PART 09 - JSA

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CATEGORISATION
Introduction

9000 The following paragraphs explain the specific processes to be followed in performing the official error check on JSA sample cases. This part refers to the MRO who carries out the official error check.

9001 Whether the outcome of the check after categorisation will result in a PM fraud/claimant error or official error being raised is covered in Part 17.

9002 For JSA conditions of entitlement and JSA (Cont) contribution conditions, see DMG Chapter 21.

9003 - 9009

Handoff between MROs

9010 On completion of the technical preview, review and recommended categorisation, the MRO who conducts the review will be responsible for arranging the hand off of all cases to the MRO (you) who carries out the official error check.

Note: this will include cases where the MRO who conducts the review has requested that the ECO/PCP obtains further information/verification.

9011 Cases that were unsuitable for the claimant review at the technical preview stage but were live during the DMS selected period will also form part of the hand-off.

9012 The hand off will be:

• face to face where both of you are at the same location
• via secure courier post if you are carrying out the check remotely

Note: the ECO/PCP must be informed where the cases are to be couriered to a different location.

9013 You will assume responsibility for completing all entries on and updating the database.

9014 On receipt of the case you will carry out the:

• 100% evidence check
• 100% preview check
• PM check on the Selected Period
The Official Error check

Introduction

9050  The check is a full case check but restricted in the case of JSA, to an award fortnight (the selected fortnight). This period is referred to as the Selected Period and the check will be carried out on a post payment basis. See Part 5 for how to identify the official error check period.

9051  You will conduct an official error check on all cases that form part of the sample.

9052  The check is essential to the overall measurement process. Failure to accurately check the case and fully document findings in the PM docs could result in the MVE/MVFE results being incorrectly reported.

The check

9100  Examination of the case should:

- establish any inconsistencies or errors in the claim/application which may indicate fraud or under / overpayments
- establish whether the case needs to be excluded from any further PM action
- establish whether Child Tax Credit/Working Tax Credit is in payment and whether the child element has migrated to HMRC, negating the necessity of premium payments by DWP
- establish whether the claimant has reported admission to hospital/rehabilitation centre which has not been actioned and has resulted in an overpayment

Evidence

Selected Period Check Principles
9110 When conducting the selected period check you will only have regard to the following:

- all information/evidence received on or prior to the date the payment for the selected period was released
- all office activity that occurred on or prior to the date the payment for the selected period was released

9111 You will not have regard to any information or office activity after the date payment for the selected period was released.

Note: for detailed scenarios see Part 17 Categorisation.

9112 - 9119

Available evidence

9120 As part of the examination of the case, you will check

- all existing evidence available and relevant computer systems.

9121 Where the available evidence is insufficient to determine if there is official error on the case, you will leave the check as incomplete for the ECO/PCP to obtain the missing evidence/information.

9122 If the whole casepaper relating to the claim/application/award selected for check is missing, you will use the relevant information obtained at the PM review to complete the check.

Note: where the MRO who conducts the review has failed to identify evidence required, or identified the required evidence but failed to obtain, or take steps to obtain, that evidence at the review visit, PM will be required to obtain the information. This should be done by telephone or letter – a re-visit should be conducted as a last resort.

9123 The following evidence will form part of the official error check.

- information relating to the current claim and held on any accessible computer system within DWP for example, Claimant Information System (CIS), PSCS, Payment Repository Computer System(PRCS), Claimant Management System(CMS), NIR2, JSAPs, ISCS, Labour Market System(LMS), Common Update and Enquiry Dialogue(CUED)
- an examination of all benefit related system dialogues to establish whether the case was live in the Selected Period and benefit was in payment; the
amount of the award; other income; other benefits in payment and the correctness of the case for official error purposes

- information held on any accessible computer system within DWP relating to a previous claim/application (but not where the information has been archived)
- exceptionally, any archived information relating to a current or previous claim/application, which you consider is instrumental to the technical preview in progress. You will state why such information has been requested.
- all clerical papers and documentation relating to the current claim/application, including unactioned post/evidence
- scanned documents relating to a current claim/application and held on local systems
- any clerical papers relating to a previous claim/application and stored within the Jobcentre Plus district. You will expect these documents to be made available. You may refer to these previous claim/application papers as good practice where a query arises during the check, which may be resolved by reference to them. You will record the reason such reference was made.
- exceptionally, any clerical papers relating to a previous claim/application which are stored remotely, and which you consider are instrumental to the check in progress. You will state why such papers have been requested.

