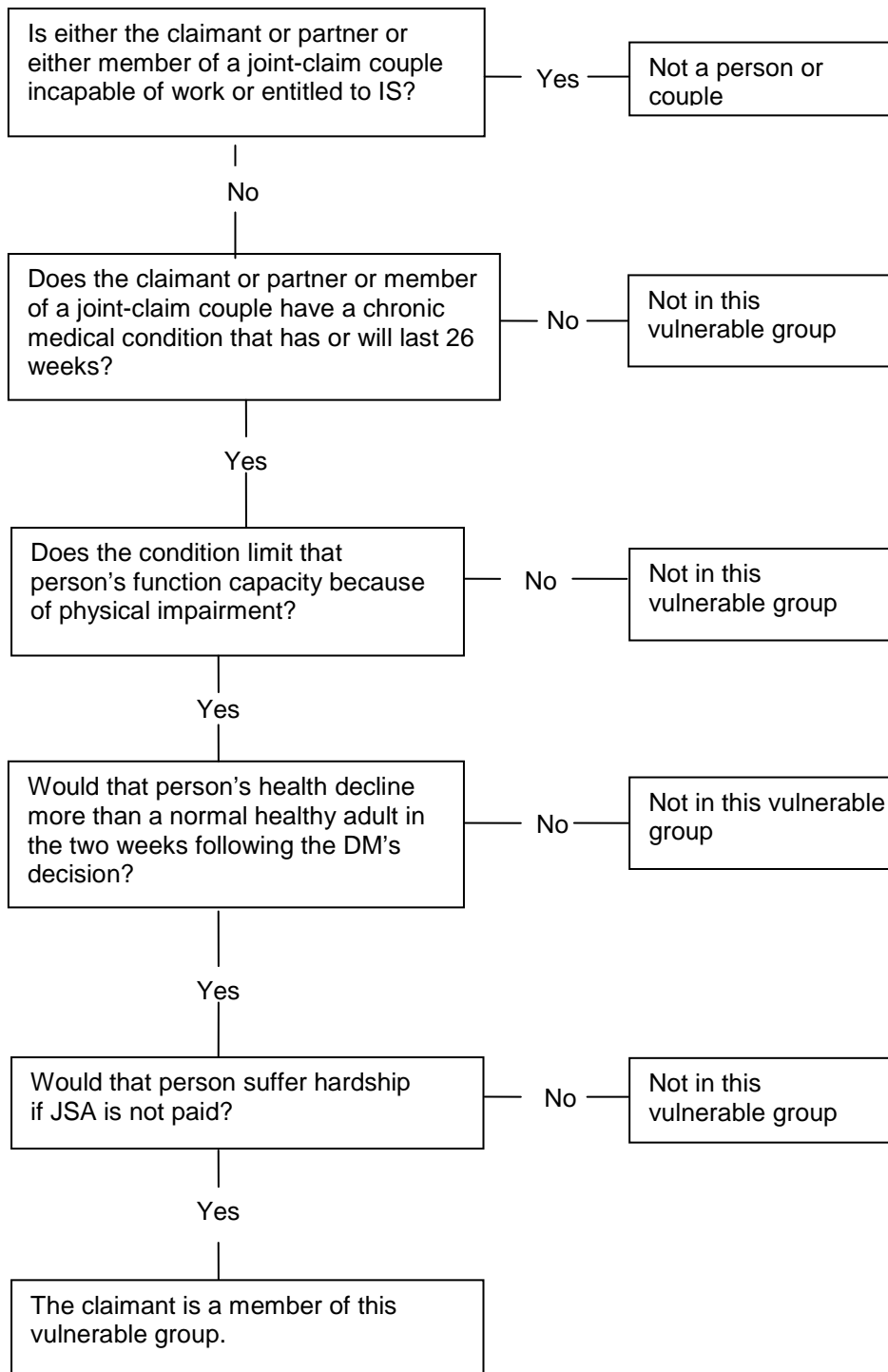
- 35072 A restriction or limitation of functional capacity is a partial or complete inability to perform an activity in the manner or within the range considered normal for a human being.

Questions for the DM to determine

- 35073 When determining if a person with a medical condition is member of a vulnerable group the DM has to consider
1. does the medical condition make the claimant or partner incapable of work
 2. does the claimant or partner satisfy the conditions of entitlement to IS or ESA(IR)
 3. does the claimant or partner have a medical condition that has lasted or is likely to last at least 26 weeks
 4. does that condition limit the person's functional capacity because of physical impairment
 5. would the person's health decline more than a normal healthy adult's in the two weeks following the DM's decision if JSA was not paid
 6. if JSA was not paid would the person suffer hardship.

See the following flowchart.

Is the claimant a member of the medical condition vulnerable group



Medical evidence

Evidence that the DM should consider

- 35074 The DM must consider all available evidence when deciding if a claimant or partner has a long-term medical condition. This may include
1. the JSA claim form
 2. the statement of circumstances form for hardship payments
 3. any letters or written statements from the person with the medical condition
 4. any records of interviews with the claimant or partner with the medical condition
 5. records held by the DM about relevant incapacity test results or recent DLA, AA, IIDB or SDA claims
 6. if the person with the medical condition is the claimant, their statement when they first claimed JSA
 7. any medical certificates or statements from any of the doctors treating the person with the condition
 8. any medical reports from people treating the medical condition, together with any interpretation from Medical Services doctors
 9. any reports from a Medical Services doctor about the condition and its likely effects
 10. evidence from the Disability Employment Advisor if the claimant is on a Disability Employment Advisor's case load.
- 35075 Some of the sources of evidence listed in DMG 35074 may not be available in a particular case. Decisions should be based on the evidence that is available. Further evidence should only be sought if the evidence available is not sufficient to make a decision. DMs should bear in mind that the claimant's direct evidence should be accepted unless it is improbable or self contradictory.

The Customer Case Management Guide

- 35076 General information about the effects of common medical conditions appears in the Customer Case Management Guide (CCM). This may be available to DMs. The handbook is produced in consultation with
1. the DLA advisory board **and**
 2. organizations representing disabled people and health professionals.
- 35077 The handbook provides information that may help DMs understand
1. evidence provided with hardship applications **and**

2. the likely effects of certain medical conditions.

Note 1: The Customer Case Management Guide (CCM) is available on the medical guidance Intranet site A to Z

Note 2: The following effects or conditions may be included in more than one piece of impairment guidance depending upon the underlying cause

- blackouts and dizziness - Cardiac arrhythmias, Alcohol disorders, Hearing impairment in adults
- balance problems - Hearing impairment in adults, Brain tumours, Stroke
- consciousness - Epilepsy, Diabetes, Stroke, Fainting
- falls - Falls in older people
- gynaecological problems - Genitourinary disease
- hernia - Dyspeptic disorders
- liver disease (cirrhosis and jaundice) - Liver failure
- thyroid disease - Thyroid gland disorders
- upper gastro-intestinal tract disease - Dyspeptic disorders.

35078 - 35079

Evidence supplied by the claimant

35080 The claimant will usually provide evidence about a medical condition with the statement of circumstances, such as hospital appointment letters or repeat prescriptions. The DM must consider this evidence.

35081 If the evidence available is not sufficient to enable the DM to make a decision the DM should obtain further evidence. The DM should not make a decision on the application before sufficient time has been allowed for evidence to be provided.

Further evidence

35082 If a claimant does not

1. provide further evidence in a reasonable period of time **or**
2. allow the DM to approach a doctor or some other person who treats the claimant

the DM should consider the request for hardship on the evidence that has been provided. The DM should consider on the balance of probabilities if the claimant has proven membership of a vulnerable group.

Opinions from Medical Services doctors

35083 The DM may ask a Medical Services doctor to give an expert opinion¹ if there are doubts that the evidence available allows a decision to be made concerning

1. the length of time that a medical condition will last or has lasted **or**
2. the likely effects of the condition on a person's functional capacity.

Guidance on the duration and effects of common medical conditions is given at Appendix 6 to this Chapter.

1 SS Act 98, s 11(2)

35084 The Medical Services doctor should be asked to

1. assess the medical evidence and explain any obscure parts in a way that allows the DM to make a decision **and**
2. give a view of the likely effects of the medical condition on a person with the condition.

Note: Medical Services doctors will not be able to give specific advice for individual people. They will only be able to give general advice on the likely effects of certain conditions.

35085 - 35087

Consideration of Medical Services reports

35088 DMs should consider reports from Medical Services doctors carefully. The report may contain new evidence. This should be considered carefully along with and in the same way as any other evidence. The report may also explain or clarify evidence already provided to the DM.

35089

Treatment of Medical Services reports as evidence

35090 DMs must remember that an opinion of a Medical Services doctor which is not supported by evidence carries no special weight. The opinion of a Medical Services doctor should be considered with **all** the other available evidence about the case.

35091 - 35094

People with mental health conditions

35095 Requests for hardship payments may be made by people who say they have a mental health condition. A person will only be a member of a vulnerable group for hardship purposes, i.e. have access to hardship without a waiting period, if the condition causes limitation in functional capacity because of a physical impairment¹ (see Example 3 at DMG 35099).

Note: Hardship means a lack of the necessities of life, i.e. food, heating, accommodation, clothing and hygiene. What varies is what an individual may require in order for that essential need to be met, for example, a person with a severe mobility problem may need more heating, or a person with severe diabetes may have more complex and more expensive needs to provide food than a normal healthy adult. All JSA claimants fall in scope to be considered as “persons in hardship” after 14 days, therefore it is the physical needs that put them into an ‘at risk’ (vulnerable) category for hardship purposes for the first 14 days.

1 JSA Regs, reg 140(1)(g)

35096 The DM should seek the expert opinion of a Medical Services doctor if it is not clear if there is physical impairment as well as a mental health condition. In cases of doubt the Medical Services doctor should be asked for an opinion on the likelihood of the particular physical problem occurring because of the mental health condition.

35097 If the muscles and sensory organs all function normally but the person has a problem with mood or motivation a physical impairment is not present. It is extremely rare for a mental health condition to produce a physical impairment that limits or restricts functional capacity but it can happen.

Deciding if a decline in health will occur

Comparing the decline in health with a healthy adult

35098 The DM must consider if the health of the person with the medical condition would decline more than a normal healthy adult. The DM should make this comparison based on a normal healthy adult who is in similar circumstances to the person with the medical condition.

35099 It would be usual for a normal healthy adult to suffer some deterioration in their health if they were without

1. essential items, such as food, clothing, heating and accommodation **or**
2. sufficient money to buy essential items

for a period of two weeks. See Appendix 6 to this Chapter for further guidance.

The DM must determine if a person with a medical condition would suffer a **greater** decline in health than a normal healthy adult and would suffer hardship (DMG 35142 et seq).

Example 1

Michelle has applied for hardship payments. She suffers from diabetes. Medical evidence provided by Michelle suggests that the condition will get much worse in the next two weeks if she is not able to follow her regular specialist diet.

The DM determines that Michelle's health would decline further than a normal healthy adult because lack of funds would not allow her to follow her regular specialist diet (also see guidance at DMG 35216).

Example 2

Eleanor makes an application to hardship. She has a diagnosis of Detrusor Instability (Urge Incontinence) and depression.

Eleanor's GP provides clarification on how her health conditions affect her. He confirms that she has suffered incontinence for more than 26 weeks. She needs to use the toilet frequently, at least 15 to 20 times per day, and often has 'accidents' which means she frequently has to wash and change her clothing, wash soiled bedding and underwear/clothes and clean up after 'accidents'. Her condition causes her to feel depressed and her depression would get worse if she cannot follow her normal hygiene routine. She takes a prescribed mild anti-depressant.

Eleanor confirms she does not have enough sanitary products, soap, toilet paper, or washing detergent to last her for the next 14 days as she uses more than a normal healthy adult due to her incontinence condition. She can get incontinence pads free on prescription but she does not have access to free supplies of soap, detergent or toilet rolls from her local social or health services. She has an adequate supply of her anti-depressant tablets for the next 14 days.

The DM determines that Eleanor's health would decline further than a normal healthy adult in the next 14 days because lack of funds would not allow her to buy essential cleaning products, soap, toilet paper and washing detergent (also see guidance at DMG 35227).

Example 3

Martin suffers from anxiety state. He provides medical evidence that he has suffered from low mood and anxiety for several years but this is controlled by regular medication. He has no other known medical conditions. Martin gets free prescriptions so he will not suffer any greater hardship than a normal healthy adult in the next 14 days as he has no physical impairment as a result of his condition

and his medical condition will not deteriorate as he has access to his normal medication (also see guidance at DMG 35095).

Medical conditions that are likely to lead to hardship

35100 DMs must consider the **effect** of a medical condition on the individual claimant or partner. Certain conditions may be more likely to lead to a decline in a person's physical health if JSA is not paid.

For further guidance on medical conditions and likely effects on a person's health see Appendix 6 to this Chapter.

35101 - 35104

Carers

35105 Certain people who are carers should be treated as members of a vulnerable group. Some carers may satisfy the conditions of entitlement for IS. See DMG 35117 et seq for guidance.

Note: See DMG 35055 for the meaning of vulnerable group.

What are the conditions for being treated as a member of a vulnerable group for hardship purposes

35106 To be a member of a vulnerable group the carer must

1. be the claimant or partner or member of a joint-claim couple **and**
2. care for a person
 - 2.1 who gets or has been awarded
 - 2.1.a an AA **or**
 - 2.1.b the highest or middle rate care component of DLA **or**
 - 2.1.c is in receipt of or has been awarded the daily living component of PIP at the standard or enhanced rate **or**
 - 2.1.d is in receipt of or has been awarded AFIP
 - 2.2 in certain circumstances has claimed AA, DLA, PIP or AFIP but the claim has yet to be decided **and**
3. provide care for the person for a considerable portion of each week **and**
4. be unable to continue providing care if JSA is not paid¹.

Note 1: See DMG Chapter 28 for the definition of AA.

Note 2: See ADM Chapter P1 for guidance on PIP.

1 JSA Regs, reg 140(1)(h) & 146A(1)(e)

AA, DLA, PIP or AFIP claimed but not awarded

35107 In the case of a person who has claimed AA, DLA, PIP or AFIP the carer can only qualify as a member of a vulnerable group until the earlier of

1. a decision being made on the AA, DLA, PIP or AFIP claim **or**
2. 26 weeks after the AA, DLA, PIP or AFIP claim has been made¹.

1 JSA Regs, reg 140(1)(h)(ii) & 146A(1)(e)(ii)

AA, DLA, PIP or AFIP awarded but not paid

35108 A person who claims DLA must need care for a period of three months before an award of DLA care component can be made. A person who claims AA must need

care for six months before an award can be made. A person who claims PIP or AFIP must serve a qualifying period of 3 months before an award of PIP or AFIP daily living allowance can be made. Carers of people who have been awarded AA, DLA, PIP or AFIP that has not been paid because the appropriate qualifying period has not been completed can qualify as a member of a vulnerable group¹.

1 JSA Regs, reg 140(1)(h)(iii) & 146A(1)(e)(iii)

What is a considerable portion of the week

- 35109 The DM must determine if the carer spends a considerable portion of each week providing care for the disabled person.
- 35110 The term considerable portion is not defined in legislation. It should therefore be given its normal everyday meaning¹ of a large or significant part.

1 R(SB) 19/82

Meaning of week

- 35111 The DM should consider the amount of time that the carer spends caring for the person each week. A week for JSA purposes is defined as a period of seven consecutive days starting on a Sunday¹.

1 JS Act 95, s 35

Does the claimant or partner provide care each week

- 35112 The care provided must be more than occasional or of short duration. A claimant or partner or member of a joint-claim couple who does not provide care for a person every week will not qualify as a member of a vulnerable group.

Example

Nicholas has requested JSA hardship payments.

He states he provides care for his grandmother, who receives AA. His mother usually provides care but Nicholas does so when his mother goes on holiday.

The DM decides that Nicholas is not a member of a vulnerable group because he does not provide care every week.

35113 - 35115

How much care does the claimant or partner provide each week

- 35116 Claimants or partners or members of a joint-claim couples who provide care for a short time every week will not qualify as members of a vulnerable group. This is because they will not be providing care for a considerable portion of the week.

Example

Geraldine has requested JSA hardship payments.

She states she provides care for her aunt who receives DLA. She provides this care for four hours every Saturday.

The DM decides that Geraldine is not a member of a vulnerable group because she does not provide care for a considerable portion of the week.

Does the carer satisfy the conditions of entitlement to IS

35117 DMs should bear in mind that a person can qualify for IS by regularly and substantially caring for a person¹. If a person cares for someone for 35 hours per week they may qualify for CA and satisfy the conditions of entitlement to IS.

1 IS (Gen) Regs, Sch 1B, para 4

35118 People who regularly and substantially provide care for a person who gets

1. DLA middle or highest rate care component **or**
2. AA **or**
3. PIP daily living component at the standard or enhanced rate **or**
4. AFIP

may qualify for IS depending upon the circumstances of the case. The DM should treat those people as members of a vulnerable group while the IS DM is considering the test of “regularly and substantially” unless it is clear that IS will be awarded¹ (see DMG 20118)

1 JSA Regs, reg 140(3) & 146A(3)

35119 - 35124

Person being cared for lives in a care home, independent hospital or Abbeyfield home

35125 The DM must not treat the claimant as a member of this vulnerable group if the person needing care lives in a¹

1. care home **or**
2. independent hospital **or**
3. Abbeyfield home.

1 JSA Regs, reg 140(4) & 146A(4)

16 and 17 year olds

Introduction

35126 16 and 17 year olds are not normally entitled to JSA. Certain groups of 16 and 17 year olds can qualify for JSA and, therefore, receive hardship payments as members of a vulnerable group. These groups are

1. claimants or partners or members of joint-claim couples who have been given a severe hardship direction by the DM except when they¹
 - 1.1 are not available **or**
 - 1.2 are not ASE **or**
 - 1.3 do not have a JSAG in force **and**
2. claimants or partners who
 - 2.1 qualify for JSA under special rules for 16 and 17 year olds **and**
 - 2.2 would suffer hardship if JSA is not paid².

1 JSA Regs, regs 140(1)(i) & 146A(1)(f); 2 regs 140(1)(j) & 146A(1)(g)

35127

16 and 17 year olds with a severe hardship direction

35128 The DM does not need to decide if a 16 or 17 year old who is the subject of a severe hardship direction will suffer hardship if JSA is not paid¹.

Note 1: In these cases the Secretary of State will have already decided that severe hardship will occur if JSA is not paid.

Note 2: A severe hardship direction should normally remain in place where the claimant is on a short NCS or Prince's Trust residential course even though the degree of hardship may be reduced. This allows the most vulnerable 16/17 year olds to participate in training that improves life-skills and enhances their employability without fear of losing their hardship payment.