Where some aspect of the PM check cannot be cleared and the case is incomplete, you will:

- consider post/evidence relating to the uncleared aspect, but only where this relates to information/evidence which PM has requested

Types of evidence

You will need all existing evidence supporting the award relating to the selected period, in order to complete the check.

This includes:

- any statements made by the claimant
- documents provided by the claimant or third party in support of the claim/application
- where none of these documents are available, you may accept a detailed record of full details taken from the original document/certified copy/photocopy.
• if none of the above is available, in certain circumstances you will accept evidence obtained by e-mail or by telephone. See also 'Evidence by e-mail' and 'Evidence provided by claimant by telephone'.
• Mortgage sub-files
• documents relating to a relevant change of circumstances, including unactioned post

9127 This includes cases where these documents are held at a central point in the Jobcentre Plus district or remote store.

9128 The claimant’s National Insurance account details must be checked as part of the JSA check therefore you will check the National Insurance account details electronically using the NIRS2 (OLE) browser.

9129 Where a full case review has taken place prior to the selected period, you will check form JSA2 and any subsequent documentation that substantiates the award for the selected period. You will always check for changes and discrepancies by comparing form JSA2 with:
• the original claim/application form
• any additional information where additional evidence has been recorded and/or off-line DM decisions made, or records of changes reported by the claimant by telephone.

9130 Where there has been a short break between claims and a rapid reclaim form has been completed, you will need sight of the original claim form to which the rapid reclaim form relates.

E-mail evidence

9131 Where the original document/certified copy/signed photocopy is not available, you may accept e-mail evidence provided that the relevant points are covered. E-mail evidence will be regarded as equivalent to a telephone call.

Scanned evidence

9132 Where the original document has been scanned the scanned document will be regarded in the same way as original evidence as there is no paper-based evidence due to the evidence being held on micro films.
Evidence provided by the claimant by telephone

9133 From 6.1.04 the Social Security (Change of Circumstances) Regulations 2003 amended regulation 32(1B) of the Claims and Payments Regulations which provides that notice of a change which affects whether entitlement to benefit or payment of benefit will continue can be given to an appropriate office:

• in writing; or
• by telephone, unless the Secretary of State requires written notice.

9134 From 30th October 2006 Jobcentre Plus has placed a greater reliance on telephony to deliver its business. These verification requirement changes primarily impact on those cases where the change of circumstances will:

• be dealt with via the Information Capture Tool (ICT)
• not affect benefit or
• reduce benefit or
• where the information provided is not in doubt

9135 You will accept, as evidence, a documented record of a telephone call from a claimant when reporting changes of circumstances such as:

• change to method of payment
• change of/amendment to name
• partner joins household as the claimant
• change of title
• child joins/leaves household
• non-dependant joins/leaves household
• non-dependant change to earnings or income
• claimant now fit for work
• claimant/partner has increase in earnings/hours or changes to part-time earnings
• claimant/partner starts full-time work
• claimant wishes to terminate claim
• claimant/partner/child enters hospital
• member of assessment unit receives an increase in capital
• member of assessment unit starts receiving/has an increase in another income
• a straightforward change of address - see Business Guidance for the relevant benefit under Changes of Circumstances

9136 The office will be expected to verify where possible using departmental systems:
• member of assessment unit starts/stops receiving other benefit
• member of assessment unit has increase/decrease in other benefit

9137 For JSA the policy on this legislation remains unchanged in that changes affecting these claimants in the main must be submitted in writing. Therefore, you will check that the following changes have been made in writing and where necessary, verification provided:

• amend date of birth
• change of address
• change to charges associated with housing
• partner joins household and claimant wishes to claim for both
• claimant leaves household and remaining partner wishes to claim
• partner leaves household and claimant wishes to continue claiming
• claimant/partner starts/ends part time work
• claimant/partner has a decrease in earnings or hours of part time work
• member of assessment unit reports a decrease in other income/capital (which affects tariff income)

9138 You will accept changes by telephone but where for example:

• the change in question is too extensive or complicated to be accurately recorded over the telephone
• there are doubts about the accuracy of the statement, or
• depending on the nature of the change, further information/evidence may be required

In such cases, you will require documentary evidence and expect the office to have obtained such evidence.

9139 In all cases where the claimant has reported a change by telephone full details of the reported change must be recorded.

9140 From 15/11/2010 JCP is reducing the list of items that claimants are asked to provide verification to support a new claim to benefit or a change of circumstances.

Evidence obtained by visiting officers

9141 Evidence obtained by visiting officers must be sufficient to enable PM checkers to carry out their check.

9142 You will seek further evidence where:
the claim/application/review form obtained by the visiting officer is incomplete
information gathered by the visiting officer is unclear, inconsistent, or incomplete
prescribed verification procedures have not been followed

9143 - 9149

NIRS 2 checks

9150 You will check contribution records via NIRS2 for each case that forms part of the sample including replacement cases if applicable.

The use of NIRS2 information

9151 You will use NIRS2 information to identify potential claimant fraud/claimant error and/or official errors. The following are examples of the use of this data/information to check:

- contribution details held in the case of JSA claimants and identification of potential incorrect awards or non awards of contributory based JSA
- identity details against those on the claim/application form
- for indications of employment since the claim/application for benefit/entitlement began
- for contracted-out deductions - indicating a possible NSP
- if a claimant has previously been self-employed (class 2 contributions paid?)
- for potential working and signing and/or any undeclared work
- for any Territorial Army (TA), Naval Reserves (RNR) or Air Force Reserves (RAFR) annual payments indicating that the claimant is undertaking TA work for which payment is received and may be treated as earnings
- the Schemes contributions screen within NIRS to ensure that any undeclared NSP income or earnings has been identified

Note: this list is not exhaustive.

JSA and NIRS2 information

9152 The official error check will include a detailed check of NIRS2, ensuring that:
• special credits have been considered/correctly awarded, and all the conditions for receipt have been met
• the case has been referred to Pensions and Overseas Directorate (POD) where appropriate
• in cases involving non-posted contributions/credits, there are no missing credits (jury service, IB, SSP and SMP), or missing contributions if there is evidence that the jobseeker has worked

Note: You will, in cases of possible non-posted contributions, inform the ECO requesting that, if possible, they obtain a copy of the claimant’s P60s relating to the relevant tax years in question. You will record the details on the appropriate form in the PM docs noting that the case is incomplete.

9153 - 9169

New claims

9170 You will check that:

• the conditions of entitlement to benefit are met
• the claim form has been fully completed and evidence of identity has been verified where appropriate
• the date of claim, and ‘Treat as Made’ (TAM) dates are correct
• the claim form is signed
• the evidence requirements have been met, unless the claimant falls within one of the exemption categories
• the correct statistical symbols have been used (PM will inform offices of statistical symbols which are incorrect)
• where appropriate, the date of claim termination is correct

Claims/review forms covering the selected period

9171 Check that all personal details are correct and that the details provided by the claimant are the same as those held on the system.

Claimant Information System (CIS)

9172 Check other benefits/tax credits paid to the claimant; to check for details of, and benefits paid to, the claimant’s partner, dependant(s), and, where relevant, any non-dependants.

9173 Where appropriate, you will also check the following:
Child Benefit Centre

9174 To check the Child Benefit rate, where children are included in the assessment or affect the condition of entitlement.

Common Enquiry dialogues

9175 To check if other benefits have been claimed or are in payment (e.g. DLA/PIP/AFIP/AA) and to check in RPL for existence of a GMP, indicating possible entitlement to occupational pension.

Carer’s Allowance Unit

9176 To check for details of a claim to, and payments of, Carer’s Allowance (including an increase for dependants), and to check for any underlying entitlement.

Claimant Management System (CMS)

9177 This system is used by Contact Centres to record information gathered, using a set script of the claimant’s circumstances when a claim to benefit is made at a Jobcentre Plus office.

9178 Once the Financial Assessor is satisfied that all the requirements are met and CMS amended where necessary to reflect the claimant’s signed statement, the case will be transferred to legacy, and a print of the statement taken as a mandatory requirement. The processor uses the input document for processing and not the claimant statement (these should not hold different information). Once this action has been completed the CMS record is deleted.

*Note: the claimant’s statement will only be re-printed and signed if there has been a change since the original statement was printed and signed by the Contact Centre. Where no changes have occurred the original statement will be used.*

*Note: PM require the claimant statement on all CMS claims.*
Note: Where the input document does not provide the verification of identity you will expect the office to provide other evidence that supports the verification.