1 JSA Regs, reg 140(1)(i) & 146A(1)(f)

16 and 17 year olds who qualify for JSA under normal rules

35129 Certain other 16 and 17 year olds can qualify for JSA. See DMG Chapter 30 for guidance. DMs should bear in mind that these 16 and 17 year olds are only entitled to receive JSA (and therefore hardship payments) for limited periods. These 16 and 17 year olds must show that they will suffer hardship to qualify for hardship payments.

Non hardship reduced payments

35130 16 and 17 year old claimants may have their applicable amount reduced because of

1. certain sanctions **or**
2. in severe hardship direction cases, failure to take up, obtain or complete training.

35131 These special JSA payments are **not** hardship payments. If one of these payments is made do not consider hardship payments. Full guidance on these payments is at DMG Chapter 30.

35132 - 35134

People under the age of 21

35135 A claimant or a member of a joint-claim couple who is under the age of 21 on the day they claim a hardship payment is a member of a vulnerable group if, in the period of three years or less before the claim for hardship is made that claimant¹

1. was being looked after by a LA in accordance with certain legislation² **or**
2. was a person with whom the LA had, in accordance with legislation³ a duty to take reasonable steps to keep in touch; **or**
3. qualified for advice and assistance from a LA in accordance with that legislation⁴.

1 JSA Regs, reg 140(1)(k); 2 Children Act 1989; 3 Children Act 1989; 4 Children Act 1989

35136 - 35140

People in hardship who are not in a vulnerable group for hardship purposes

When is a claimant who is not in a vulnerable group a person in hardship

35141 A claimant who is not in a vulnerable group is a person in hardship if the

1. claimant **or**
2. partner

would suffer hardship if JSA is not paid¹.

Note 1: The person in hardship is always the claimant, even though it may be another member of the family who must be likely to suffer hardship.

Note 2: See guidance at DMG 35055 et seq for the meaning of vulnerable groups for hardship purposes.

1 JSA Regs, reg 140(2) & 146A(2)

Comparison with vulnerable groups

35142 People in hardship who are not in vulnerable group have entitlement to hardship payments in fewer circumstances than those who are in vulnerable group. See DMG 35290 et seq for guidance when people who are not in vulnerable groups may be entitled to hardship payments.

35143 A person in hardship who is not a member of a vulnerable group cannot get hardship payments if the DM has determined that there is no entitlement to JSA because the claimant does not satisfy the condition of

1. availability **or**
2. ASE **or**
3. having a JSAg.

Note: DMs should not confuse the above with cases where the claimant has been disallowed JSA on the grounds of availability or ASE and makes a subsequent claim which is subject to an intermediate sanction. In those cases the guidance at DMG 35007 and 35299 et seq will apply.

35144 - 35152

Determining if hardship will occur

Introduction

35153 The DM, when determining if the claimant is entitled to hardship payments, must determine if hardship will occur if JSA is not paid.

35154 The following paragraphs give guidance on

1. the recording of the decision made **and**
2. the factors the DM should consider when determining if hardship will occur if JSA is not paid.

What is the meaning of hardship

35155 Hardship is not defined in the regs. It should therefore be given its normal everyday meaning¹ of “severe suffering or privation”. Privation means a lack of the necessities of life.

1 R (SB)19/82

35156 When deciding if hardship will occur the DM should consider all the circumstances of the claimant or family. There are certain factors that the DM must consider. DMs should bear in mind that they are deciding the likelihood that hardship will occur if JSA is not paid.

Note: The test of hardship is not a test of ‘vulnerability’ but a test of the lack of the basic essential necessities of life, e.g. accommodation, food, water, heating and hygiene.

What circumstances must the DM consider when determining if hardship will occur

35157 **[See Memo DMG JSA/IS 64]** DMs must take into account the following circumstances when determining if hardship will occur¹

1. the presence in the family of someone who qualifies for
 - 1.1 DP **or**
 - 1.2 DCP **or**
 - 1.3 a child tax credit for a member of the claimant’s family who is disabled or severely disabled for the purposes of regulation 8 of the Child Tax Credit Regulations 2002
2. the amount of resources that would be available to the family if JSA is not paid **and**

3. if there is a major risk that essential items will
 - 3.1 no longer be available **or**
 - 3.2 will be available at considerably reduced levelsto the claimant or a member of the family.

1 JSA Regs, regs 140(5) & 146A(6)

35158 - 35159

35160 These circumstances must be considered but are not the only circumstances that might lead to hardship occurring. Further guidance is at DMG 35170 et seq.

Record of the DM's decision

35161 DMs should record

1. the reasons why hardship will or will not occur **and**
2. the factors and evidence considered

as part of the decision on hardship payments.

35162 DMs must record their reasons for

1. rejecting any evidence **or**
2. deciding what evidence to accept if faced with conflicting evidence.

35163 - 35169

Disability and disabled child premiums

35170 **[See Memo DMG JSA/IS 64]** The DM must consider if the claimant or a member of the family qualifies for

1. DP **or**
2. DCP **or**
3. a child tax credit for a member of the claimant's family who is disabled or severely disabled for the purposes of regulation 8 of the CTC Regulations 2002¹.

These people are more likely to suffer hardship if there is a lack of funds than people who are not sick or disabled.

1 JSA Regs, regs 140(5)(a) & 146A(6)(a)

People who qualify for DP

35171 People who qualify for DP are

1. long term sick **or**
2. disabled **or**
3. blind or treated as blind **or**
4. terminally ill.

See DMG 23121 for full guidance on people who qualify for DP.

People who qualify for DCP

35172 **[See DMG Memo JSA/IS 64]** Children or young people who have less than £3000 capital qualify for DCP if they are members of the claimants' family and

1. receive DLA **or**
2. have stopped receiving DLA because they are in hospital **or**
3. are blind or treated as blind.

See DMG 23242 et seq for full guidance on DCP.

35173 - 35174

Resources

What are resources

35175 Resources is not defined in the law. The word should be given its normal everyday meaning¹ of the means available or a stock or supply that can be drawn upon.

1 R(SB) 19/82

35176 The DM must consider the resources

1. that are likely to be available to the claimant's family if JSA is not paid **and**
2. that may be available from a member of the household who is not a member of the family¹.

Note: CTC and CHB are disregarded in the calculation of income for hardship purposes.

1 JSA Regs, reg 140(5)(b) & 146A(6)(b)

Example

Eileen claims JSA. She lives with her 17 year old son David who is in F/T work.

The DM decides that Eileen should be sanctioned because of the reasons why she was dismissed from her previous job.

Eileen has no source of income but David contributes £25 a week towards household expenses.

The DM considers the £25 a week from David when deciding if Eileen would be in hardship.

35177 It is not considered reasonable to expect claimants to rely upon

1. charities, such as food banks, (see DMG 35214)
2. increase debts by seeking credit or using or extending overdraft facilities (see DMG 35196)
3. sell or pawn items to obtain cash (see DMG 35213)
4. find cheaper housing (see DMG 35216) **or**
5. ask friends and family for help (see DMG 35217).

These are not considered available resources. While claimants may be prepared to request such help there is no requirement to do so and claimants should not be denied access to hardship payments if they don't.

35178 In benefit fraud offence cases, the DM should disregard any training premium or top-up payment paid under specific legislation¹ when determining the resources available to the person's family².

1 E & T Act 73; 2 SS (Loss of Benefit) Regs, regs 5(6) & 11(7)

35179 The DM must also consider¹

1. for how long the family's current circumstances and level of resources will continue **and**
2. the amount by which the family's resources are less than the applicable amount in hardship cases².

1 JSA Regs, reg 140(5)(b) & 146A(6)(b); 2 reg 145 & 148A

35180 When considering the resources that might be available to the family DMs should consider any

1. income **or**
2. capital **or**
3. other money

available to the family.

Note: CTC and CHB are disregarded in the calculation of income for hardship purposes¹.

1 JSA Regs, reg 140(5)(b)

Is JSA a resource

35181 The DM should not take JSA paid for an earlier period into account when deciding whether hardship is likely to occur¹.

1 JSA Regs, reg 140(5)(b) & 146A(6)(b)

Example 1

Trevor lives with his partner and his two children.

His normal fortnightly payment is made on 12 August.

JSA is not payable from 13 August because of a sanction, so no payment is due on 26 August.

The DM does not take into account the JSA paid on 12 August when deciding whether hardship will occur if JSA is not paid for the period 13 to 26 August on 26 August.

Example 2

Anita, who is pregnant, attends the Jobcentre Plus office fortnightly.

On 22 May she attends as usual, but her normal payment for 16 to 22 May is suspended because there is doubt about her availability during that period.

On 22 May only one week's JSA is paid. Anita makes representations of hardship.

The DM does not take into account the JSA paid on 22 May when deciding whether hardship will occur if no payment is made for 16 to 22 May.

35182 The DM should take into account income and capital that is disregarded in the calculation of JSA(IB) when assessing the level of resources.

Note: There are no special rules for the calculation of income and capital of JSA(IB) hardship payments. Normal income and capital rules should be applied when the DM decides the amount of the hardship payment.

Example

Graham claims JSA. He lives with his wife Shirley who receives DLA. The couple have no other source of income. Shirley does not satisfy the conditions of entitlement for IS.

Graham has not made a JSAG. He requests hardship payments.

DLA is disregarded when calculating income for JSA(IB) purposes. But the DM takes Shirley's DLA into account when deciding if the family would suffer hardship.

Periodic payments of income

35183 Where claimants or members of their family receive periodic payments of income, DMs should work out the weekly amount to determine the amount of resources that are available to the claimant's family if JSA is not paid. This is because the DM is required to consider for how long the family's current circumstances and level of resources will continue¹.

1 JSA Regs, regs 140(5)(b) & 146A(6)(b)

Example

Des (the JSA claimant) and his wife Mary have four children and receive CHB payments of £193.20 every four weeks on a Friday. Des's applicable amount for hardship payments is £233.65 JSA(IB) a week for himself and his family.

Des has been sanctioned for the period 8 November to 6 February. He attends the Jobcentre Plus office on Friday 21 November and provides a statement of the circumstances he is relying on to show that he is in hardship. This statement says that he has just received £193.20 CHB. Apart from that he has no other money or savings, neither do his family. There are no other members of his household.

The DM calculates that the claimant's resources are £48.30 a week, and compared to the applicable amount there will be a weekly shortfall of £185.35.

The DM determines that the pay-day when JSA would have been paid had Des not been sanctioned is 22 November. He decides that hardship would be suffered in the first week (22 November to 28 November) and in the second (29 November to 5 December). He also decides that the claimant will suffer hardship until the sanction ends. So he awards hardship payments from 8 November to 6 February.

When calculating the hardship payment CHB is disregarded in full (see DMG 35353).

35184

Are resources available immediately

35185 When deciding hardship, the DM should consider whether resources are available immediately. Hardship may occur in the period between an application for resources and their receipt.

Income not available immediately

35186 A person may have an income that is not yet due to be paid. The DM should consider if hardship will occur in the period before the income is received.

Example

Norman claims JSA because he has recently lost his job.

The DM decides that Norman should be sanctioned because of the reasons why he was dismissed from his job.

Norman requests hardship payments. He states he has no money but he expects to receive his first payment from a personal pension in four weeks time.

The DM confirms that the pension company will take four weeks to process Norman's application.

The DM determines that Norman will be in hardship until the first pension payment is received.

35187 - 35189

Capital not available immediately

35190 A person may have assets or savings that

1. cannot be cashed without giving a period of notice **or**
2. have to be sold.

Examples of this include

- some Building Society accounts
- premium bonds
- stocks and shares
- unit trusts.

35191 The DM should calculate the length of any delay before the asset or investment can be converted to cash. The claimant or family may suffer hardship in the period before the money becomes available.

- 35192 When calculating the length of the delay the DM should consider any
1. periods of notice that are set out by the investment company **or**
 2. delays that may occur between the sale and the receipt of money.

Fixed period investments

- 35193 The DM should bear in mind that some types of fixed period investments can be cashed early at the discretion of the investment company. If the claimant states that a fixed period investment is held the DM should be satisfied that it cannot be cashed in early.

Has the claimant taken reasonable steps to cash assets

- 35194 The DM should determine if a claimant has taken reasonable steps to cash any assets or investments when considering the resources that are likely to be available to the claimant or family.

Example 1

Jenny claims JSA. She lives alone and has no income. She has savings in an instant access building society account of £250.

Jenny's JSA is suspended while the DM decides if she is ASE. Jenny then requests hardship payments.

The DM determines that Jenny's available savings prevent hardship.

Example 2

Bryan claims JSA. He lives alone and has no income. He has £1000 in premium bonds but no other savings.

After three weeks the DM has not decided if Bryan is available for work. Bryan requests hardship payments.

The DM determines that because Bryan's premium bonds cannot be cashed for three months they would not prevent hardship occurring in that period.

Example 3

Julia claims JSA. She lives alone and has no income. She has a personal equity plan valued at £2000 but no other savings.

The DM sanctions her because of the reasons why Julia left her previous job. The sanction runs from 1 April for 26 weeks.

Julia requests hardship payments. The terms of the personal equity plan allow Julia to cash her investment at any time. This has to be done by writing to the plan manager.

The plan manager will then forward a cheque within five working days of receiving Julia's letter.

The DM determines that Julia's capital would not prevent her being in hardship until the cheque from her plan manager has cleared into her bank account. The DM estimates that this will take ten days, allowing time for postage and the cheque to be processed by Julia's bank.

Accounts with penalties for early withdrawal

35195 Claimants may have savings in accounts that impose penalties for early withdrawal. These resources will still be available to the claimant and should be considered when deciding if hardship will occur.

Example

Marge has £2500 in a 90 day notice account with a building society.

Under the terms of the account she must give 90 days of her intention to make a withdrawal. If she does not do this the building society will let her have her money straight away. But they will deduct 90 days interest from the amount withdrawn.

The DM decides that Marge could withdraw £2500 less 90 days interest from the account immediately. She would not be in hardship if the withdrawal is made.

Credit facilities

35196 When considering the resources available to the claimant or family DMs should not take into account credit facilities that may be available. This is because credit facilities are potential liabilities rather than resources.

35197 Examples of credit facilities include

1. credit cards
2. overdraft facilities **and**
3. loans.

35198 Money obtained from credit facilities should be considered as resources if actually possessed by a claimant or a member of the family. However any money obtained from credit facilities solely due to JSA not being paid should not be considered to be a resource.

Example 1

Andrew has applied for hardship payments.

He has a credit card with a credit limit of £1500. £900 of the limit is available to Andrew.

When considering the amount of Andrew's resources the DM does not take into account the £900 available on the credit card.

Example 2

Hazel has applied for hardship payments.

She states she has £200 which she got from her bank overdraft facility. Another £300 is available before she reaches her overdraft limit.

The DM decides that the £200 that Hazel possesses should be considered as part of her resources.

The remaining £300 of her overdraft limit is not treated as her resources.

Example 3

Gordon claims JSA for himself and his family. He would normally receive a fortnightly payment of JSA on Friday 11 January. However no payment is made as he has been sanctioned.

On Monday 14 January Gordon attends an appointment at the Jobcentre Plus office and provides a statement of his circumstances to apply for hardship payments.

Gordon states that he needed to buy food for his children on 11 January and because he did not get his normal payment of JSA on that date he obtained £50 from his bank overdraft facility.

When considering the amount of Gordon's resources the DM does not take into account the £50 obtained from the overdraft facility as this was only obtained because the payment of JSA had not been made.

35199

Comparing resources with the applicable amount in hardship cases

- 35200 The DM should calculate the applicable amount in hardship cases before deciding if the claimant's resources are adequate. The DM must then compare the available resources with the applicable amount¹.

1 JSA Regs, regs 140(5)(b) & 146A(6)(b)

35201 Hardship is unlikely to occur if financial resources are more than the applicable amount. See DMG 35310 et seq for guidance on calculating applicable amounts in hardship cases.

Example 1

Damien claims JSA. He lives with his wife Amanda and their daughter Rebecca, aged eight.

The DM decides that Damien is not available for employment.

Damien requests a hardship payment. The family have income of £30 a week made up of CHB for Rebecca and CTC. The family has no savings.

The DM calculates the family's applicable amount for hardship payments as £118.15.

The DM compares the family's income with the applicable amount. The DM determines that £30 a week is insufficient to prevent hardship for this family.

Example 2

Satnam has claimed JSA. The DM decides he should be sanctioned because he has refused an offer of employment without good cause.

Satnam requests hardship payments on 1 December. He lives alone. He has no income but has savings of £50 in a building society instant access account.

The DM calculates Satnam's applicable amount for hardship payments as £32.80.

The DM compares Satnam's capital with the applicable amount and decides that the amount of his available resources is sufficient to prevent hardship occurring.

On 8 December Satnam makes a request for hardship payments. He states that his savings have now reduced to £10.

The DM compares Satnam's resources of £10 with his hardship applicable amount of £32.80 and decides that his available resources are not sufficient to prevent hardship occurring.

35202 - 35209

Essential items

Will the claimant or family have adequate essential items

35210 The DM must consider if there is a major risk that the claimant's family will

1. not have essential items **or**
2. have essential items at considerably reduced levels¹.

1 JSA Regs, regs 140(5)(c) & 146A(6)(c)

What essential items must the DM consider

35211 The essential items that the DM **must** consider are

1. food
2. clothing
3. heating
4. accommodation¹.

The items listed above are not the only essential items that can be considered. If the DM determines that an item not listed is essential for the individual claimant or a member of the family it should be taken into account. See DMG 35218 for guidance on non-essential and other items such as medical and hygiene costs.

Note: Most likely there will be overlap of which essential needs a claimant is unable to meet. For example a claimant may have used the money put aside to pay a gas bill on food for the family. The DM must consider all the individual circumstances and merits of the specific case.

1 JSA Regs, regs 140(5)(c) & 146A(6)(c)

35212 The DM should determine if

1. the lack of an essential item **or**
2. an essential item available at considerably reduced levels

would contribute to the claimant or family being in hardship. All of the circumstances of the claimant or family must be considered when deciding if hardship will occur. Each case should be considered carefully and DMs should bear in mind that an item that is not essential for one individual may be essential for another. For example; claimant A's basic and essential heating may be met even though they have no heating because it is August but at the same time and under the same circumstances person B's heating needs are not met because they live in a draughty house and have a health condition.

Note: It is not considered reasonable to expect claimants to rely upon charities, such as food banks, increase debts by seeking credit or using or extending overdraft facilities, sell or pawn items to obtain cash, find cheaper housing **or** ask friends and family for help in order to meet their essential needs. Whilst claimants may be prepared to request such help there should be no requirement to do so and claimants should not be denied access to hardship payments if they don't (see guidance at DMG 35213 – 35224).