Verification for CMS Release 2 onwards

9179 Prior to the introduction of CMS Release 2 any evidence that had to be returned to the claimant, i.e. wage slips, was traditionally photocopied or recorded on form A6. CMS Release 2 introduced system-entered verification, which replaced photocopies and form A6. Any evidence recorded in this manner is produced on the back of the input document.

9180 System-entered evidence is only available on the input document; therefore you will require sight of the input document on all cases to conduct the check.

Evidence of identity

9181 In CMS the claimant’s identity will be verified at the first point of contact, if not then the Financial Assessor verifies the claimant identity and records that identity has been confirmed in the CMS verification screens. This will generate an entry of the CMS input document. If the entry on the input document confirms that identity has been verified then this aspect of the check should be cleared as correct.

9182 Jobcentre staff are required, on forms JSA1, JSA3, JSA4A, JSA4RR to annotate the notes box that the ID of the claimant, and of the person for whom they are claiming, has been confirmed. If the “yes” box has been ticked and no information has been entered in the additional box, then it is accepted that evidence has been confirmed and this aspect of the check should be cleared as correct. This information may also be annotated on LMS in Conversations.

9183 However, if there are doubts identified elsewhere on the claim suggesting that further information needs to be obtained to confirm the claimant’s or partner’s identity, then this must be done before this aspect of the case can be cleared. In notes Jobcentre staff must put the reason for issue, briefly outlining the change of circumstances). For PM checking purposes - for all the forms - JCP has a responsibility for verifying identity before the benefit claim is processed. Where evidence of identity is not clear from the claim and no PM review is carried out an error will be recorded.

9184 Where these forms have not been annotated, responsibility falls to the JSA benefit processing staff to follow JSA Procedural Guidance, in order to

9185 Where you check a case which has not been subject to a PM review and on which the above procedures have not been followed, the case will be left as incomplete for the office to confirm the person's ID.

*Note: where ID has not been confirmed by the deadline, you will raise a whole award payment error.*

**Documentary evidence provided in support of the claimant and/or partner’s ID**

9186 Where the JSA form(s) has been annotated with documentary evidence seen in support of the claimant and/or partner’s ID, you will check that the evidence provided constitutes evidence to support ID.

*Note: PM will not accept ES24, LMU or such like as evidence to support confirmation of ID.*

9187 Where documentary evidence has not been documented in support of the claimant and/or partner’s ID the MRO will have obtained the necessary evidence at the review visit.

*Note: where the MRO who conducts the review has failed to obtain the necessary evidence then the evidence check will be failed and the necessary remedial action taken.*

**Extending the time limit for claiming**

9188 If the time limit for claiming has been extended:

- You will check that the request to extend the prescribed time, was made before the claim was determined, and that the request was recorded at the time of the claim or before the claim was decided

*Note: the request to back date can either be specific or implicit.*

**Example**

The claimant makes a claim following the death of a partner and comments on the claim form “I would have claimed, but I was too distressed.”
This would not be a specific request, but would lead the S of S to consider a request for back dating under C & P Regs 19(7)(g) and 19(6)(b).

- You will check that the DM has documented their decision including their reasons for allowing the extension.

Note: PM will record an error where the prescribed time has been extended automatically without a specific request, in cases where a specific request for extending the prescribed time is appropriate.

9189 - 9199

Effective claim

Signature on claim form

9200 A valid claim is a condition of entitlement therefore, for the claim to be effective it must be made in the manner prescribed in regulations. If the IJSA claim is not made in the way that regulations prescribe PM will treat any benefit to which the claimant is entitled as not payable and record an official payment error.

9201 Although a signature adds weight to the evidence on a claim form, in certain circumstances the lack of a signature on a claim form does not make the claim invalid, provided that:

- the claimant has stated elsewhere on the claim form their intention to claim
- the claim has been made in writing on an official claim form for the benefit being claimed
- the claim has been made in accordance with instructions on the form, unless certain reasons apply, for example the claimant has physical, learning, mental or communication difficulties, the information or evidence does not exist
- the claim includes any information or evidence in connection with the claim as the claim form may require unless certain reasons apply (see above bullet point)

Note: a form that has been produced by the S of S with the claimant’s answers already entered on it and then referred to the claimant to be signed and return as a claim for benefit is an official claim form.
CMS

9202 Where a claim form has been produced ready for issue to the claimant under CMS procedures with the claimant’s answers already entered on the form and then sent to the claimant to be signed and returned as a claim for benefit, this is an approved claim form. However, a claim in the prescribed manner will not be received until:

- the claimant completes the form by signing it; and
- the form has been returned to the relevant office with the information and evidence it requests

9203 Once a claim is accepted as valid, the DM must establish if the other required conditions of entitlement are satisfied.