Sell or pawn items

35213 Claimants cannot be required to

1. sell **or**
2. pawn

any items they, or their household, own in order to meet their basic and essential needs, with the exception of stocks and shares. However, where a claimant has taken this action of their own accord, any funds they have as a result of the sale must be considered as being an available resource towards meeting their essential needs (also see guidance at DMG 35218 – 35224).

Investigate help from charities

35214 Investigating what help may be available from charities will depend on what

1. is available locally **and**
2. steps claimants are prepared to take.

35215 Claimants should not be expected to rely on support from charities. While claimants may be prepared to request such help there should be no requirement to do so and claimants should not be denied access to hardship payments if they don't. For example; claimants are not expected to rely on food banks or soup kitchens to meet their food needs (see further guidance at DMG 35216).

Food requirements

35216 A claimant may state that they have no

1. food of their own **or**
2. access to any food **or**
3. the means to prepare and store it

to meet immediate basic nutritional needs for themselves and their household for the immediate future.

Note: Other costs may link to food needs for example running electrical equipment such as a cooker to cook raw food or a fridge or freezer to keep food cold or frozen until needed.

35217 The DM should establish

1. when did the claimant last shop for food for the household
2. the period this shopping was designed to cover and any reasons for running out of food any earlier
3. the nature of any special dietary requirement of any member of the household because of a medical condition.

35218 The claimant should be regarded as being in immediate hardship if they have insufficient resources to provide meals for the coming week where they

1. have responsibility for a child or qualifying young person
2. provide care for an adult
3. or someone in the household is pregnant **or**
4. have in the household a person with a health condition where a lack of food would cause suffering.

Also see the guidance at DMG 35227.

Note 1: Claimants are not expected to rely on food banks or soup kitchens to meet their food needs.

Note 2: Where possible the claimant should present receipts but in practical terms the claimant's testimony may be the only source of information available. It is up to the DM to consider whether the evidence presented is reasonable in the individual circumstances and inherently improbable (i.e. unlikely).

Example 1

Karen applies for a hardship payment, she states she has no money to buy food. In her locality there is a known food bank. JCP should not refer Karen to the food bank and should consider the hardship application.

Example 2

Ann applies for a hardship payment, she states she has no money to buy food but has already been to the food bank of her own accord. The DM establishes how long the food from the food bank will last when considering when she will be a person in hardship.

Example 3

Marilyn claims JSA. She is a single parent with two children aged 9 and 11. She has a part-time job which pays her £20 per week. The DM decides that Marilyn

failed to participate in a job search review interview without good reason and imposes a 4 weeks sanction.

Marilyn makes an application for hardship. The family's only income is CHB for the children and her part time earnings of £20 per week. She states she has sufficient food for a week in her freezer. The DM decides Marilyn has sufficient food for her family for a week. She will be able to buy fresh food such as bread and milk using her part time earnings. The CHB is disregarded when considering hardship. The family would not suffer hardship because of a lack of food until the end of a week.

However the DM considers whether there are any other essential needs that could not be met.

Seeking other accommodation

35219 If a claimant is at risk of losing their home they cannot be required to

1. seek an alternative dwelling that would not house their current household **or**
2. put the family at risk or their friends or family in hardship **or**
3. find cheaper housing **or**
4. become homeless before we consider hardship.

Note: Claimants cannot be required to access or increase credit as actions to support themselves (see DMG 35196).

Help from family or friends

35220 It will not be reasonable for claimants to expect assistance from close family or friends but it may be reasonable to expect some claimants to consider the possibility of asking. What is or isn't reasonable will depend on the individual's circumstances. Families and friends may be only willing to help for a short period of time. For example it would not be reasonable where

1. families and friends have their own difficulties **or**
2. the request may put strain on relationships **or**
3. the request may have a risk of violence (especially for estranged relations and young people) **or**
4. the person is not in the proximity to offer assistance **or**
5. the period of hardship is expected to last for a considerable period of time.

Note: If the threat of being without accommodation is very real then a claimant may be a person in hardship, even a single non-householder living with parents. The DM will have to look at all the individual circumstances and any resources available. It cannot be presumed that the claimant can readily rely on help from family and friends regardless of their circumstances or live in a household without making some contribution to essential items.

Example

Garreth lives with his parents and is sanctioned for 13 weeks for not applying for a job vacancy without good reason. He is not in a vulnerable group. He makes an application for hardship and the DM considers whether he can be a person in hardship. He provides a letter from his parents that confirms they cannot allow him to live with them for 13 weeks without him providing some contribution towards essential living costs as they cannot afford to support him. He normally pays them £25 per week from his JSA towards board and lodgings. They are prepared to support him for a couple of weeks but if he were not allowed hardship payments they would have to ask him to leave and seek alternative accommodation as it would cause them unnecessary hardship and they would struggle to meet their normal financial commitments. Garreth can be considered to be a person in hardship from the 15th day as the threat of becoming homeless and being deprived of other essential items such as food is very real. It is unreasonable to expect his parents to support him for 13 weeks.

Non essential and other items

35221 It would be reasonable to expect a claimant to

1. cancel clubs and society memberships
2. serve contractual notice to cancel leisure services (however see DMG 35219) **and**
3. curtail entertainment activities.

35222 The notice at DMG 35218 cannot require the claimant to incur financial penalties, for example: cancelling a gym membership that carries a penalty for early cancellation. However, this might include the claimant giving any contractual notice to cancel such a contract to reduce their commitments for potential further periods of hardship they might apply for or if the period of hardship is to last for a considerable period of time.

Example

Jodie has been sanctioned for 26 weeks for leaving her last place of employment without good reason. She makes an application for hardship. When making a statement she says she has a gym membership of £25 per month she is contracted to pay. She provides evidence that to cancel the contract she needs to

give 2 months notice or she will suffer a penalty payment of £10. As she is sanctioned for 26 weeks Jodie can be expected to give the 2 months to cancel her gym membership but not cancel it immediately and suffer the extra £10 penalty.

Jobsearch or preparation costs

35223 It would not be reasonable to expect claimants to cease outlay they needed to make to meet work search requirements, for example

1. a mobile phone contract
2. broadband for internet
3. travel costs

as these are accepted as a means to search for work.

Children

35224 It would be reasonable to expect a claimant to cease outlay on any non essential expenditure relating to children as they would for themselves. However any expenditure which is to maintain access to education would be deemed essential.

35225 Expenditure on school activities will only be reasonable if it is vital to education or safety although enquiries should be made for other sources of support as many local authorities provide free school meals, uniform, dinners and access to after school activities. For example

1. sporting and after-school activities would be regarded as non essential but there may be access to local authority support for free activities
2. school uniforms may be deemed essential but not in any areas where there is a support scheme through the local authority to provide for free school uniforms
3. child care costs would depend on the reason they were incurred, for example if they relate to a claimants work search and they are reasonable in the circumstances, e.g. a parent had a job interview at 4pm and had to pay for a babysitter for an hour to attend the interview may be considered reasonable if no other family were available to help.

Note: A claimant must do what they can to access other sources of support. There should be no blanket exemption of costs relating to children and no cap on what level of financial expenditure is acceptable. It is for the DM to consider all the facts and circumstances of the individual case in determining what can be considered reasonable costs.

Medical costs

35226 Where any medical costs are not covered by pass-ported free prescriptions, continuing costs to meet any household medical or well-being needs should be regarded as essential expenditure. However, it would not be unreasonable for the DM to seek a doctor or health care professional's verification of essential medical costs.

Note: See guidance at DMG 35224 for guidance on hygiene costs.

Hygiene costs

35227 The DM should establish

1. what products or services the claimant requires as essential items (for example: sanitary products, nappies, toilet paper, soap, detergents, laundry services, washing machine etc) **and**
2. whether these items or services are available free or via alternative sources (for example: doctors or health centres etc).

Note: Each case should be determined on its own merits and any special needs verified by a letter from the person's GP or health care professional unless this information is already available from the JSA claim records.

For how long will the claimant or family have inadequate essential items

35228 The DM must also consider how long the claimant's family will not have or will have reduced levels of essential items¹. If essential items are not available for a considerable period of time hardship is more likely to occur.

1 JSA Regs, reg 140(5)(c) & 146A(6)(c)

Claimants less likely to suffer hardship

35229 Healthy adults may be at less risk of suffering hardship if they do not have sufficient essential items for short periods. However, people are more likely to suffer hardship if essential items are not available for long periods of time. All requests should be considered carefully and the DM should consider all the individual circumstances of the case.

Claimants more likely to suffer hardship

35230 People who

1. have children in the family **or**
2. have health problems **or**

3. have disabilities **or**

4. are pregnant

are more likely to suffer hardship if they do not have adequate essential items.

Example 1

Cathy claims JSA. She lives with her partner and two children aged 2 and 6.

Because the eldest child suffers from a medical condition the family need to wash clothing and bedding daily.

The DM determines that sufficient laundry facilities are an essential item for the family.

Example 2

Des claims JSA.

He is married to Julie and they have two daughters aged under five.

The DM determines that Des is not ASE.

Des requests hardship payments. The family's only income is CHB for the children.

He states that he has no money but does have a freezer that contains enough food to last two weeks.

The DM determines that Des has sufficient food for his family for two weeks. Des will be able to buy fresh food such as bread and milk using the CHB.

The family would not be in hardship because of lack of food until the end of the two week period.

The DM then considers if there are any other circumstances that may lead to hardship.

Example 3

Dean is a single man aged 25 with no health problems.

He claims JSA in August.

The DM decides that he left his previous job without good reason and he is sanctioned for 13 weeks. JSA is not paid.

Dean requests hardship payments. He states he has no money to put into his coin gas meter.

Dean heats his flat by gas. He has an electric cooker.

The DM determines that the lack of heating for a fit single man would not lead to hardship occurring in the summer months.

The DM then considers if there any other circumstances that may lead to hardship, eg lack of food

Example 4

Dawn is a single woman aged 25 with no health problems.

She claims JSA in January.

Dawn is sanctioned for 13 weeks as she left her previous employment without a good reason JSA is not paid.

Dawn requests hardship payments. She states she has no money to buy coal and has no other form of heating.

The DM determines that the lack of heating would lead to hardship in the winter. Hardship payments are awarded from the 15th day of the sanction.

35231 In all cases it is for the DM to consider all the facts and circumstances of the individual case in consideration of what essential needs the claimant has and will be deprived of should they not receive a hardship payment.

35232 - 35249

Circumstances when hardship payments can be made

When can hardship payments be made vulnerable groups for hardship purposes

Introduction

35250 People who are in vulnerable groups may be entitled to hardship payments in circumstances when other people in hardship do not qualify.

Note: See guidance at DMG 35055 for the meaning of vulnerable groups for hardship purposes.

35251 A person in hardship in a vulnerable group may be entitled to hardship payments from an earlier date than other people in hardship.

35252 The DM should bear in mind that the person who allows the claimant to qualify as a member of a vulnerable group must be likely to suffer hardship if JSA is not paid. People who satisfy the conditions of membership of a vulnerable group but who will not suffer hardship do not qualify for hardship payments.

35253

People who are not available for employment

35254 A person or a couple in hardship in a vulnerable group whom the DM has decided is not available for employment¹ may be entitled to hardship payments².

1 JS Act 95, s 1(2)(a); 2 JSA Regs, reg 141(4) & 146C(4)

35255 To be entitled the claimant must satisfy all other conditions of entitlement for JSA(IB) apart from

1. ASE or
2. having a JSAG.

Note: DMs should not confuse cases above with those where a claimant has been disallowed JSA on the grounds of availability or ASE and makes a subsequent claim which is subject to an intermediate sanction. In those cases the guidance at DMG 35007 and 35299 et seq will apply.

People who are treated as not available for employment

35256 Claimants who are treated as not available for employment¹ by the DM because they are

1. prisoners on home leave **or**
2. F/T students **or**
3. women getting MA or SMP **or**
4. on paternity leave or ordinary adoption leave under certain legislation² cannot get hardship payments³.

See DMG Chapter 21 for full guidance on claimants who are not treated as available for employment.

Note: DMs should not confuse cases above with those where a claimant has been disallowed JSA on the grounds of availability or ASE and makes a subsequent claim which is subject to an intermediate sanction. In those cases the guidance at DMG 35007 and 35299 et seq will apply.

1 JSA Regs, reg 15; 2 ER Act 96, s 75A, 80A & 80B; 3 JSA Regs, reg 141(4) & 146C(4)

People who are not ASE

35257 A person or couple in hardship in a vulnerable group whom the DM has decided is not ASE¹ may be entitled to hardship payments². To be entitled the claimant must satisfy all other conditions of entitlement for JSA(IB) apart from

1. being available for employment **or**
2. having a JSAG.

Note: DMs should not confuse cases above with those where a claimant has been disallowed JSA on the grounds of availability or ASE and makes a subsequent claim which is subject to an intermediate sanction. In those cases the guidance at DMG 35007 and 35299 et seq will apply.

1 JS Act 95, s 1(2)(c); 2 JSA Regs, reg 141(4) & 146C(4)

35258 - 35259

People who have not made a JSAG

35260 A person or couple in hardship in a vulnerable group who has not made a JSAG¹ may be entitled to hardship payments². To be entitled the claimant must satisfy all other conditions of entitlement for JSA(IB) apart from

1. being available for employment **or**
2. ASE.

1 JS Act 95, s 1(2)(b); 2 JSA Regs, reg 141(4) & 146C(4)

JSA suspended while a decision is made on availability, ASE or a JSAg

35261 A person in hardship in a vulnerable group may be entitled to hardship payments if the DM has suspended payment¹ of JSA while the DM decides if the claimant

1. is available for employment **or**
2. is ASE **or**
3. has failed to make a JSAg².

Note: DMs should not confuse suspension of payments of JSA with cases where the claimant is waiting for a decision at the start of a claim or with cases where a claimant has been disallowed JSA on the grounds of availability or ASE and makes a subsequent claim which is subject to an intermediate sanction. In those cases the guidance at DMG 35007 and 35299 et seq will apply.

1 SS (C & P) Regs, reg 37; 2 JSA Regs, reg 141(5) & 146C(5)

35262 To be entitled the claimant must continue to satisfy the other conditions of entitlement to JSA(IB). The DM will be asked to determine the questions listed in DMG 35261 if during the course of a claim there is a doubt that the claimant satisfies those conditions of entitlement for JSA. The DM will not normally suspend JSA payments if there is a doubt about a JSAg during a claim.

35263 - 35269

People waiting for a decision at the start of a claim

35270 A person or couple in hardship in a vulnerable group may be entitled to hardship payments when

1. there is a delay in deciding the claim **and**
2. the reason for the delay is a question concerning availability, ASE or a JSAg¹.

Note: DMs should not confuse cases where there is a delay in deciding the claim as at 2. with those where a claimant has been disallowed JSA on the grounds of availability or ASE and on a subsequent claim is subject to an intermediate sanction. In those cases the guidance at DMG 35007 and 35299 et seq will apply.

1 JSA Regs, reg 141(2) & 146C(2)

JSA not paid because of a sanction

35271 A person or couple in hardship in a vulnerable group may be entitled to hardship payments if

1. JSA is not paid because of a sanction¹ (see DMG 34272) **and**
2. the claimant satisfies the conditions of entitlement for JSA(IB).

1 JSA Regs, reg 141(6) & 146C(6)

35272 The DM may sanction a claimant under relevant legislation¹, who

1. without good reasons
 - 1.1 has refused to carry out a jobseeker's direction **or**
 - 1.2 has refused to apply for or failed to take up a place on a training scheme or employment programme **or**
 - 1.3 has given up or lost a place on a training scheme or employment programme **or**
 - 1.4. has given up a job **or**
 - 1.5 failed to apply for a job notified by an Emp O **or**
 - 1.6 refused to accept an offer of a job that was notified by an Emp O **or**
 - 1.7 has failed to take up a reasonable opportunity of work **or**
 - 1.8 has failed to participate in a mandatory work scheme under relevant legislation² **or**
 - 1.9 has failed to participate in an interview at the JCP **or**
2. has lost employment because of misconduct **or**
3. has made a subsequent claim to JSA and entitlement to JSA ceased for failing to comply with an ASE or availability condition on the previous claim.

Note: See DMG Chapter 34 for full guidance on sanctions. For further guidance on when claimants have access to hardship where a claimant is subject to a sanction see Appendix 2, Appendix 2.1 and Appendix 5.

1 JS Act 95, s 19, 19A & 19B; 2 s 17A

JSA not paid because of benefit fraud offence

35273 A person or couple in hardship in a vulnerable group may be entitled to hardship payments under the loss of benefit regulations¹ if

1. JSA is not payable because of a benefit fraud offence² **and**
2. the offender or offender's partner is not

- 2.1 subject to labour market sanctions (which have their own existing hardship provisions)³ **or**
- 2.2 subject to a payment restriction under the breach of community order provisions (which have their own existing hardship provisions)⁴.

1 SS (Loss of Benefit) Regs, reg 5(1) & reg 11(2); 2 SS Fraud Act 01, s 7;

3 JSA Regs, regs 141-146; 4 SS (Breach of Community Order) Regulations 2001, regs 6-17

From what date should the DM award hardship payments to a person in a vulnerable group

People waiting for a decision at the start of a claim

35274 Unless DMG 35275 applies, from 27.10.14 a person or couple in hardship who are members of a vulnerable group is entitled to a hardship payment from the latest of

1. either¹ the
 - 1.1 eighth day of the JSP **or**
 - 1.2 date of claim if the claimant does not have to serve waiting days (see DMG Chapter 20) **or**
2. the date the claimant becomes a person in hardship².

Note: See DMG Chapter 21 for guidance on JSPs.

1 JSA Regs, reg 141(2) & 146C(2); 2 reg 141(2) & 146C(2)(a)

35275 The DM may award hardship payments for the period between

1. the earliest date calculated in DMG 35274 **1.** and **2.** **and**
2. the date that the statement of circumstances is provided (see DMG 35400)

if satisfied that the claimant suffered hardship because of a lack of resources in that period¹.

1 JSA Regs, reg 141(3) & 146C(3)

35276 The DM should

1. decide the date when the claimant became a person in hardship **and**
2. ensure that there is evidence of the circumstances of the claimant and any members of the family from the date of claim **and**
3. consider any final payments from employers and whether that money has been spent.

35277 The DM may determine that the claimant was not in hardship at the date of claim but became a person in hardship before the statement of circumstances was provided.

Example

Bishen claims JSA on 2 January. He lives with his partner and baby daughter.

A question about Bishen's JSAg is referred to the DM. On 17 January Bishen requests a hardship payment.

Bishen states he was living on money in his building society account. His money ran out on 10 January. Since then he has not been able to feed his daughter properly.

The DM determines that Bishen was not a person in hardship while he had money from his savings. He became a person in hardship on 10 January when the money ran out.

Hardship payments are awarded from 10 January.

People who are disallowed because they are not available, ASE or have not made a JSAg

35278 A person or couple in hardship who are members of a vulnerable group are entitled to hardship payments from the later of the

1. first day for which JSA is disallowed because of
 - 1.1 availability **or**
 - 1.2 ASE **or**
 - 1.3 a JSAg **or**
2. date the claimant or couple becomes a person or couple in hardship.

Note 1: People who are treated as not available for employment are not entitled to hardship payments (see DMG 35256)¹.

Note 2: DMs should not confuse cases above with cases where the claimant was disallowed JSA on the grounds of availability or ASE and makes a subsequent claim which is subject to an intermediate sanction. In those cases the guidance at DMG 35007 and 35299 et seq will apply.

1 JSA Regs, reg 141(4) & 146C(4)

35279 The JSA claim will come to an end if

1. the DM decides the claimant
 - 1.1 is not available **or**
 - 1.2 ASE **or**
 - 1.3 does not have a JSAg in force **and**
2. the claimant is not a person in hardship at the date the DM makes the decision.

People whose JSA has been suspended because of a doubt about availability, ASE or a JSAG

35280 People in a vulnerable group whose JSA has been suspended because of a doubt concerning availability, ASE or a JSAG will be entitled from the later of¹

1. the first day of the period of suspension **or**
2. the date the claimant becomes a person in hardship.

Note: Do not confuse cases where JSA has been suspended during a claim with people waiting for a decision at the start of a claim or with those where they have made a subsequent claim which is subject to an intermediate sanction because the previous award was disallowed due to a failure to ASE or on availability.

1 JSA Regs, reg 141(5) & 146C(5)

People who are sanctioned

35281 People in a vulnerable group whose JSA is not payable because of a sanction will be entitled from the later of¹

1. the first day JSA is not payable because of a sanction **or**
2. the date the claimant becomes a person in hardship.

1 JSA Regs, reg 141(6) & 146C(6)

People who are disqualified because of a benefit fraud offence

35282 People in a vulnerable group whose JSA is not payable because of a benefit fraud offence disqualification will only be entitled from the later of¹

1. the 15th day that JSA is not payable because of the disqualification **or**
2. the date the claimant or couple becomes a person or couple in hardship.

Those people who fall within the vulnerable group do not have to serve the 14 day waiting period.

1 SS (Loss of Benefit) Regs, reg 5(1), reg 5(2) & reg 11(2); 2 reg 7(1): reg 6 (1) & (2)

When should a hardship payment be revised or superseded

35283 The DM should revise or supersede and end the award of hardship payments if the claimant

1. is no longer a person in, or a member of a couple in hardship **or**
2. no longer satisfies the conditions of entitlement for JSA(IB) **or**

3. ceases to be a member of a vulnerable group and is not entitled to hardship payments if not a member of a vulnerable group.

35284 Hardship payments awarded because of a sanction come to an end at the end of the period of sanction. Full rate JSA will be payable from the day after the end of the sanction.

35285 If hardship payments were awarded while a decision was awaited on, or there was a suspension because of, availability, ASE or a JSAg the DM should revise or supersede the original decision to

1. end the award on the day before the DM made the disallowance decision¹
and
2. award hardship payments if the claimant is entitled to hardship payments under the provision for claimants who
 - 2.1 are not available **or**
 - 2.2 are not ASE **or**
 - 2.3 do not have a JSAg

from the date of the disallowance decision.

1 JSA Regs, reg 141(2)

Example

Patricia claims JSA on 1 December. She is responsible for a 17 year old daughter who is part of her family.

Patricia and the Emp O cannot agree on the contents of a JSAg. The Emp O refers the JSAg to a DM for a decision.

Patricia requests hardship payments. Because Patricia is a member of a vulnerable group the DM awards hardship payments from 4 December while she is waiting a DM's decision on the JSAg.

On 18 December the DM decides that Patricia's JSAg was reasonable. The DM decides that Patricia is not entitled to JSA because she does not have a valid JSAg on 20 December.

The DM decides that the award of hardship payments because Patricia is waiting for a DM's decision ends on 19 December. Because Patricia is a member of a vulnerable group the DM revises or supersedes and makes a further award because she does not have a valid JSAg.

35286 The day the DM decides the claim may not be the same as the day that the DM decides the question concerning the claimant's

1. availability
2. ASE
3. JSAG.

35287 Where a court quashes or sets aside a conviction that had resulted in a decision that a restriction on payment of benefit was to be imposed

1. that decision may be revised at any time¹ **and**
2. payments and other adjustments made as if no restriction had been imposed².

1 SS CS (D&A) Regs, reg 3(8B); 2 SS Fraud Act 01, s 7(7)

35288 - 35289

When hardship payments can be made - people who are not in vulnerable groups

Introduction

35290 There are certain circumstances in which only people in vulnerable groups can qualify for hardship payments. People who are not in vulnerable groups have no entitlement to hardship payments in those circumstances. The date from which hardship payments can be awarded is decided under different rules from those for people in vulnerable groups¹.

Note: See DMG 35055 for the meaning of vulnerable group for JSA hardship purposes.

1 JSA Regs, reg 142 & 146D

- 35291 The DM should revise or supersede and end the award of hardship payments if the claimant
1. ceases to be a person or member of a couple in hardship **or**
 2. no longer satisfies other conditions of entitlement to JSA(IB).

People waiting for a DM's decision - new claims

Claimants who qualify while waiting for a DM's decision

35292 A person or couple in hardship who

1. has made a new claim for JSA **and**
2. is not in a vulnerable group

may qualify for hardship payments before the claim is decided while waiting for a decision by the DM on availability for employment, ASE or a JSA¹.

Note: DMs should not confuse the above with cases where a claimant was disallowed JSA on the grounds of availability or ASE and makes a subsequent claim which is subject to an intermediate sanction. In those cases the guidance at DMG 35007 and 35299 et seq will apply.

1 JSA Regs, reg 142(2) & 146D(2)

From what date are hardship payments payable

35293 A person or couple in hardship who are not in a vulnerable group are entitled to a hardship payment from the latest of either¹

1. the
 - 1.1 22nd day if waiting days have to be served **or**
 - 1.2 15th day of the claim, if waiting days were served at the start of a previous claim which is part of the same JSP **or**
 - 1.3 15th day of the claim, if the claimant does not have to serve waiting days (see DMG Chapter 20) **or**
2. the date the statement of circumstances is provided²
3. the date the claimant becomes a person in hardship³.

Note: A 14 days waiting period has to be served and hardship is paid from the 15th day as per sub para 1.2 and 1.3. or from the 22nd day where waiting days have to be served as per sub para 1.1.. The 7 day waiting days period begins with and includes the day the claim was made.

1 JSA Regs, reg 142(2) & 146D(2); 2 reg 142(2)(c) & 146D(2)(b); 3 reg 142(2) & 146D(2)

On what date do hardship payments end

35294 If the DM awarded hardship payments while a decision on the claim was awaited or there was a suspension because of those questions, the DM should revise or supersede the original decision so that the award ends on the day before entitlement was determined by the DM¹.

Note: This date may not necessarily be the same date as the DM's decision on

1. availability **or**
2. ASE **or**
3. a JSAg.

1 JSA Regs, reg 142(2) & 146D(2)

People whose Jobseeker's Allowance payments have been suspended

Claimants who qualify for hardship payments while JSA is suspended

35295 A person or couple in hardship who are not in a vulnerable group may be entitled to hardship payments in a period when the DM suspends JSA payments because of a doubt concerning

1. availability **or**
2. ASE **or**
3. a JSAg¹.

The claimant must continue to satisfy the other conditions of entitlement to JSA(IB) to get hardship payments.

Note : Do not confuse suspensions of JSA during a claim with the above or with cases where a claimant was disallowed JSA on the grounds of availability or ASE and makes a subsequent claim which is subject to an intermediate sanction. In those cases the guidance at DMG 35007 and 35299 et seq will apply.

1 JSA Regs, reg 142(3) & 146D(3)

From what date are hardship payments payable

35296 A person or couple in hardship are entitled to hardship payments from the later of¹

1. the 15th day of the period of suspension **or**
2. the date the claimant becomes a person in hardship.

1 JSA Regs, reg 142(4) & 146D(4)

On what date does entitlement to hardship payments end

35297 Entitlement to hardship payments ends on the date that the suspension of payments ends, unless DMG 35291 applies.

Effect of the length of suspension

35298 Each time the DM imposes a suspension, the claimant has to wait for 14 days before hardship payments can be made. A suspension may be for a definite or an indefinite period. Also, the DM can impose suspensions that overlap. The DM's decision whether to suspend JSA payments for a definite or indefinite period can affect whether and when the claimant will receive hardship payments. In most

cases where there is an ASE doubt, the DM will suspend JSA payments for a definite period of a fortnight.

Example 1

John attends the Jobcentre Plus office every two weeks on a Wednesday.

At one of his attendances he says that he has not done anything to find work in the last fortnight. Benefit is suspended for the last fortnight.

John applies for a hardship payment, but it cannot be paid for the first 14 days of the period of suspension - so no payment of hardship is made.

After another fortnight John attends again - the DM has not made a determination on ASE. John says that in the last fortnight he has not done anything to look for work. Benefit is suspended for the last fortnight.

John applies for a hardship payment, but it cannot be paid for the first 14 days of the period of suspension - so no payment of hardship is made.

Example 2

Pauline attends the Jobcentre Plus office every two weeks on a Wednesday.

At one of her attendances on 1 June she says that she has just moved house and therefore needs a job which will pay £200 a week. Benefit is suspended indefinitely from 19 May due to a doubt about availability.

Pauline applies for a hardship payment which is paid from the 2 June (the 15 day of the suspension).

On 29 June Pauline attends the Jobcentre Plus office. The DM has not yet decided the availability question. Pauline says that she has looked for work in the last fortnight by attending the Jobcentre Plus office once. Benefit is suspended from 16 June to 29 June.

Pauline's hardship payments cease from 16 June to 29 June (the 14 days of the new suspension).

People who have been sanctioned

Claimants who qualify for hardship payments while sanctioned

35299 A person or couple in hardship who are

1. not in a vulnerable group **and**
2. not being paid JSA because of a sanction (see DMG 35272)

may qualify for hardship payments. The claimant must continue to satisfy the conditions of entitlement for JSA(IB)¹. See DMG Chapter 34 for full guidance on sanctions.

1 JSA Regs, reg 142(5) & 146D(5)

From what date are hardship payments payable

35300 A person or couple in hardship are entitled to hardship payments from the later of¹

1. the 15th day that JSA is not payable because of a sanction **or**
2. the date the claimant becomes a person in hardship.

Note: The date the application for hardship is received does **not** affect the date of entitlement to hardship payments, this is **only** if the award of hardship is made because of a delay in determining a claim to JSA (see guidance at DMG 35400).

1 JSA Regs, reg 142(5)(a) & 146D(5)(a)

35301 For claimants who are not in a vulnerable group, only one 14 day exclusion period is applied to each sanction. If a sanction imposed on an earlier claim has not expired when another application is made, a second 14 day exclusion cannot be applied.

Example 1

Dave claims JSA on 27 November and a sanction is imposed from 19 December to 28 May. He receives hardship payments from 2 January.

Dave is incapable of work and receives IS from 10 February to 6 April and makes another claim for JSA on 7 April.

Normal JSA is not payable until 29 May because of the existing sanction. A hardship payment is requested.

The 14 day exclusion period was 19 December to 1 January.

The DM decides that Dave is a person in hardship and awards a hardship payment from 7 April.

Example 2

Navin claims JSA on 4 August and a sanction is imposed from 16 September to 27 October.

He works from 18 to 22 September and makes another claim for JSA on 23 September.

Normal JSA is not payable until 28 October because of the existing sanction. A hardship payment is requested.

The 14 day exclusion period is 16 to 29 September.

The DM decides that Navin is a person in hardship and awards a hardship payment from 30 September.

On what date does entitlement to hardship payments end

35302 Unless DMG 35291 applies, entitlement to hardship payments under this rule ends when the period of the sanction ends.

Note: This does not mean that the claimant has to submit their application for hardship during the sanction period. There is nothing to prevent them doing so after the sanction period has come to an end provided that they are able to show that they were a person in hardship and had a lack of resources during the period of the sanction (also see DMG 34401).

Example:

Claudia is sanctioned for the period 5.12.12 – 1.1.13. She is in a non vulnerable group and on 23.12.12 requests an application for hardship. She returns a signed application for hardship on 3.1.13. The DM is satisfied that Claudia can be a person in hardship from 19.12.12 – 1.1.13. Her hardship payment is paid on 7.1.13 but this is a payment for a period during which she was sanctioned and not for any period after the sanction ends.

Consecutive or overlapping sanctions

35303 A person or couple in hardship who are not in a vulnerable group cannot get hardship payments for the first 14 days of a sanction¹.

1 JSA Regs, reg 142(5)(a) & 146D(5)(a)

35304 Some claimants may have a sanction imposed for a second transgression

1. immediately following **or**
2. during

an existing sanction. If this happens, the DM should not allow hardship payments for the first 14 days of the second sanction. The claimant is penalized for each individual transgression for which the DM imposes a sanction.

Example

Alex is a single man who claims JSA on 13 November after leaving his employment. He is paid JSA up to and including 5 December. The DM then imposes a sanction of 20 weeks from 6 December to 24 April because Alex left his employment voluntarily.

Alex is not a member of a vulnerable group so he is not paid JSA for the period 6 December to 19 December. However he is paid hardship payments from 20 December because he is in hardship.

Alex continues to attend the Jobcentre Plus office but on 9 January he refuses employment without good cause. Because of this refusal the DM decides to impose a further sanction of 10 weeks from 17 January to 27 March. This sanction overlaps the period of the existing sanction.

Because he is not a member of a vulnerable group Alex is not a person in hardship for the period 17 January to 30 January and no JSA is paid for that period. He returns to being a person in hardship on 31 January and hardship payments are reinstated from that date.

35305 If, exceptionally, both sanctions are for the same period, the DM can apply only one 14 day penalty.

Claimants who are sanctioned for a failure to participate without good reason in a mandatory work scheme

MWA Scheme

35306 A claimant who is sanctioned for a failure to participate without good reason in the MWA scheme can have access to hardship payments during the period of a sanction¹. This can either be on the basis of being

1. in a vulnerable group **or**
 2. a person having a partner who is likely to suffer hardship if JSA is not paid
- see guidance at Appendix 2 and Appendix 5.

1 JSA Regs, reg 141(6)

Example 1:

Jason fails to participate without good reason in his MWA placement and the DM imposes a 13 week sanction for his first higher-level sanctionable failure. The

failure occurred on 7.1.13. He is a Monday payday and was last paid JSA to 7.1.13. The sanction period runs from 8.1.13 – 8.4.13. Jason claims hardship from 8.1.13 and is in a vulnerable group. Jason is eligible for hardship from 8.1.13.

Example 2:

Zara fails to participate without good reason in the MWA scheme and the DM imposes a 26 week sanction as this is Zara's second higher-level sanctionable failure. The failure occurred on 8.10.12. She is a Tuesday payday and was last paid JSA to 9.10.12. The sanction period runs from 10.10.12 – 9.4.13. Zara claims hardship from 10.10.12. She is not in a vulnerable group and so must serve a 14 day exclusion period. Zara is eligible for hardship from 24.10.12.

Back to work schemes (eg: Work Programme)

35307 A claimant who is sanctioned for a failure to participate without good reason in a prescribed back to work scheme¹ can have access to hardship payments during the period of a sanction². This can either be on the basis of being

1. in a vulnerable group **or**
2. a person having a partner who is likely to suffer hardship if JSA is not paid.

This also applies to joint-claim JSA claimants³.

Note 1: JSA will not be payable for the full period of any sanction imposed regardless of whether the claimant re-engages with the scheme.

Note 2: Prescribed Back to Work schemes³ include Work Programme, Skills Conditionality, New Enterprise Allowance scheme, sector-based work academies, Traineeships and Community Work Placements. For full guidance on all prescribed back to work schemes see DMG Chapter 34.

*1 JSA (SAPOE)Regs, reg 3; 2 JSA Regs, reg 140(f)(i), reg 141(6), reg 142(5);
3 reg 146A(e), reg 146(C)(a), reg 146(D)(b)*

Example: Karen has a sanction imposed for a failure to participate in the Work Programme without good reason. This is Karen's first lower-level failure and it attracts a 4 week sanction. The date of the failure is 29.10.12, she is a Wednesday payday and the sanction period runs from 1.11.12 – 28.11.12. Karen applies for hardship payments from 1.11.12. She is not in a vulnerable group and so must serve a 14 day exclusion period. Karen is eligible for hardship payments from 15.11.12.

35308 - 35310

People who have been disqualified following a benefit fraud offence

Claimants who qualify for hardship payments while disqualified

35311 A person or couple in hardship who are not in a vulnerable group and JSA is not payable because of a benefit fraud offence¹ **and**

1. the offender or offender's partner is not entitled to IS or falls within a prescribed category of person who has entitlement to IS² **or**
2. the offender or offender's partner is not subject to labour market sanctions (which have their own existing hardship provisions)³ **or**
3. subject to a payment restriction under the breach of community order provisions (which have their own existing hardship provisions)⁴

may qualify for hardship payments under the loss of benefit regulations⁵.

1 SS Fraud Act 01, s 7; 2 IS (Gen) Regs, reg 4ZA; 3 JSA Regs, regs 141 - 146; 4 SS (Breach of Community Order) Regs, regs 6 - 17; 5 SS (Loss of Benefit) Regs, reg 5(2) & reg 11(3)

From what date are hardship payments payable

35312 A person or couple in hardship are entitled to hardship payments from the later of¹

1. the 15th day that JSA is not payable because of a benefit fraud offence disqualification² **or**
2. the date the claimant becomes a person in hardship.

1 SS (Loss of Benefit) Regs, reg 5(2) & reg 11(3); 2 Reg (7)

On what date does entitlement to hardship payments end

35313 Entitlement to hardship payments end on the date that the disqualification ends because a benefit fraud offence ceases.

35314 Where a court quashes or sets aside a conviction that had resulted in a decision that a restriction on payment of benefit was to be imposed

1. that decision may be revised at any time¹ **and**
2. payments and other adjustments made as if no restriction had been imposed².