9204 If the office has processed a non-valid claim, you will regard the DM on behalf of the Secretary of State as having accepted the claim as a valid claim.

9205 Note: if:

- a case is correct apart from the lack of signature, and the claimant has not expressed an intention to claim on the claim form, you will raise a procedural, not payment, error; this is in recognition of the fact that the office may have accepted an unsigned claim form as a valid claim due to previous guidance from legal group
- the case is correct apart from the lack of signature, and the claimant has expressed an intention to claim on the claim form, you will clear the case as correct
- the claim has been disallowed on the basis that there is no signature, but the intention to claim has been expressed on the claim form, you will leave the case as incomplete for the claim to be processed. Once the case is processed:
  - if benefit is awarded in respect of the selected period, you will raise a payment error
  - if benefit is disallowed, there will be no payment error but you will raise a procedural error because the claim was erroneously treated as invalid at the outset

9206-9219

Work Focussed interviews (WFI)

9220 For detailed checking methodology on WFIs, see Part 11 of this guide.

9221-9229
Treatment of other benefits

General

9230 You will:

• ensure the payday, amount and payment cycle (where appropriate) are recorded correctly. You will need to see system or documentary evidence to substantiate the amount taken into account

Note: a payment error arising from an incorrect rate of other benefit at uprating, will be classed as official error (since uprating is not a change the claimant is required to declare).

• check that benefit paid annually has been attributed correctly
• check details on CIS to establish whether any other benefits are being paid to the claimant, partner, any dependants and, where relevant, any non-dependants
• use Common Enquiry dialogues, where appropriate, to verify details
• check, where appropriate, that correct recovery/abatement action has been taken
• check underlying entitlement to other benefits and its effect on the award of premiums etc, for example, that the carer premium has been removed from the correct date when underlying entitlement to Carer’s Allowance ceases

Note: the carer premium regulations carry a provision to extend the award of the carer premium up to 8 weeks.

• check that the effect on premiums etc has been considered when payment of the other benefit ceases

Income/Benefit available on application and Notional income in respect of other Social Security Benefits

Background

9231 Legislation provides for the application of notional income in respect of notional entitlement where another income/benefit is available on application. However, in some cases it may be difficult to decide that an income would be payable on application and apply notional income. A claimant cannot be forced to claim an income, which they do not wish to claim, but the fact that a
claimant has not claimed an income, does not necessarily mean that it will not be taken into account. Therefore, DMs must decide the facts of each case individually to determine whether notional income should be applied to unclaimed Social Security benefits, especially where the claim is the only formality preventing the claimant obtaining the benefit. Where there is no income available on application, there can be no notional income.

Performance Measurement action

9232 Where there appears to be possible entitlement which the office have failed to investigate or consider, you will leave the case as incomplete for the office to investigate the issue and where appropriate to obtain a DMs decision as to whether notional income should be applied, as this is a decision with more than one possible outcome.

9233 The claim should only be left as incomplete by Performance Measurement where the office should have considered the issue before the selected period and therefore there is a possibility of an incorrect benefit award for the selected period.

9234 You will:

• if the information is not available by the PM deadline, raise a deemed error as a payment error cannot be ruled out
• if the information is provided by the PM deadline proceed to check the correctness of the award in respect of the Selected Period. You will need to look whether the income was available on application, and if so, consider the outcome of the application for the income.
• Where the income was thought to be available and the claimant did not make a claim for it, you will need to look at the DM decision on notional income along with all evidence that the DM had available when making the decision. Categorisation should be based on the outcome, considering the correctness of the claim at the selected period using "Rule of thumb" where necessary
• if it is confirmed that another social security benefit is payable and the claimant’s applicable amount changes, PM will raise a payment error if it is confirmed that another social security benefit is payable and a payment/accounting error is not appropriate and the overpaid IS/JSA(IB)/SPC is offset against the arrears of the other benefit, a procedural error will be recorded
• if it is confirmed that notional income should be applied to the unclaimed social security benefit/(s), you will raise a payment error and/or an accounting error equivalent to the amount of notional entitlement.
Example

Claimant is in receipt of JSA(IB) @ £100 per week.

Partner is in receipt of incapacity benefit (IB).

Performance Measurement identify that partner may be able to claim ADI addition to IB.

Claim is left outstanding for the office to investigate the issue.

Claimant advised that partner should claim ADI and partner does not do so. JSA decision maker decides that benefit is available on application, and that an additional income should be taken into account at £53.10 weekly from a future date.

“Rule of Thumb” is applied and an error is appropriate.

A payment error of £53.10 weekly is recorded.

Using “Rule of Thumb”

9235 You will check that:

• the claimant’s entitlement to the income/notional benefit must have existed at the time of the selected period and
• the time lapse before the income/notional benefit would have been awarded must have elapsed prior to the selected period

9236 The DM’s decision on notional entitlement will specify the period, which would normally elapse before a claim to that particular income would be decided upon and paid. For example, if the DM’s decision stated that there would normally be a four week delay before a claim to the notional benefit could be awarded, the delay must be taken into account when considering whether any notional benefit, using a rule of thumb, can be applied at the date of the selected period, i.e. there cannot be any notional entitlement to benefit within the four week period.

9237 This does not affect the PM treatment of:

• notional entitlement to income other than DWP benefits
• other DWP benefits, which have been claimed/applied for but not decided on
Part-time earnings

9238 You will check that all necessary evidence is available.

9239 The evidence of the earnings should fully document the gross earnings and any voluntary and mandatory deductions being taken from wages, e.g. income tax, NI, union dues, private pension contributions. If no deductions are being made, this must be clearly stated.

9240 You will also check that:

- the correct periodicity of payment has been applied
- where earnings do not fluctuate, the system-set 12 month case control has been actioned timeously
- earnings have been attributed correctly

Note: See DMG Chapter 26

- averaged earnings have been calculated correctly, the appropriate case control has been set for re-assessing the averaged amount, (e.g. 5 weekly, quarterly, 6 monthly) and the appropriate interventions have been carried out at the end of each assessment period
- self-employed earnings have been treated correctly. PM will wish to see copies of the accounts where appropriate, and clerical papers showing details of any assessment
- the appropriate disregards have been applied

9243 - 9299

Final earnings, holiday pay, and pay in lieu of notice (PILON)

9300 On new and repeat claims payments of this type will be treated as capital and normal capital rules will apply where the previous employment was full time.

9301 Where the previous employment was part-time and it ended before the first day of entitlement, any payment will be treated as capital. If the part time employment ended on or after the first day of entitlement it will be treated as earnings and where holiday pay has been paid more than 4 weeks after the employment ended it will be treated as capital.

9302 - 9329

Other income
You will check that the pay-day and frequency of payment have been recorded correctly, that the income has been correctly attributed, taken into account from the due date, and that the correct amount has been taken into account. The following gives further guidance in respect of common types of other income.

Note: See DMG Chapter 28

Maintenance/liable relative payments (LRPs)

You will check that the maintenance payments and payments in kind have been treated correctly:

From the first benefit week on or after 12/04/10 the legislation on Child Maintenance Payments has changed as part of the Child maintenance Reform.

Payments of Child Maintenance (CM) are to be totally disregarded from this benefit week.

It may be necessary to refer the case to the office for a DMs decision on the amount of income to be taken into account when LRP is made.

Student grants/loans

You will check that the student grant/loan has been taken into account correctly and that the appropriate disregards have been applied.

Note: See DMG Chapter 30

Occupational/private pension Due

You will check:

• previous employment details for an indication of likely entitlement to pension
• whether the office have taken account of pension due but not claimed (notional income)
• for claimants with a partner over the pension age, who may have deferred claiming, that the possibility of notional income from a pension has been considered/investigated
• for any indication that a late spouse's pension may be inherited by the claimant
• for existence of a Guaranteed Minimum Pension (GMP) shown against the SP award in RPL

*Note: If the claimant is entitled to a GMP, they may:*
• be receiving pension
• be entitled to pension which they have not yet claimed - PM will consider whether notional income should have been taken into account
• have received their pension entitlement as a lump sum

*Note: if a line in RPL is blank, it does not guarantee that an occupational pension is not in payment. You must always check NIRS2.*