1 SS CS (D&A) Regs, reg 3(8B); 2 SS Fraud Act 01, s 7(7)

35315

Deciding the amount of a hardship payment

Applicable amounts

Introduction

35316 There are special rules for the calculation of applicable amounts for hardship payments¹. The special rules reduce the applicable amount by 20% or 40% of specified personal allowances.

1 JSA Regs, reg 145 & 146G

35317 Applicable amounts should be calculated in the normal way and then the appropriate reduction should be made. There are no special rules for calculating

1. personal allowances **or**
2. premiums **or**
3. housing costs.

Deductions for contributions to child support maintenance

35318 In benefit fraud offence cases only, if deductions are being made in respect of a contribution to CSM then any payment restriction **will not apply**¹ to the extent of the deduction.

1 SS (Loss of Benefit) Regs, reg 20

Rounding of the amount of reduction

35319 The amount of the reduction should be rounded to the nearest 5p. If the reduction is calculated at an exact multiple of 2.5p the reduction should be rounded down¹.

1 JSA Regs, reg 145(3) & 146G(2)

When does the 20% reduction apply

35320 The 20% reduction applies if the claimant or a member of the family or a member of a joint-claim couple is

1. pregnant **or**
2. seriously ill¹.

The 40% reduction applies if the claimant or a member of the family or a member of a joint-claim couple is not pregnant or seriously ill.

1 JSA Regs, reg 145(1) & 146G(1)

Meaning of seriously ill

35321 Seriously ill is not defined in the regs. The term should be given its normal everyday meaning¹ of being an important, significant or severe illness.

1 R(SB) 19/82

35322 Illnesses such as colds or coughs are not normally serious. But the DM should decide if an illness is serious for the person concerned.

35323 The DM must determine if a serious illness exists at

1. the date entitlement to hardship payments begins **or**
2. the date of a request for revision or supersession of hardship payments.

The DM should not determine if a serious illness is likely to occur.

35324 If the DM has doubts if a person is seriously ill the claimant should be asked to provide evidence from a doctor.

Is the seriously ill person incapable of work

35325 DMs should bear in mind that people who are incapable of work may satisfy the normal conditions of entitlement to IS. People who are incapable of work do not satisfy the conditions of entitlement for JSA.

35326 The DM should consider if a claimant or partner who is stated to be seriously ill

1. is capable of work **or**
2. satisfies the normal conditions of entitlement to IS and is not a person in hardship.

35327 If a claimant or partner is seriously ill the DM will normally advise that person to claim IS if it appears that they are incapable of work.

Pregnancy

35328 The DM should establish that a claimant or a member of the family is pregnant before applying the 20% reduction.

35329 If the DM has any doubts if a woman is pregnant the claimant should be requested to produce further evidence such as a certificate of the expected date of confinement.

35330 - 35334

When does the 40% reduction apply

35335 The DM should reduce the applicable amount by 40% of a specified personal allowance if the claimant or a member of the family or a member of a joint-claim couple is not pregnant or seriously ill¹.

1 JSA Regs, reg 145(1) & 146G(1)

Calculation of the reduction

People under 18

35336 The following claimants have their applicable amounts reduced by 40% or 20% of the appropriate personal allowance for a single person aged under 18

1. single claimants under 18
2. couples, other than joint claim couples, where both members are under 18
3. polygamous marriages, other than in a joint claim couple, where all members are under 18.

35337 There is now only one level of personal allowance for single people aged under 18 but it is separately prescribed for people who

1. qualify for the DP¹ **or**
2. have to live away from their parents with good reason² **or**
3. do not fall into the two categories above³.

Full guidance on personal allowances for people under 18 is given at DMG Chapter 30.

1 JSA Regs, Sch 1, para 1(1)(c); 2 Sch 1, para 1(1)(b); 3 Sch 1, para 1(1)(a)

Example

Amrit is 17. She is an orphan and has no one acting in place of her parents. She is a single claimant.

Amrit claims JSA in the CHB extension period but the DM decides she is not available for work.

Amrit then requests JSA hardship payments. She is not pregnant or seriously ill.

The DM decides that Amrit is a person in hardship. Her applicable amount is calculated by reducing it by 40% of the personal allowance for an under 18 living apart from parents with good reason.

Calculation

40% of £51.85 = £20.74

£20.74 is rounded to the nearest multiple of 5p

Amrit's applicable amount is reduced by £20.75.

Note: Amrit would be better off claiming IS until the end of the CBEP

35338 - 35339

People aged 18 to 24

35340 Claimants who have their applicable amounts reduced by 40% or 20% of the applicable amount for a single person aged 18 to 24¹ are

1. single claimants aged 18 to 24
2. members of couples, other than joint claim couples, where one member is aged 18 to 24 and the other member is aged under 18 and does not satisfy the conditions of entitlement for JSA(IB)
3. members of polygamous marriages, other than in a joint claim couple, where one member is aged 18 to 24 and the other members are under 18 and do not satisfy the conditions of entitlement for JSA(IB).

1 JSA Regs, Sch 1, para 1(1)(d)

Example

Clive is aged 22. He is single and claims JSA.

The DM sanctions him because he left his previous job without good reasons. Payment of JSA is stopped.

Clive then requests hardship payments.

The DM decides that Clive is a person in hardship.

His applicable amount is calculated by reducing it by 40% of the personal allowance for a single person aged 18 to 24.

Calculation

40% of £51.85 = £20.74

£20.74 is rounded to the nearest multiple of 5p

Clive's applicable amount is reduced by £20.75.

People aged 25 and over and members of couples

35341 Claimants who have their applicable amount reduced by 40% or 20% of the personal allowance for a single person aged at least 25¹ are

1. single claimants aged at least 25
2. members of couples, other than joint claim couples, where at least one member is aged at least 18 (other than members of couples mentioned in DMG 35340)
3. members of polygamous marriages, other than in a joint claim couple, where at least one member of the marriage is aged at least 18 (other than members of polygamous marriages as in DMG 35340).

1 JSA Regs, Sch 1, para 1(1)(e)

Example

Mark claims JSA(IB) for himself and his partner Susan. She is pregnant. They are both aged over 18.

The DM decides that Mark is not ASE. Mark requests hardship payments. He is not entitled to any housing costs or premiums.

The DM decides that Susan would suffer hardship if JSA is not paid. The DM reduces the applicable amount by 20% of the personal allowance for a single person aged 25 or over.

Calculation

20% of personal allowance for single person aged over 25 (£65.45) = £13.09

rounded to the nearest multiple of 5p.

The applicable amount is reduced by £13.10.

Joint Claim Couples

35342 The weekly applicable amount of a joint claim couple shall be reduced by a sum equivalent to the appropriate reduction to the personal allowance for a single person aged at least 25. The reduction is

1. 20% in a case where a member of the joint claim couple is
 - 1.1. either pregnant or seriously ill **or**
 - 1.2. a member of a polygamous marriage and one of the members of that marriage is pregnant or seriously ill **or**
2. 40% in all other cases.

Example

Elaine claims JSA. She lives with her partner Claire. Elaine and Claire are both aged 19.

The DM decides that Elaine should be sanctioned because of the reasons why her previous employer dismissed her. JSA payments are then stopped.

Elaine requests JSA hardship payments. She and Claire are not pregnant. Neither Elaine or Claire are seriously ill.

The DM decides that Elaine is a person in hardship.

When calculating the applicable amount the DM reduces it by 40% of the personal allowance for a single person aged 25 or over.

Calculation

40% of personal allowance for single person aged over 25 (£65.45) = £26.18

£26.18 rounded to the nearest multiple of 5p.

The applicable amount is reduced by £26.20.

35343 - 35349

Income and capital

Calculation of income and capital

35350 There are no special rules for calculating income and capital for hardship payments. The normal JSA(IB) rules should be used.

Income and capital disregards

35351 DMs should

1. fully **or**
2. partially

disregard income and capital following normal JSA(IB) rules¹.

1 JSA Regs, Sch 7 & 8; 2 SS (Breach of Community Order) Regs, regs 6(6) & 12(6)

35352 When deciding if a person will suffer hardship the DM should take into account income and capital that is normally disregarded.

35353 When calculating the amount of the actual hardship payment the DM should apply the normal disregards to that income and capital.

Calculation of income and capital where CTC and CHB in payment

35354 CTC and CHB should be disregarded in the calculation of income for hardship purposes¹.

1 JSA Regs, reg 140(5)(b)

35355 - 35399

Hardship payments - statement of circumstances and payments made on account

Statement of circumstances

35400 Hardship payments cannot be awarded until the claimant has provided a statement of the circumstances relied on to show hardship¹. This statement

1. is not a claim for a hardship payment because
 - 1.1 hardship payments are payments of JSA(IB)² **and**
 - 1.2 there must already be a claim for JSA(IB) before the question of hardship payments arises
2. provides the information needed to decide entitlement to hardship payments³ **and**
3. affects the date of entitlement to hardship payments **only** if the award is made because of a delay in determining the claim⁴.

Note 1: The statement must be signed⁵.

Note 2: Unless **3.** applies, the application is merely a form that provides information needed to decide entitlement to hardship payments. It is the evidence the claimant is relying upon to show he is a person in hardship. Entitlement to hardship is from either the 15th day (non vulnerable groups) or the date the DM decides the claimant is a person in hardship and unless **3.** applies entitlement is not from the date of the statement of circumstances (see DMG 35401).

Note 3: DMs will discuss how to make an application for hardship (where eligible) and support the claimant in making an application. This includes contacting the Jobcentre for them to book an interview to see the claimant face to face as soon as possible.

*1 JSA Regs, reg 141(1), 142(1) & 143, 146C(1), 146D(1) & 146E; 2 reg 141 & 142, 146C & 146D;
3 reg 143(1)(a) & 146E(1)(a); 4 reg 141(2), (3), 142(2)(c), 146C(2) & (3) & 146D(2)(b);
5 reg 143(1)(b) & 146E(1)(b)*

Example

Kathy lives alone and is pregnant. Her only income is JSA(IB). She has no capital.

Kathy attends the Jobcentre Plus office as usual on 14 April, but her normal payment for 1 to 14 April is suspended because there is a doubt about her ASE during that period.

On 15 April she attends the Jobcentre Plus office and makes a hardship statement.

The DM determines that Kathy will suffer hardship if JSA is not paid and awards a hardship payment for the period 1 to 14 April.

35401 The date of the hardship statement has no effect on the date an award is made¹ if the hardship award is made because of a

1. disallowance because the
 - 1.1 availability **or**
 - 1.2 ASE **or**
 - 1.3 JSAGcondition is not satisfied **or**
2. suspension because a doubt about
 - 2.1 availability **or**
 - 2.2 ASE **or**
 - 2.3 a JSAGarises after an award has been made **or**
3. sanction.

1 JSA Regs, reg 141(4), (5), (6), & 142(3), (5), 146C(4), (5) & (6) & 146D(3) & (5)

How the statement of circumstances must be made

35402 The statement of circumstances must be¹

1. made on a form supplied by the Secretary of State **or**
2. made in any other form approved by the Secretary of State.

The claimant must sign the statement of circumstances² and deliver it to the office specified by the DM³.

1 JSA Regs, reg 143 & 146E; 2 reg 143(1)(b) & 146E(1)(b); 3 reg 143(2) & 146E(2)

35403 - 35409

On what date is the statement of circumstances provided

35410 The DM should treat the statement of circumstances as provided on the date when a statement that

1. is signed **and**
2. contains an explanation of the claimant's circumstances

is received at the office specified by the DM.

Is further information needed

35411 If the DM requires further information to decide if a person is in hardship he should obtain it before making a decision. Claimants must provide the DM with information concerning people alleged to be in hardship¹.

1 JSA Regs, reg 144 & 146F

35412 - 35449

Offsetting hardship payments against later payments of Jobseeker's Allowance

Hardship payments treated as payments on account of normal JSA

35450 The DM should treat any hardship payments made as paid on account of JSA that has been suspended. If the DM decides that JSA is payable under normal rules the suspension will be lifted. Only the balance of full rate JSA above the hardship payments should be paid¹.

1 JSA Regs, reg 146 & 146H

35451 The DM suspends JSA that is in payment when a doubt occurs about a condition of entitlement. If the doubt concerns

1. availability
2. ASE
3. a JSAg

hardship payments may be made.

Example

Iqbal receives hardship payments of £63.90 a week while his JSA is suspended.

His JSA was suspended because of a doubt concerning his availability.

The DM decides that Iqbal is available for employment.

The DM decides that Iqbal is entitled to JSA of £85.75 throughout the period of the suspension.

The amount payable for the weeks when hardship payments were made is £21.85. ($£85.75 - £63.90 = £21.85$).

35452 If hardship payments are made because of a delay in deciding a question concerning

1. availability
2. ASE
3. a JSAg

at the start of a claim the DM should offset any subsequent payment of full rate JSA for the period covered by the hardship payments. This offset is done under normal rules¹.

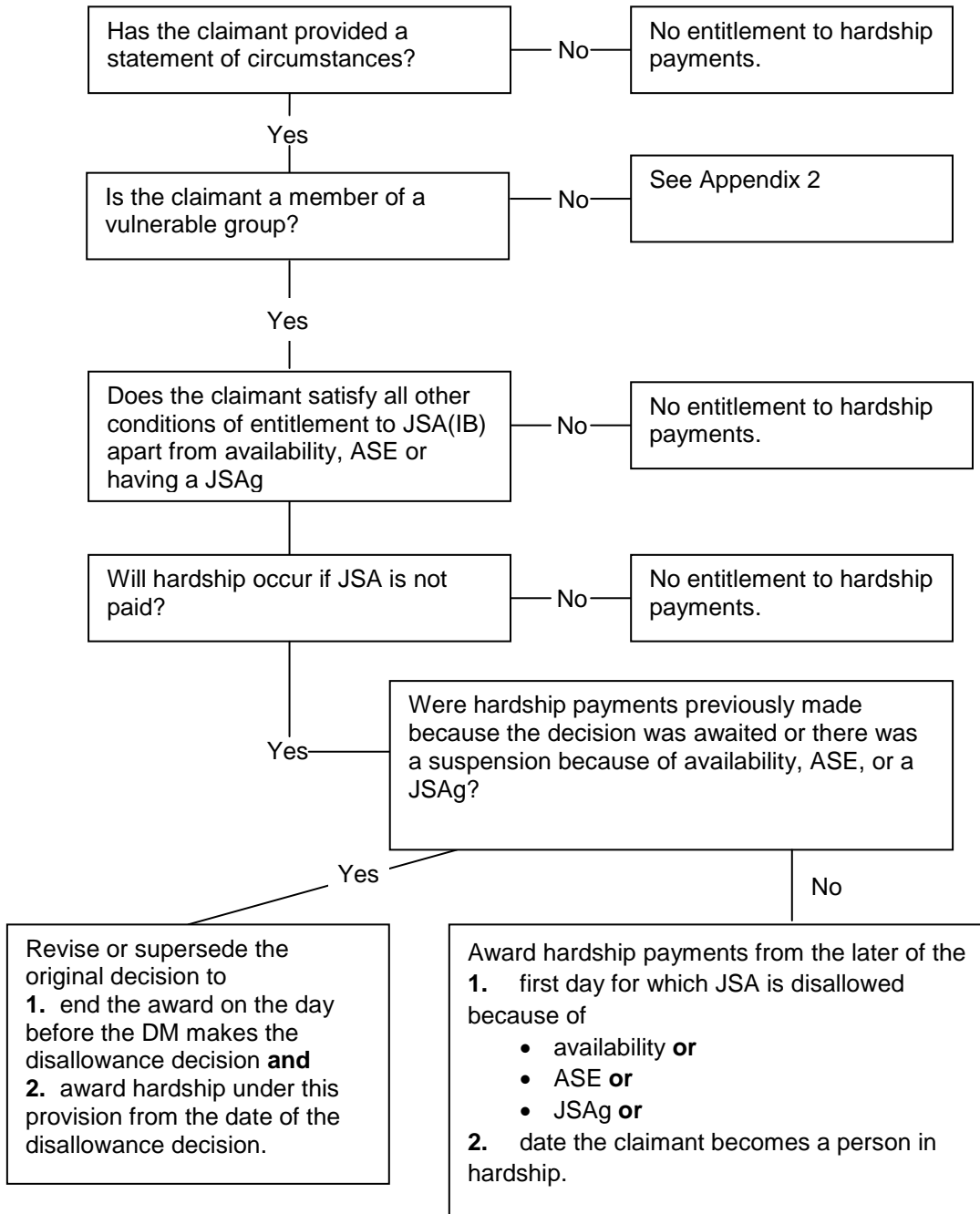
Note: DMs should not confuse the above with cases where a claimant was disallowed JSA on the grounds of availability or ASE and makes a subsequent claim which is subject to an intermediate sanction. In those cases the guidance at DMG 35007 and 35299 et seq will apply.