**Occupational/private pension in payment**

9337 Where pension is in payment, you will check:

• that the pay-day frequency of payment and attribution are correct
• for evidence that the correct rate of pension has been taken into account

*Note: a bank statement showing an entry for net payment of pension is not sufficient, because certain deductions from the gross amount may not be allowable deductions.*

*Note: satisfactory evidence will be a copy of the latest pension pay statement showing gross amount, deductions and the payment cycle. Where this is not available, you may accept detailed evidence recording the details taken from the original document/certified copy/signed photocopy, including gross amounts, details of deductions and the payment cycle.*

• where the rate of pension increases regularly, you will expect a case control to be set to a date which will ensure that any foreseeable increase is captured timeously

*Note: where an increase takes only partial effect in any period, followed by full effect in the following period, you will expect case controls to be set to capture both changes.*

**Example**

Pension is paid calendar monthly and is known to increase annually on 27th April.

You will expect case controls to be set to capture the partial increase which will be shown in the April pension statement, and the full monthly increase as shown in the May pension statement.
9338 - 9349

Capital

9350 You will check:

- that the appropriate capital limit has been applied

  Note: the upper capital limit for JSA is £16000.

- where capital is held in joint names with someone other than the claimant’s partner, that the correct capital allocation has been apportioned to the claimant
- that capital in excess of the appropriate level has been verified

  Note: the appropriate level for verification for JSA claims is £5500.

- that all necessary verification is available, i.e. original or certified copies of relevant documents relating to the capital held, e.g. bank statements, building society pass books, national savings or money value certificates, share certificates, full proceeds of property sale, business accounts

  Note: mini bank statements are not regarded as acceptable verification of capital held.

  Note: bank statements from Internet bank accounts can be accepted, as long as all the details are complete and comparable to a bank statement.

  Note: exceptionally, where the above is not available, you may accept evidence which should show all appropriate details taken from the relevant documents. If interest has been added, then this should also be recorded, together with the date on which interest was credited. The owner of the capital should be recorded, including where more than one person is named on the account.

- that capital has been treated correctly, for example:
  - if shares are held, that expense of sale has been entered as ‘y’
  - that income from disregarded capital has been treated correctly
  - that the appropriate disregards have been applied
  - that income paid into the account has been disregarded for the appropriate period
  - that capital has been reviewed timeously in line with the annual, system-set case control and that declared changes in capital have been applied from the appropriate date
that the available evidence shows the latest addition of interest
that for National Savings Certificates, that the correct issue has been identified. The valuation is carried out in the same way as other capital assets, (i.e. at its current market value or surrender value).
that for capital assets, that the asset has not erroneously been treated as income
that interest in a former property has been considered, and that a DM's decision on the treatment of this is held and supported by appropriate evidence
that where no shares have been declared, entries showing share dividends have been investigated

Note: if the office has failed to investigate such entries, you should raise a procedural error and consider potential claimant error.

that where shares are held, that they have been calculated correctly. Valuations may be obtain by going to http://www.google.co.uk/finance, and that any resultant share dividends have been considered and verification obtained
that entries showing regular deposit of income have been investigated

Note: if the office has failed to investigate such entries, you should raise a procedural error and consider potential claimant error.

that for reductions in capital, that deprivation has been considered, and, where appropriate, that a DM decision has been made, which is supported by appropriate evidence

Note: See DMG Chapter 29

9351 – 9359

Housing Costs

9360 There was a change in the housing costs rules from 05/01/2009 which affects the Standard Interest Rate (SIR), the qualifying period before housing costs can be awarded, an increase in the amount of the upper limit eligible for mortgage interest, and the introduction of a time limit for Support for Mortgage Interest for claimants in receipt of JSA(IB).

9361 DMA guidance on the changes is contained in DMG and DMG Memos see DMG Chapter 23
Mortgages and home loans

9362 You will check that the details in the assessment are accurate based on the information provided on form MI12, latest form MI12R, form MI10 and any other available documentation. In all instances, you will check that the DM's decision is supported by appropriate evidence. Guidance on housing costs is contained in DMG Volume 4 Chapter 23.

9363 You will check the capital outstanding to ensure that the correct balance is being used, and that this does not include any arrears, capitalised interest, unpaid insurance premiums or ineligible home loans.