1 SS (POR) Regs, reg 5

35453 - 35999

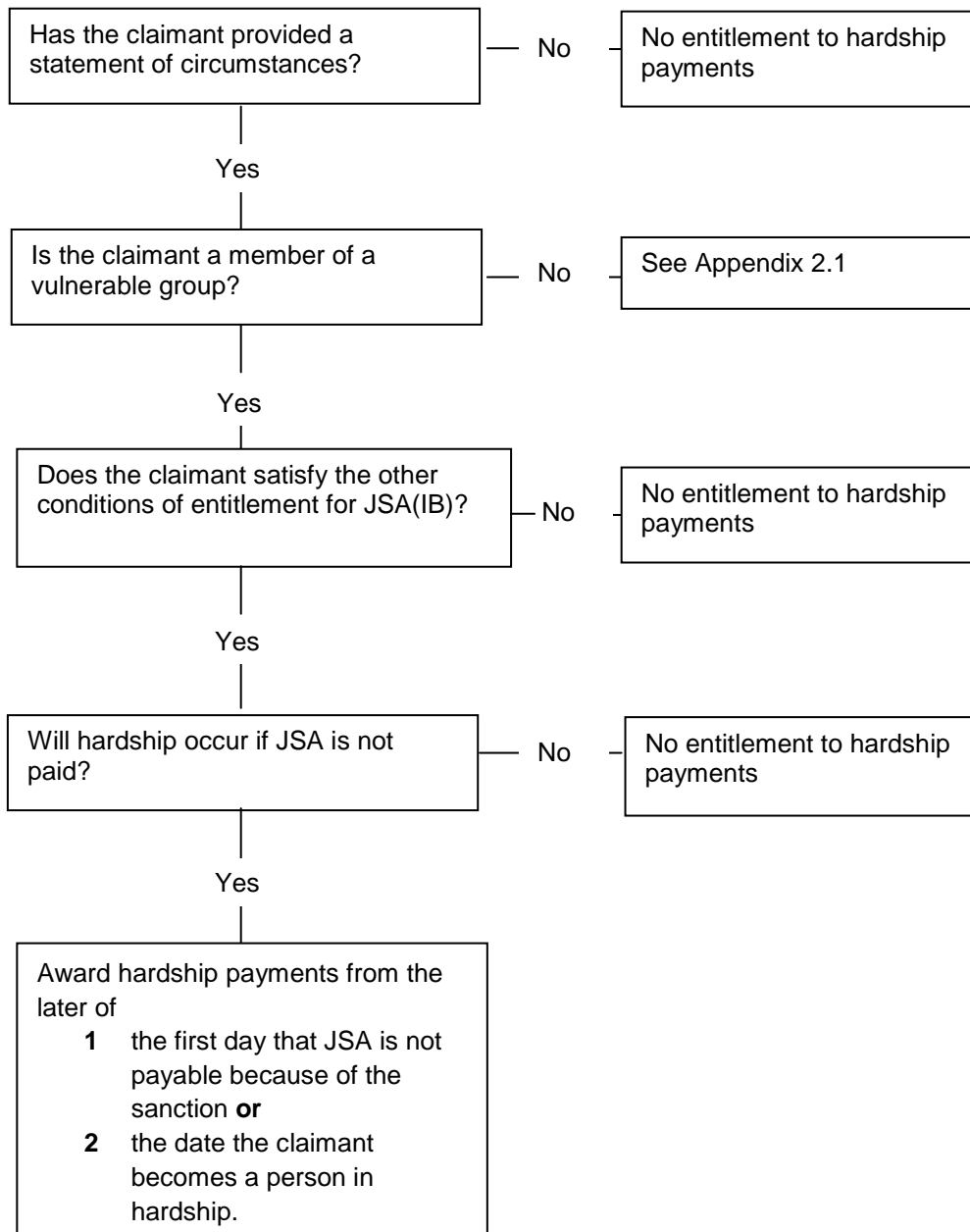
Appendix 1

Claimant not available, not actively seeking employment or has no Jobseeker's agreement in force



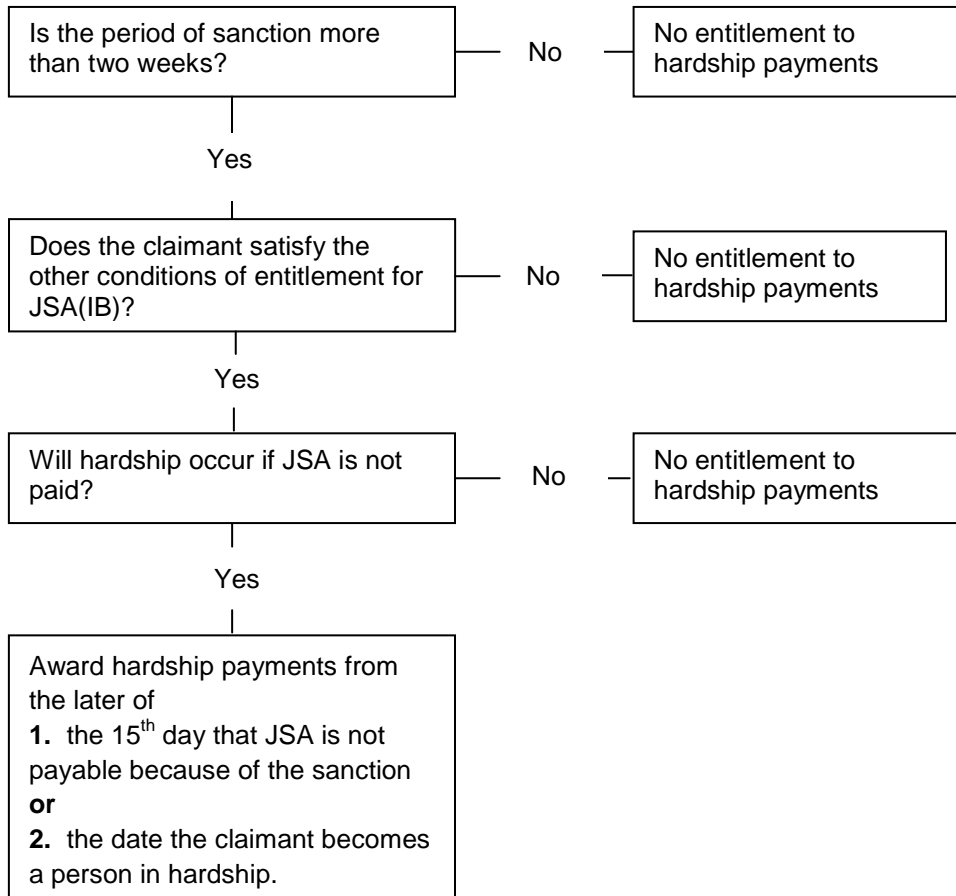
Appendix 2

Claimant sanctioned (see DMG 35272)



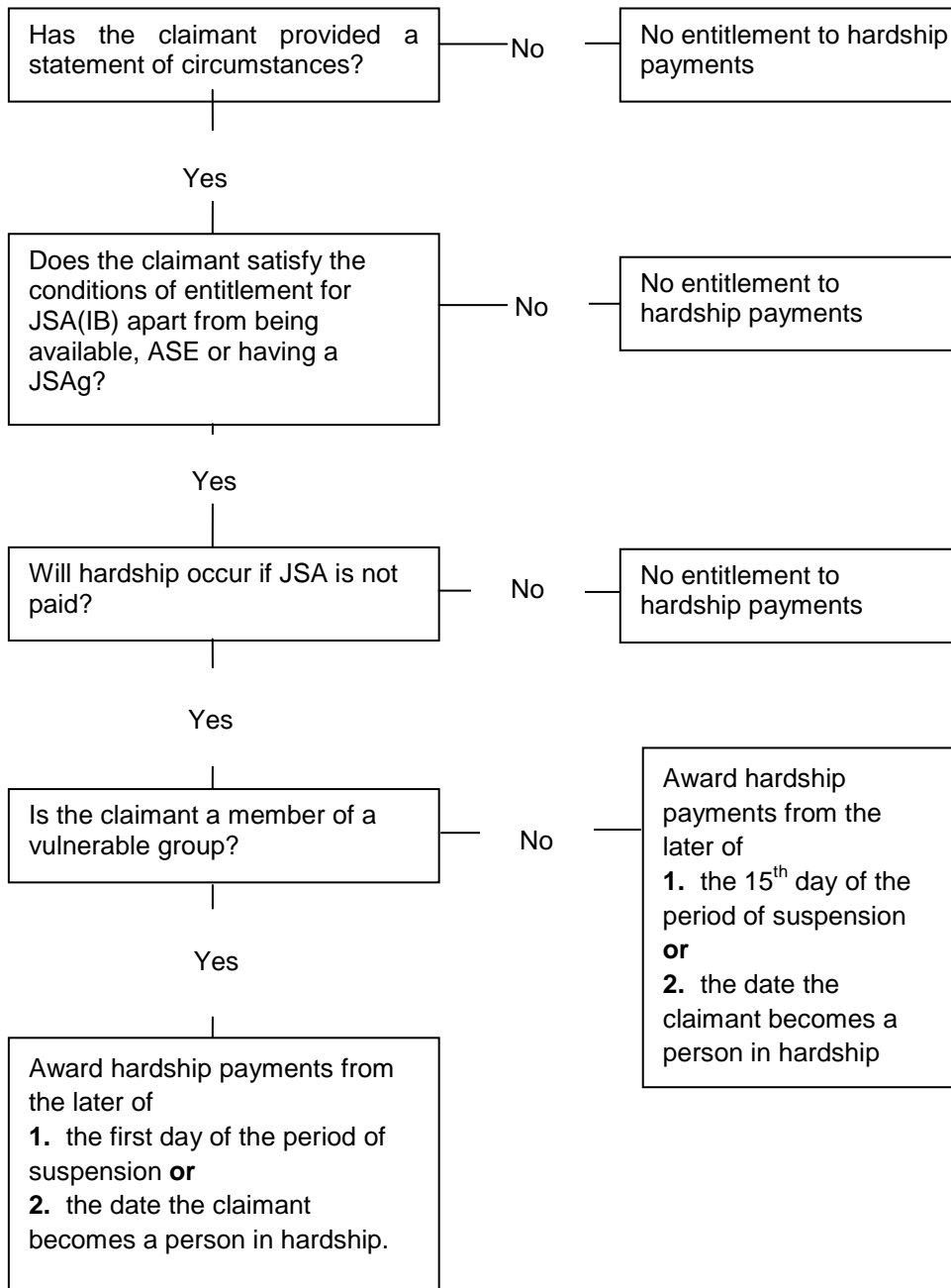
Appendix 2.1

Claimant sanctioned - not in vulnerable group



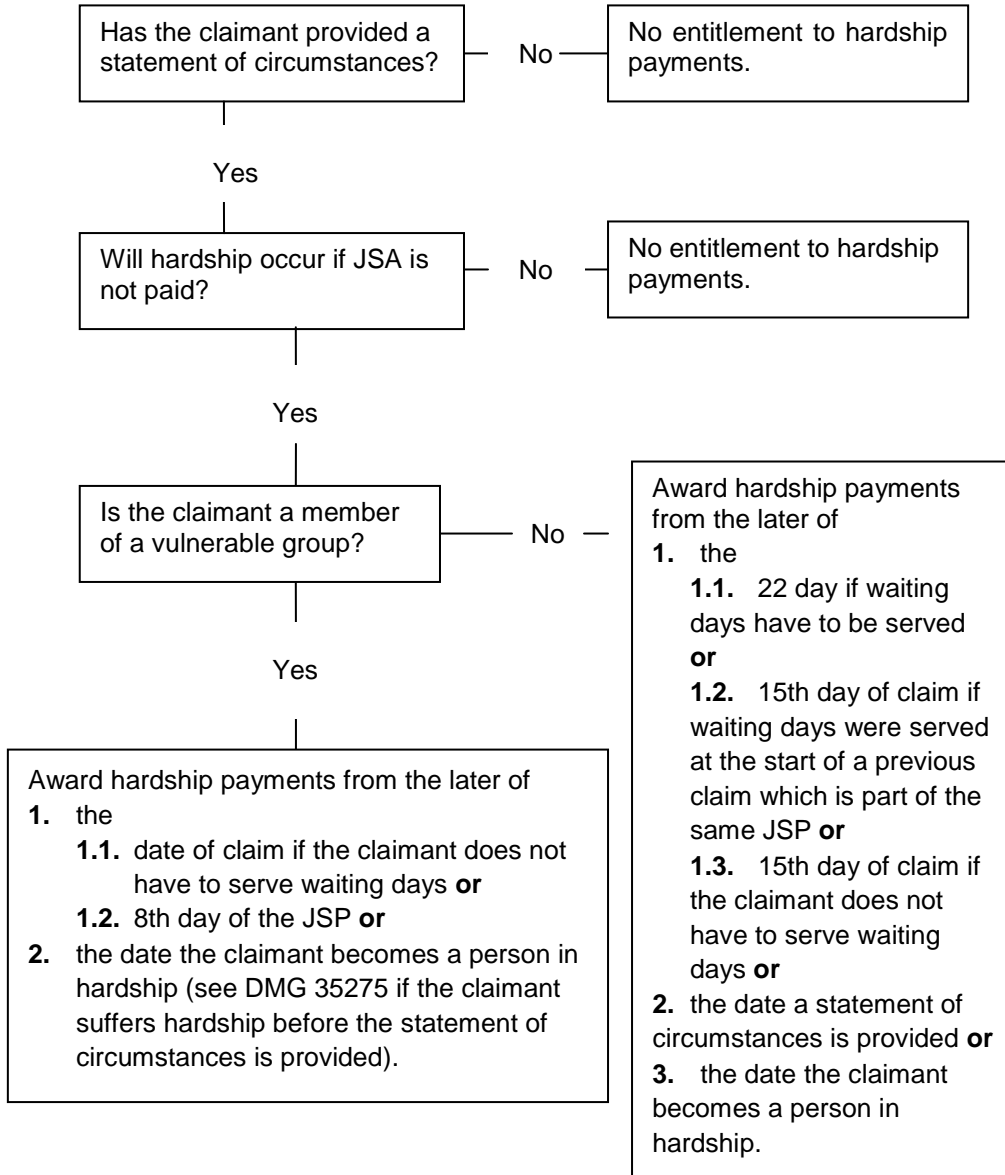
Appendix 3

Jobseeker's Allowance suspended because of a doubt about availability, actively seeking employment or Jobseeker's agreement



Appendix 4

New claims delay in DM deciding on availability, actively seeking employment or a Jobseeker's agreement



Appendix 5

Hardship payments: Labour market rules and sanctions

The table shows when hardship or full rate JSA payments may be made if a labour market or sanction question is under consideration or has been decided.

| Labour market question | Vulnerable groups - DM's decision pending | Other claimants - DM's decision pending | Vulnerable groups - adverse decision | Other claimants - adverse decision |
|-----------------------------------|---|---|--|--|
| Availability | Hardship payments only | Hardship payments but only from 15th/22 nd day | Hardship payments only | No JSA entitlement |
| ASE | Hardship payments only | Hardship payments but only from 15th/22 nd day | Hardship payments only | No JSA entitlement |
| Is a JSAg satisfactory? | Hardship payments only | Hardship payments but only from 15th/22 nd day | Hardship payments only | No JSA entitlement |
| Sanctions: (see DMG 35272) | Full rate JSA | Full rate JSA | Hardship payments only during sanction | Hardship payments only from 15th day of sanction - no hardship payments payable during a two week sanction |

Appendix 6

Duration and effects of common medical conditions

Factors to be considered when deciding if a decline in health will occur

Diet

- 1 Full health depends upon a regular and varied intake of food containing sufficient calories and essential nutrients. A normal healthy body contains enough reserves to cope with dietary changes over a short period but there are medical conditions that could deteriorate due to an inadequate diet over a two week period following a DM's decision.
- 2 Keeping to a strict diet is an essential part of the treatment of many medical conditions, most commonly
 - diabetes mellitus
 - low protein diet for renal failure
 - gluten free diet for coeliac disease
 - low fat diet for hyperlipidaemia
 - soft diet for conditions causing difficulty in swallowing
 - high fibre diet for diverticular disease
 - cow's milk free diet for lactose intolerance.
- 3 Weight reducing diets for obesity are desirable but will not cause deterioration in health over two weeks if not followed.
- 4 The financial costs of a special diet may be more than those of an average healthy diet, but some special foodstuffs are available on NHS prescription, for example, gluten-free flour and biscuits.
- 5 Dietary measures are sometimes advised for medical conditions without clear scientific evidence of benefit. Ignoring a diet

1. that has not been advised by a
 - 1.1 doctor **or**
 - 1.2 NHS dietitian **or**
2. where the need for a special diet is not supported by the general consensus of medical opinion

is unlikely to cause a decline in health greater than that of a normally healthy adult in the two weeks following the DM's decision. Medical Services can advise DMs if there is doubt that a diet meets these conditions.

Accommodation

6 The impact of loss of

- shelter
- access to cooking facilities
- fuel
- clean water and
- sewage disposal

need to be considered in terms of their effect on a long term medical condition. DMs may need to consider if the claimant's accommodation would be lost if JSA is not paid.

7 Stable housing is needed for some medical treatments, for example:

1. suitable accommodation is needed for people using a kidney machine for dialysis at home
2. allergic conditions such as asthma triggered by house dust require clean accommodation where dust control measures may be applied
3. a refrigerator may be required for the storage of certain drugs.

8 A plentiful supply of clean fresh water is necessary for good health but a person may have a medical condition requiring higher than average fluid intake, for example, renal stones.

9 The need for adequate cooking facilities is associated with some of the dietary measures outlined above, for example, baking gluten free foods.

10 The usual method of payment for gas, electricity and water may need to be considered if there is a risk that heating, water or cooking facilities may be lost.

Heating

- 11 The time of year must be considered as lack of heating is only likely to cause problems at certain times of year.
- 12 A normal healthy adult may experience aches and pains in cold weather but people with rheumatic conditions are likely to suffer an increase in the severity and frequency of symptoms.
- 13 Exposure to extremes of temperature presents a risk to all people but certain medical conditions may deteriorate without an ability to control the ambient temperature, such as
1. angina pectoris
 2. chronic respiratory conditions such as asthma or chronic bronchitis
 3. Raynaud's disease
 4. peripheral vascular disease.

Laundry and personal hygiene

- 14 Some medical conditions require a level of hygiene greater than normal or result in a substantially greater quantity of laundry. DMs may have to consider the medical need for regular baths or showers and extra laundry.
- Examples of conditions that may lead to extra washing or laundry are
1. incontinence
 2. exudative skin conditions such as eczema or psoriasis which may need bath additives
 3. stoma patients
 4. bleeding haemorrhoids
 5. discharging fistulae or sinuses.

Transport

- 15 Some conditions will produce long term problems in the ability to walk. People in hardship may need to travel to look for work, shop or other reasons.
- 16 The following medical conditions produce a long term restriction in the ability to walk
1. cardio-respiratory disorders causing breathlessness
 2. angina causing chest pain

3. neurological disorders affecting the gait
4. arthritis of a weight bearing joint causing pain and possibly a limping gait.

Medical treatment outside the home

- 17 Any course of treatment arranged by a recognized health professional which requires attendance at a health establishment should be considered as essential to prevent a decline in health. DMs should consider if a person with a chronic medical condition would still be able to attend for treatment if JSA is not paid.
- 18 DMs should bear in mind that refunds of all or part of necessary travel costs to and from hospitals for NHS treatment are available to people
1. getting JSA(IB), ESA(IR), IS, SPC, WTC, CTC
 2. getting a war or service disablement pension
 3. attending a Genito - Urinary Medicine clinic more than 24 km from home
 4. under the NHS Low Income Scheme
 5. living in the Scottish Highlands and Islands who have to travel at least 48 km over land or 8 km by sea to get to hospital
 6. living in the Isles of Scilly.

Cost of treatment/medicines

- 19 Prescribed medication should not be discontinued. People should usually be able to obtain free NHS prescriptions under the Low Income Scheme. Consideration of treatments considered necessary should be confined to those recommended by a doctor that are supported by the consensus of general medical opinion.

Stress

- 20 Some medical conditions are worsened by mental stress. These include
1. angina
 2. asthma
 3. epilepsy
 4. eczema.
- 21 DMs should consider
1. if a person would suffer stress if JSA is not paid **and**
 2. if increased stress would worsen physical symptoms of a medical condition causing decline or limitation of functional capacity.

Common medical conditions

Allergic Disorders

22 **Symptoms**

Itchy, runny eyes and nose and skin rashes. Wheeze when chest involved (some kinds of asthma)

Likely Duration

Could be more than 26 weeks, although some allergies may only occur at certain times of year.

Cause

Abnormal body reaction to outside protein substances called allergens, most commonly pollen, house mite dust, animal fur and plant material.

Treatment

Antihistamine or steroids in the form of tablets or local applications such as nose sprays, inhalers or creams.

Special factors

Claimants should already know what allergens to avoid when looking for work. If they are on prescribed medication this should not be stopped. They may have to avoid certain foods, but this is unlikely to incur additional expense. Often sufferers buy their treatments over the counter rather than requesting prescriptions. This should be taken into account when considering costs. See also: Skin Problems.

Back, Joint, and Muscle Disorders

23 **Symptoms**

The most common symptom is pain, worse when the affected part is used heavily. Stiffness is frequent, especially if the part has not been moved for a time. This means that stiffness is often worse when getting out of bed and eases off as the sufferer gets moving. Some degree of joint swelling may be obvious. Thinning and weakness of muscles (wasting or atrophy) can occur if a limb has not been used, for whatever reason. It may also occur in muscular dystrophy.

Use of the affected part is often restricted by pain. If the back is involved use of the lower limbs in walking or climbing may be affected.

Likely Duration

More than 26 weeks.

Cause

The most common cause is wear and tear, sometimes in response to an injury. There are many inflammatory conditions, such as rheumatoid arthritis where the main feature is inflamed joints.

Treatment

Many kinds of treatment are available, but they are not always successful and sufferers often try them all in turn. Treatments range through operations, injections, tablets, manipulation, aroma therapy, acupuncture, homeopathy, pain management courses and electrical (TENS) machines attached to the body.

Special factors

JSA claimants with one of these conditions will probably have learned to cope with their pain and disablement. If they are taking regular prescribed medication or are currently undergoing a systematic course of treatment needing attendance at a treatment centre twice or more a week it is important to continue. External factors such as cold weather may make symptoms more severe but do not usually affect the course of the disease.

Balance Problems

24

Symptoms

Unsteadiness when standing, turning the head, or walking, often worse when changing the body from a lying or sitting to the standing position.

Likely Duration

Usually more than 26 weeks. Some conditions come on for a few days at a time and recur every few weeks.

Cause

The most common causes are a disturbance of the balancing organ within the ear or an interference with the blood supply to the part of the nervous system controlling balance. The latter is commonly due to disease of the spine in the neck (cervical spondylosis).

Treatment

Tablet medication is often prescribed to control symptoms, although it rarely cures the condition.

Special factors

It is rare for environmental factors to make much difference. Sufferers may claim that their walking ability is limited. If a sufferer is still able to drive a car they are not likely to have disease serious enough to impair walking ability.

Blackouts

25 **Symptoms**

Loss of consciousness, usually without warning. Sometimes people describe feelings of faintness as blackouts but they are only likely to be serious if there has been a history of uncontrolled falls to the ground as part of the blackout.

Duration

A single blackout is unlikely to last for more than a few minutes, although there is often a tendency to suffer from blackouts that goes on for years.

Cause

Most blackouts are due either to a sudden reduction in blood supply to the brain (faints, Stokes-Adams Attacks, TIAs), or an abnormal electrical discharge within the brain (epilepsy).

Treatment

Sufferers with significant disease will usually be on regular medication which should not be stopped without a doctor's advice.

Symptoms

JSA claimants with a history of 1 blackout during the preceding 6 months or 2 within the preceding 3 years should be regarded as vulnerable.

Blood Disorders (see also Cancer)

Symptoms

26 Tiredness, tendency to easy bruising or bleeding from nose or mouth, breathlessness on exertion. Sufferers from haemophilia may bleed into joints to give symptoms of arthritis.

Likely Duration

Usually more than 26 weeks.

Cause

Lack of oxygen-carrying haemoglobin or essential cells in the blood.

Treatment

Replacement vitamins, iron tablets, or more powerful specific medication.

Special factors

Sufferers on specific medication should be regarded as vulnerable. Omitting replacement iron or vitamins for two weeks will not cause deterioration.

Bowel and Lower Abdominal Disorders27 **Symptoms**

Abdominal pain, constipation, diarrhoea, incontinence of faeces. Severe conditions such as ulcerative colitis or Crohn's disease may cause general ill health with weight loss, fatigue and poor nourishment.

Likely Duration

More than 26 weeks.

Cause

Inflammation of part of the intestine (as in Crohn's Disease or colitis), or abnormalities of the bowel wall (as in diverticular disease). Many sufferers from bowel disorders are described as having irritable bowel syndrome whose cause may have a psychological element. Many bowel conditions may be treated by operations resulting in part of the bowel being brought to the surface of the abdomen (colostomy or ileostomy).

Treatment

The severe types of bowel disorders may require regular medication which should not be stopped. Colostomies or ileostomies require special prescriptions of bags and skin dressings. These items are available without a prescription charge. Diet is usually an important part of the treatment but is unlikely to incur additional expense.

Special Factors

Sufferers whose bowel disease causes weight loss or undernourishment should be regarded as vulnerable. Regular prescribed medications should not be stopped.

Cancer

28 **Symptoms**

Very variable, depending on the nature, site, and seriousness of the cancer. An abnormal but painless lump may be the first sign, but serious cancers which are not treatable progress to give pain, general ill-health, and weakness. These later signs may be the first symptoms. Cancer of the blood cells (leukaemias), bowel or kidneys and bladder may show abnormal bleeding.

Duration

JSA claimants are not likely to be suffering from serious or untreated cancer, and reference to cancer is likely to mean that they have had successful treatment in the past.

Cause

Most cancers are due to abnormal uncontrolled growths of bodily tissues.

Treatment

Contrary to popular belief many cancers are curable, and it is likely that JSA claimants will have been cured.

Special factors

Cancers are not infectious so will not be passed on to other people.

Chest Disorders

29 **Symptoms**

The commonest symptoms are cough, wheezing chest, and breathlessness on exercise. In some conditions such as asthma the symptoms may vary in response to the season, exertion, or exposure to allergic reactors such as pollen, dust or animal fur. Most sufferers over the age of 40 are likely to have a permanent degree of wheeze even if they do have good times and bad times.

Duration

Usually continues for years, although younger people may tend to grow out of asthma.

Cause

Air pollutants such as fumes and tobacco, house mite dust, pollen, animal hair.

Treatment

Most sufferers use inhaler medication regularly, and some people need courses of tablets in the form of antibiotics or steroids at certain times of the year.

Special factors

Most sufferers will tend to get more symptoms if stressed. Sufferers who are taking or have been given steroid tablets (as opposed to steroid inhalers) during the preceding six months should be regarded as vulnerable. It is important that regular medication be continued. Symptoms may be worse in cold damp weather.

Chronic Fatigue Syndrome

30 **Symptoms**

There is a wide range of symptoms between depression with few physical symptoms and intense fatigue without an identifiable psychiatric disorder. The fatigue comes on in response to even slight degrees of mental or physical exertion. Also, sufferers are able to list a wide range of distressing symptoms. Muscles may be painful and there is an overlap with a condition where painful muscles are the main symptom (fibromyalgia).

Duration

Likely to be more than 26 weeks.

Cause

Not known, but many cases follow an episode of infection, usually thought to be due to a virus. Particularly common after an attack of infectious mononucleosis (glandular fever).

Treatment

There is no specific treatment. Careful pacing of physical activity is better than complete rest.

Special factors

It is unlikely that the condition will change as a result of external factors.

Diabetes

31 **Symptoms**

Symptoms associated with diabetes are excessive thirst, frequency of passing urine, or related infection due to the fact that the urine contains sugar. In a few cases, mainly young people, the symptoms are not noticed until there have been more damaging effects on the sufferer's general health.

JSA claimants are likely to have well controlled diabetes that is not giving symptoms in itself, but which may have complications such as impaired sight, impaired sensation, or ulcerated feet. Diabetics on insulin and some kinds of tablet may have symptoms of low blood sugar - faintness, sweating and weakness. The symptoms can usually be relieved by taking glucose with no harm to the sufferer.

Likely Duration

More than 26 weeks.

Cause

The cause is a failure of the body to control the level of glucose in the blood.

Treatment

Most diabetics can be treated by diet alone or by tablets. A few have to learn to give themselves injections of insulin regularly. Surgical treatment is often needed for eyesight complications.

Special factors

JSA claimants with diabetes are likely to be well controlled. If they have complications such as infection, ulcers of the feet or impaired sight that has needed surgery, they should be regarded as vulnerable.

Proper control of diet is always important. Any tablets or injections that are needed should not be stopped. People whose diet may be interrupted if JSA is not paid should be treated as vulnerable.

Eye Problems

32

Symptoms

Difficulty in seeing with one or both eyes. Discomfort, pain or itching of eyes. Dry or watery eyes.

Likely Duration

Usually more than 26 weeks except for infections or allergies.

Cause

Some conditions (amblyopia, squint) affect one eye only. Injury to eye, damage due to a disease like diabetes, arthritis, thyroid disease or high blood pressure. Primary eye conditions such as cataract or glaucoma. Allergies or infections.

Treatment

Spectacles, contact lenses, operation, or eye drops.

Special factors

Conditions are unlikely to be worsened over a two week period. Prescribed eye drops should not be stopped.

Gynaecological Problems

33 **Symptoms**

Heavy or prolonged periods which, if severe, may result in anaemia. Stress incontinence (leakage of urine with laughing or coughing). Vaginal wall or neck of womb may protrude (prolapse). Lower abdominal or pelvic discomfort or pain is common.

Likely Duration

Usually more than 26 weeks although period problems may occur for a few days each month. Prolapse or incontinence likely to last more than 26 weeks.

Cause

Hormone irregularity or fibroids cause period problems. Weakness of pelvic muscles cause incontinence or prolapse.

Treatment

Hormone treatment is often successful. Surgery may help prolapse, excessive bleeding, or incontinence.

Special factors

Conditions are unlikely to be worsened over a two week period. Prescribed hormones should not be stopped. Additional sanitary protection may be needed. Some women with pre-cancer of the neck of the womb (carcinoma-in-situ) describe their condition as cancer, but it has usually been successfully treated.

Hearing Problems

34 **Symptoms**

Impaired hearing, often worse with a high level of background noise. Recent onset of deafness could be due to wax.

Likely Duration

Usually more than 26 weeks.

Cause

Damage to the nerve or structures of middle ear. May be due to past infection, exposure to noise or ageing.

Treatment

A hearing aid is often helpful but may require careful adjustment. Syringing ears to remove wax may have dramatic effects.

Treatment

Hearing problems unlikely to deteriorate over a two week period.

Heart Disease35 **Symptoms**

Breathlessness, especially on exertion such as climbing hills or stairs. Similar exercise often causes pain in the chest (angina) as well or instead of breathlessness. A feeling of thumping in the chest (palpitations). Swollen ankles (oedema) may also be present.

Likely Duration

More than 26 weeks.

Cause

Most Heart Disease is due to lack of blood supply to heart muscle due to narrowed arteries. Sometimes the heart valves are leaky or narrowed, so that the heart has more work to do for the same effect. High blood pressure (hypertension) has a similar effect.

Treatment

Operations are now common and effective, and there is a wide range of helpful medication.

Special factors

Sufferers should not stop prescribed medication. Their symptoms are often worse in cold weather and they may have restriction of mobility. JSA claimants on regular prescribed medication for Heart Disease should be regarded as vulnerable.

Hernia36 **Symptoms**

Swelling in the groin or abdominal wall can increase when the sufferer is straining as when lifting or coughing.

Likely Duration

More than 26 weeks.

Cause

Weakness of muscles allowing abdominal contents to protrude.

Treatment

Usually an operation, although a truss may be used.

Special Factors

None. (Note Hiatus hernia is a different condition.)

Infections

37 **Symptoms**

Most infections are of short duration. JSA claimants suffering from long term infections are likely to be either people carrying an infectious agent (for example HIV) or continuing long-term antibiotic treatment to ensure that the infective agent has been got rid of (for example tuberculosis).

Likely Duration

Usually less than 26 weeks. Sometimes medication is continued for longer although there will be no symptoms. Some infections have a tendency to recur every so often and antibiotics are given during attacks or as a preventative. HIV will usually last for more than 26 weeks.

Cause

The body is infected with viruses or bacteria. Most infections are spread by the air we breathe, and a number of others by the food or drink we take in. A few, notably HIV, are spread by exchange of body fluids.

Treatment

Most infections are successfully treated by antibiotics.

Special factors

Symptomless carriers of food-transmitted germs may be eligible for IB (and therefore excluded from hardship payments). Other infection sufferers are not likely to be a danger to others. If claimants are still being prescribed medication this should not be stopped. Other environmental factors are unlikely to be relevant. People infected with HIV (HIV positive) may be apparently normal. They are not likely to be a danger to others, except in a few situations such as doctors and dentists. People who have progressed to active AIDS are likely to be under medical supervision, receiving active treatment and possibly unfit for work. A person with AIDS should be considered vulnerable if they are fit for work.

Kidney and Bladder Disease

38 Symptoms

Most commonly, frequency in passing urine with urgency - the desperate need to use a toilet quickly to pass urine. Leaking of urine is commonest in women when they laugh or cough (stress incontinence).

Men may find that they leak after they have finished passing water. Pain whilst passing urine is in the urethra (the pipe leading to the outside). Kidney pain is uncommon but when it comes may be severe, starting in the back and upper abdomen.

Likely Duration

Leaking and urgency are likely to last more than 26 weeks. Kidney pain due to stone or infection may be severe for a few days, then clear up before returning a few weeks or months later.

Cause

Women get stress incontinence from laxity of the muscles and ligaments of the pelvis. Men may get bladder problems in late middle age due to enlargement of the prostate gland. Infections and stones on the kidney, bladder or linking tubes are common.

Treatment

Infections respond to short course of antibiotics, but sometimes regular antibiotics are advised. Operations may be helpful.

Special Factors

Regular prescribed antibiotics should not be stopped. Additional laundry and use of incontinence aids or sanitary towels may be needed.

Liver Disease

39 Symptoms

The liver is an important organ in the body but has a huge ability to function even when badly diseased. Sufferers from liver disease may feel unwell in a non-specific way. As liver damage increases the sufferer may become jaundiced or develop fluid retention showing itself as a distended abdomen, swollen legs, or breathlessness.

Likely Duration

More than 26 weeks.

Cause

A common type of liver disease is cirrhosis, which is often due to alcoholism but can occur for no clear cause. Hepatitis may arise from various forms of infection and can damage the liver permanently. The liver is closely related to the gall bladder and some gall bladder diseases may damage the liver.

Treatment

JSA claimants with liver disease are likely to have a slowly progressive condition that has allowed them to adjust to their illness. If they are on prescribed medication it will be vital that they continue to take it. Special diets will often be required and this may involve them in extra expense.

Special factors

Jobseekers with liver disease requiring regular medication or who have symptoms of jaundice, breathlessness or swelling should be regarded as vulnerable.

Migraine

40

Symptoms

Episodes of headache with vomiting and visual disturbance.

Likely Duration

Tendency usually more than 26 weeks although individual attacks usually last four to twelve hours.

Cause

Sudden changes in the size of blood vessels in the head. May be brought on by stress or in women by hormonal changes.

Treatment

Painkillers and anti-vomiting tablets during an attack. Some tablets may prevent attacks.

Special factors

Preventive medication needs to be taken regularly.

Neurological Disease

41

Symptoms

Numbness, pins and needles, weakness, paralysis of one or more limbs, poor coordination and balance, pain, impaired mental or organ function, including vision, hearing, taste and smell.

Likely Duration

Usually more than 26 weeks. Some conditions may come in brief spells which recur every so often.

Cause

Damage to the brain, spinal cord or nerves to sense organs and limbs. Results from direct involvement, physical damage after injury or bleeding into the brain, or as a complication of a generalised disease, such as diabetes or alcoholism. Some psychological conditions (for example hysteria) can cause measurable physical impairment.

Treatment

Depends on condition. Some are untreatable but sufferers from these illnesses may consider themselves fit for work or have been found capable of work. If that is the case they are unlikely to get worse over a two week period. Some require medication to be taken long term or only during an attack. Some require physiotherapy or speech therapy.

Special factors

Prescribed medication should not be stopped. Mobility may be affected. Exemption from prescription charges is available to those with myasthenia gravis and epilepsy.

Skin Problems

42 **Symptoms**

Rashes of various kinds, affecting any part of the body. The extent and severity of the rash varies over time. The rash may itch or feel sore, and can weep or bleed.

Likely Duration

Usually more than 26 weeks. An allergic rash is short-lived but may recur. Infections respond very rapidly to treatment.

Cause

Some are due to allergy or sensitivity to a particular substance but many have no known cause (for example psoriasis).

Treatment

Creams or ointments applied regularly. Some are added to bath water. Weeping areas may need dressings. Psoriasis may sometimes be treated at hospital with ultra violet light. A few skin conditions are treated with tablets taken over a long period of time.

Special factors

Application of creams or ointment should be continued as prescribed, but sometimes sufferers buy important treatments over the counter. Weeping or bleeding skin may require additional laundry or dressings or bathing. Tablet treatments are unlikely to cause problems if stopped for two weeks. Skin conditions are almost never infective and will not be transmitted in the workplace. Cracking and bleeding of skin of hands may affect ability to use hands.

Thyroid Disease

43 **Symptoms**

Swelling in the neck (goitre) may or may not be present. Overactive gland may cause weight loss, rapid heart beat, sweating, anxiety, tiredness and protruding eyes. Underactive gland may cause weight gain, slowness, dry skin, hoarse voice and feeling cold.

Likely Duration

Usually more than 26 weeks. An overactive thyroid should respond to treatment in less than 26 weeks.

Cause

Hormonal imbalance or if treatment results in the symptoms swinging too far away from normal.

Treatment

Overactive thyroid is treated by surgery, radiation treatment or tablets. An underactive thyroid is treated by hormone replacement tablets.

Special factors

Prescribed medication should not be stopped. Those requiring treatment with thyroxin hormone are exempt from all prescription charges.

Upper Abdominal Disorders

44 **Symptoms**

The commonest symptom is pain in the abdomen, often related to eating (heartburn, indigestion). The pain will usually be controllable by tablets or special diets.

Duration

JSA claimants are not likely to be suffering from serious disease, but may have pain from time to time. The pain from ulcer or gall bladder conditions may be worse if a close control of diet is not made.

Cause

Most commonly excess acid damaging the stomach lining or leaking into the gullet. Where pain is due to an inflamed gall bladder or pancreas stones may be present.

Treatment

Most conditions are treatable but many will need continuing medication to prevent recurrence. Careful control of diet may be needed but it should not usually involve extra expense.

Special factors

A sufferer from one of these diseases who tends to be under weight should be regarded as vulnerable.

Vascular Disorders45 **Symptoms**

If arteries are affected usually cold hands and feet with pain in the muscles, especially leg muscles on exercise. If veins are affected they may be swollen and painful with swelling of the limb where the vein is sited.

Likely Duration

Most conditions last for more than 26 weeks, although an acute thrombosis or embolus may be cured in a few weeks.

Cause

Arteries are usually damaged by narrowing due to inflamed or thickened artery walls. Veins are usually damaged when a clot of blood inside the vein prevents blood being returned from the limb to the heart.

Treatment

Operations are often effective in curing or relieving conditions and it is common for sufferers to wear elastic stockings or leg dressing. Tablet medication is not usually effective except for those conditions where anticoagulant drugs are prescribed.

Special factors

If anticoagulant medication is prescribed this should not be stopped, and it is usually necessary for the sufferer to attend hospital at intervals to have blood tests. Leg ulcers may have to be dressed regularly either at a treatment centre or hospital and may incur additional laundry costs.

Sufferers from artery disease should avoid cold temperatures, and those who get painful legs when walking may have difficulty in walking distances.

List of medical terms

46 The following list explains which paragraph in paragraphs 22 to 45 applies to certain common medical conditions. The technical terms listed describe some of the types of condition from which claimants may be suffering. Some conditions that do not fall under paragraphs 22 to 45 are also explained.

Acne rosacea

See Skin Problems.

Acne vulgaris

See Skin Problems.

Affective disorder

Mental illness without physical impairment.

Agoraphobia

Mental illness without physical impairment.

Alcoholism

Mental illness usually without physical impairment. It is possible for someone to have a problem with excessive alcohol consumption and associated social or psychological problems but have no physical impairment.

Allergic Rhinitis

See Allergic Disorders.

Amputation

The removal of any part of the body by surgery (surgical amputation) or by accident (traumatic amputation). Disability depends on the extent of the amputation and effectiveness of artificial limb replacement. For example somebody with an amputated foot may be able to walk well with a good artificial leg.

Anaemia

See Blood Disorders.

Aneurysm

See Heart Disease.

Angina (Angina pectoris)

See Heart Disease.

Ankylosing spondylitis

See Back, Joint, and Muscle Disorders.

Anorexia nervosa

Mental illness without physical impairment.

Anxiety

Mental illness without physical impairment.

Aortic incompetence

See Heart Disease.

Aortic stenosis

See Heart Disease.

Arthrosis

See Back, Joint, and Muscle Disorders.

Asbestosis

See Chest Disorders.

Asthma

See Chest Disorders.

Atheroma

See Heart Disease.

Atherosclerosis

See Heart Disease.

Athletes' foot

See Skin Problems.

Atrial fibrillation

See Heart Disease.

Basal cell epithelioma

See Cancer.

Bell's Palsy

See Neurological Disease.

Bipolar Affective disorder

Mental illness without physical impairment.

Blood Clot

See Vascular Disorders.

Blood pressure

See Heart Disease.

Bradycardia

See Heart Disease.

Brain cancer

See Cancer.

Brain tumour

See Cancer.

Breast cancer

See Cancer.

Bronchial asthma

See Chest Disorders.

Bronchiectasis

See Chest Disorders.

Bronchitis

See Chest Disorders.

Buerger's Disease

See Vascular Disorders.

Bulimia nervosa

Mental illness without physical impairment.

Bursitis

See Back, Joint, and Muscle Disorders.

Carpal tunnel syndrome

See Neurological Disease.

Capsulitis

See Back, Joint, and Muscle Disorders.

Carcinoma

See Cancer.

Carcinoma-in-situ

See Gynaecological Problems.

Cardiac arrhythmia

See Heart Disease.

Cardiac failure

See Heart Disease.

Cardiomyopathy

See Heart Disease

Carditis

See Heart Disease.

Cartilage Injury

See Back, Joint, and Muscle Disorders.

Cataract

See Eye Problems.

Cerebral palsy

See Neurological Disease.

Cerebrovascular accident (CVA)

See Neurological Disease.

Cervical disc lesion

See Back, Joint, and Muscle Disorders.

Cervical spondylosis

See Back, Joint, and Muscle Disorders.

Chemical dependency

Mental illness without physical impairment. See notes to alcoholism.

Cholecystitis

See Upper Abdominal Disorders.

Chondromalacia patellae

See Back, Joint, and Muscle Disorders.

Chronic bronchitis

See Chest Disorders.

Cirrhosis

See Liver Disease.

Claudication

See Vascular Disorders.

Coccydynia

See Back, Joint, and Muscle Disorders.

Coeliac Disease

See Bowel and Lower Abdominal Disorders.

Colitis

See Bowel and Lower Abdominal Disorders.

Colostomy

See Bowel and Lower Abdominal Disorders.

Congestive cardiac failure (CCF)

See Heart Disease.

Convulsions

See Blackouts.

Corpulmonale

See Heart Disease.

Coronary artery bypass graft

See Heart Disease.

Coronary atheroma

See Heart Disease.

Coronary ischaemia

See Heart Disease.

Coronary thrombosis

See Heart Disease.

Crohn's disease

See Bowel and Lower Abdominal Disorders.

Cyesis

Another term for pregnancy.

Cystic fibrosis

See Chest Disorders.

Debility

May be used by a doctor as a vague term either because the diagnosis is not clear or because the sufferer does not know the diagnosis.

See Chronic Fatigue Syndrome.

De Quervain's syndrome

See Back, Joint, and Muscle Disorders.

Deep venous thrombosis

See Vascular Disorders.

Depression

Mental illness without physical impairment.

Dermatitis

See Skin Problems.

Detached retina

See Eye Problems.

Diabetic retinopathy

See Diabetes.

Diarrhoea

See Bowel and Lower Abdominal Disorders.

Diarrhoea and vomiting

See Bowel and Lower Abdominal Disorders.

Diplopia

See Eye Problems.

Disseminated sclerosis (DS)

See Neurological Disease.

Dissociative disorders

Mental illness without physical impairment.

Diverticular Disease

See Bowel and Lower Abdominal Disorders.

Diverticulitis

See Bowel and Lower Abdominal Disorders.

Diverticulosis

See Bowel and Lower Abdominal Disorders.

Dumping syndrome

See Upper Abdominal Disorders.

Duodenal ulcer

See Upper Abdominal Disorders.

Dupuytren's contracture

A condition found mainly in middle-aged men where one or more fingers gradually become permanently bent. It is painless but slowly progressive until writing is difficult and gripping is impossible. Operations are sometimes successful. In extreme cases fingers sometimes have to be amputated.

Dyslexia

Mental effects without physical impairment.

Dysmenorrhoea

See Gynaecological Problems.

Dyspepsia

See Upper Abdominal Disorders.

Dystrophia myotonica

See Back, Joint, and Muscle Disorders.

Eczema

See Skin Problems.

Emphysema

See Chest Disorders.

Endocarditis

See Heart Disease.

Endometriosis

See Gynaecological Problems.

Epicondylitis

See Back, Joint, and Muscle Disorders.

Epilepsy

See Blackouts.

Epithelioma

See Cancer.

Erythema nodosum

See Skin Problems.

Fibrillation

See Heart Disease.

Fibroids

See Gynaecological Problems.

Fibromyalgia

See Chronic Fatigue Syndrome.

Fibrosing Alveolitis

See Chest Disorders.

Fibrosis of the lung

See Chest Disorders.

Fibrositis

See Back, Joint, and Muscle Disorders.

Fits

See Blackouts.

Flaccid paralysis

See Neurological Disease.

Focal epilepsy

See Blackouts.

Foot drop

See Neurological Disease.

Fractured scaphoid

See Back, Joint, and Muscle Disorders.

Fractured spine

See Back, Joint, and Muscle Disorders.

Frozen shoulder

See Back, Joint, and Muscle Disorders.

Gall bladder disease

See Upper Abdominal Disorders.

Gall stones

See Upper Abdominal Disorders.

Gastrectomy

See Upper Abdominal Disorders.

Gastric ulcer

See Upper Abdominal Disorders.

Gastritis

See Upper Abdominal Disorders.

Glandular fever

See infections.

Glaucoma

See Eye Problems.

Glomerulonephritis

See Kidney and Bladder Disorders.

Goitre

See Thyroid Disease.

Golfers elbow

See Back, Joint, and Muscle Disorders.

Gout

See Back, Joint, and Muscle Disorders.

Grand mal

See Blackouts.

Guillain-Barré syndrome

See Neurological Disease.

Haematuria

See Kidney and Bladder Disorders.

Haemophilia

See Blood Disorders.

Haemorrhoids

See Bowel and Lower Abdominal Disorders.

Hay Fever

See Allergic Disorders.

Heart attack

See Heart Disease.

Heartburn

See Upper Abdominal Disorders.

Hemiplegia (Hemiparesis)

See Neurological Disease.

Hepatic cirrhosis

See Liver disease.

Hepatitis

See Liver disease.

Hernia

See Hernia.

Hiatus hernia

See Upper Abdominal Disorders.

High Blood Pressure

See Heart Disease.

HIV

See Infections.

Hodgkin's disease

See Cancer.

Hodgkin's lymphoma

See Cancer.

Housemaid's Knee

See Back, Joint, and Muscle Disorders.

Hydronephrosis

See Kidney and Bladder Disorders.

Hyperemesis gravidarum

A condition related to pregnancy.

Hypertension

See Heart Disease.

Hyperthyroidism

See Thyroid Disease.

Hypothyroidis

See Thyroid Disease.

Hysterectomy

See Gynaecological Problems.

Hysteria

See Neurological Conditions.

IDK. (Internal derangement of the knee)

See Back, Joint, and Muscle Disorders.

Ileitis, regional

See Bowel and Lower Abdominal Disorders.

Ileostomy

See Bowel and Lower Abdominal Disorders.

Infectious mononucleosis

See Chronic Fatigue Syndrome.

Infective hepatitis

See Liver Disease.

Intermittent claudication

See Vascular Disorders.

Irritable bowel syndrome

See Bowel and Lower Abdominal Disorders.

Ischaemic Heart Disease

See Heart Disease.

Jacksonian epilepsy

See Blackouts.

Jaundice

See Liver disease.

Kidney stone

See Kidney and Bladder Disorders.

Laminectomy

See Back, Joint, and Muscle Disorders.

Laryngeal carcinoma

See Cancer.

Laryngectomy

See Cancer.

Leukaemia

See Cancer.

Lichen planus

See Skin Problems.

Lumbago

See Back, Joint, and Muscle Disorders.

Lumbar spondylosis

See Back, Joint, and Muscle Disorders.

Lung, cancer of

See Cancer.

Lupus erythematosus

See Skin Problems.

Lymphogranuloma

See Cancer.

Lymphoma

See Cancer.

Macular degeneration

See Eye Problems.

Malabsorption Syndrome

See Bowel and Lower Abdominal Disorders.

Mitral incompetence (Mitral regurgitation)

See Heart Disease.

Melanoma

See Cancer.

Meningioma

See Neurological Disease.

Meniscectomy

See Back, Joint, and Muscle Disorders.

Menorrhagia

See Gynaecological Problems.

Mitral stenosis

See Heart Disease.

Monoparesis

See Neurological Disease.

Monoplegia

See Neurological Disease.

Multiple myeloma

See Cancer.

Multiple Sclerosis

See Neurological Disease.

Muscular Dystrophy

See Back, Joint, and Muscle Disorders.

Myalgic Encephalomyelitis (ME)

See Chronic Fatigue Syndrome.

Myocardial infarction

See Heart Disease.

Myocarditis

See Heart Disease.

Myxoedema

See Thyroid Disease.

Neoplasm

See Cancer.

Nephritis

See Kidney and Bladder Disorders.

Nephrotic syndrome

See Kidney and Bladder Disorders.

Nervous Debility

Mental illness without physical impairment.

Neuralgia

See Neurological Disease.

Neurasthenia

Mental illness without physical impairment.

Neuropathy

See Neurological Disease.

Neurosis

Mental illness without physical impairment.

Non-Hodgkin's lymphoma

See Cancer.

Obsessive-compulsive disorder

Mental illness without physical impairment.

Obstructive Airways Disease

See Chest Disorders.

Oedema

Swelling of body tissues, usually the legs, due to fluid retention.

See Heart Disease.

Oesophagitis

See Upper Abdominal Disorders.

Optic Atrophy

See Eye Problems.

Osteoarthritis

See Back, Joint, and Muscle Disorders.

Osteoarthritis

See Back, Joint, and Muscle Disorders.

Osteochondritis

See Back, Joint, and Muscle Disorders.

Osteomyelitis

See Back, Joint, and Muscle Disorders.

Osteoporosis

See Back, Joint, and Muscle Disorders.

Otitis externa

See Skin Problems.

Overactive thyroid

See Thyroid Disease.

Palpitations

See Heart Disease.

Pancreatitis

See Upper Abdominal Disorders.

Panic attacks

Mental illness without physical impairment.

Paralysis

See Neurological Disease

Paranoia

Mental illness without physical impairment.

Paraparesis

See Neurological Disease.

Paraplegia

See Neurological Disease.

Paresi

See Neurological Disease.

Parkinson's Disease

See Neurological Disease.

Peptic ulcer

See Upper Abdominal Disorders.

Pericardial effusion

See Heart Disease.

Pericarditis

See Heart Disease.

Peripheral Vascular Disease

See Vascular Disorders.

Pernicious Anaemia

See Blood Disorders.

Petit mal

See Blackouts.

Phlebitis

See Vascular Disorders.

Phobias

Mental illness without physical impairment.

Phobic anxiety

Mental illness without physical impairment.

Piles

See Bowel and Lower Abdominal Disorders.

Pilonidal Cyst or sinus

See Bowel and Lower Abdominal Disorders.

Pityriasis rosea

See Skin Problems.

Plantar fasciitis

See Back, Joint, and Muscle Disorders.

Pneumoconiosis

See Chest Disorders.

Pneumonectomy

See Chest Disorders.

Pneumothorax

See Chest Disorders.

Poliomyelitis

See Neurological Disease.

Polyarthralgia

See Back, Joint, and Muscle Disorders.

Proctitis

See Bowel and Lower Abdominal Disorders.

Prolapse

See Gynaecological Problems.

Prolapsed intervertebral disc

See Back, Joint, and Muscle Disorders.

Prostatism

See Kidney and Bladder Disorders.

Psoriasis

See Skin Problems.

Psoriatic arthritis

See Back, Joint, and Muscle Disorders.

Psychomotor epilepsy

See Blackouts.

Psychoneurosis

Mental illness without physical impairment.

Psychosis

Mental illness without physical impairment.

Psychosomatic disorder

Mental illness without physical impairment.

Pulmonary fibrosis

See Chest Disorders.

Pulmonary hypertension

See Heart Disease.

Pulmonary tuberculosis

See Infections.

Pyelonephritis

See Kidney and Bladder Disorders.

Radiculopathy

See Back, Joint, and Muscle Disorders.

Raynaud's Syndrome

See Vascular Disorders.

Rectal bleeding

See Bowel and Lower Abdominal Disorders.

Regional Pain Syndrome

See Back, Joint, and Muscle Disorders.

Reiter's disease

See Back, Joint, and Muscle Disorders.

Renal calculus

See Kidney and Bladder Disorders.

Renal colic

See Kidney and Bladder Disorders.

Renal stone

See Kidney and Bladder Disorders.

Retinitis pigmentosa

See Eye Problems.

Rhinitis

See Allergic Disorders.

Rodent ulcer

See Cancer.

Rosacea

See Skin Problems.

Rotator cuff syndrome

See Back, Joint, and Muscle Disorders.

Rupture

See Hernia.

Ruptured cartilage

See Back, Joint, and Muscle Disorders.

Ruptured intervertebral disc

See Prolapsed disc.

Sacroiliac strain

See Back, Joint, and Muscle Disorders.

Sacroileitis

See Back, Joint, and Muscle Disorders.

Scabies

See Skin Problems.

Schizophrenia

Mental illness without physical impairment.

Sciatica

See Back, Joint, and Muscle Disorders.

Seborrhoea

See Skin Problems.

Seronegative arthritis

See Back, Joint, and Muscle Disorders.

Sickle cell anaemia

See Blood Disorders.

Silicosis

See Chest Disorders.

Skin cancer

See Cancer

Slipped disc

See Back, Joint, and Muscle Disorders.

Spastic colon

See Bowel and Lower Abdominal Disorders.

Spastic Paralysis

See Neurological Disease.

Spondylolisthesis

See Back, Joint, and Muscle Disorders.

Squamous carcinoma

See Cancer.

Status epilepticus

See Blackouts.

Stress

Mental illness without physical impairment.

Sudeck's Atrophy

See Back, Joint, and Muscle Disorders.

Superficial venous thrombosis

See Vascular Disorders.

Supraspinatus tendonitis

See Back, Joint, and Muscle Disorders.

Sympathectomy

See Vascular Disorders.

Syncope

See Blackouts.

Synovitis

See Back, Joint, and Muscle Disorders.

Tachycardia

See Heart Disease.

Temporal lobe epilepsy

See Blackouts.

Tennis elbow

See Back, Joint, and Muscle Disorders.

Tenosynovitis

See Back, Joint, and Muscle Disorders.

Thrombophlebitis

See Vascular Disorders.

Thrombosis

See Vascular Disorders.

Thyroidectomy

See Thyroid Disease.

Thyrotoxicosis

See Thyroid Disease.

Tinnitus

See Balance Problems.

Transient ischaemic attack (TIA)

See Blackouts.

Tuberculosis

See Infections.

Typhoid

See Infections.

Ulcerative colitis

See Bowel and Lower Abdominal Disorders.

Ulcer - peptic

See Upper Abdominal Disorders.

Umbilical hernia

See Hernia.

Urostomy

See Kidney and Bladder Disorders.

Urticaria

See Skin Problems.

Uterine prolapse

See Gynaecological Problems.

Vaginal discharge

See Vaginitis.

Vaginal prolapse

See Gynaecological Problems.

Vaginitis

See Gynaecological Problems.

Valvular disease of the heart

See Heart Disease.

Varicose veins

See Vascular Disorders.

Varicose Ulce

See Vascular Disorders.

Vasculitis

See Vascular Disorders.

Vasovagal attack

See Blackouts.

Venous thrombosis

See Vascular Disorders.

Vertigo

See Balance Problems.

Vibration white finger

See Vascular Disorders.

Viral infection

See Infections.

Whiplash Injury

See Back, Joint, and Muscle Disorders.

The content of the examples in this document (including use of imagery) is for illustrative purposes only