General

9364 The legislation on allowable housing costs was changed from 2nd October 1995. This may be relevant where the case being checked has a mortgage originally taken out prior to this date as pre-October 1995 mortgages have some special provisions.

9365 Changes have been made to the:

- calculation of the standard interest rate (SIR)
- re-mortgage rules
- 5% rule (used prior to 2004)

Change to the method of calculation of the SIR

9366 From 01/10/10 the SIR is based on the Bank of England published average mortgage rate.

9367 A change in standard rate is triggered at a point laid out in legislation. A list of SIR rates is in the DMG Chapter 23, Appendix 6

JSAPS scans

9368 JSAPS will produce scans when there is a change to the standard rate.

Re-mortgages

9369 Current rules on re-mortgages allow a claimant to continue being entitled to 'existing housing costs' when they re-mortgage if the new agreement:
replaces an existing agreement that was in place prior to 2nd October 1995 and:
• is between the same parties; and
• in respect of the same property; and
• is for the same amount or less

This is provided that:
• the person liable to meet the housing costs is party to the agreement in the existing agreement and the new agreement; and
• this has been the only re-mortgage since 2.10.95

Changes to rules for treatment of pre-October 1995 mortgages

Following new legislation, the rules for the treatment of pre-October 1995 mortgages are being extended to allow for the claimant with ‘existing housing costs’ to:
• re-mortgage with any lender, and/or
• for any property

providing:
• the amount borrowed is the same or less than the pre-October 1995 mortgage; and
• one of the parties to the agreement was named on the pre-October 1995 agreement

Where these conditions are fulfilled the pre-October 1995 mortgage will continue to be treated as ‘existing housing costs’.

The onus is on the claimant to prove their entitlement to ‘existing housing costs’. If the claimant cannot prove their entitlement, the case should be assessed applying the rules appropriate to ‘new housing costs’.

Note: You will check that the legislation has been correctly applied and will raise an official payment error where ‘existing housing costs’ have been incorrectly applied or not applied where applicable.

Exceptions
9374 Claimants who have a pre-October 1995 mortgage can only re-mortgage once and continue to have their housing costs treated as ‘existing housing costs’ under the provisions.

Mortgage Protection insurance (MPP)

9375 Cases with MPP will be reassessed in line with current instructions.

Eroding the add back

9376 Where there is an add back in the claimant’s assessment, it will decrease by any allowable increase in the qualifying loan.

Increase in capital balance outstanding

9377 Interest is eligible on a mortgage/loan increase caused by:

- acquiring a further interest in the home
- taking out a further eligible home improvement loan

9378 Where the latest form MI 12R shows an increased capital balance, you will check for the DM's decision and reasons for allowing/not allowing interest on the increased balance.

9379 Where the office failed to refer the increased balance to the DM, PM will leave the case as incomplete to allow the DM to decide on the increased balance.

Note: if the DM decides to allow the increased balance, and the evidence supports this decision, you will raise a payment error. This is because the DM's decision means that the award in respect of the selected period was originally incorrect.

9380 Where form MI12R confirms that the increase in capital balance outstanding is not due to arrears, capitalised interest, insurance premiums or a further mortgage/loan, the office will be expected to have contacted the claimant to establish the reason for the increase. The onus is on the claimant to show that the increase is due to an eligible reason, such as a further, eligible loan.

9381 The DM should not make an assumption as to the reason for the increase. The increase should be allowed only where it is due to:
• extending the original mortgage/loan for an eligible reason
• taking out a new mortgage/loan for an eligible reason

9382 Where the increase is due to the lender’s accounting system, the increase should not be met.

9383 Where the information supplied by the lender on form MI12R contradicts that on previous forms MI12/MI12R, (e.g. a discrepancy in the figure for the original amount borrowed), the office will need to query this with the lender. If the lender fails to respond, the earlier figure should continue to be used (supersession on the basis of the original application).

Note: where the increase in capital balance outstanding is due to an eligible reason but the claimant failed to declare the increase, the resultant payment error will be classed as claimant error due to the claimant’s failure to declare the change in circumstance.

9384 Where an increase in capital balance outstanding has been assumed to be due to the lender’s accounting system, and the interest on that increase has been treated as eligible, you will consider whether a payment error or procedural comment should be raised.

9385 You will raise:

• a payment error if the correct amount of allowable housing costs has not been awarded in the selected period
• a procedural error if the next review or the next anniversary date has not been reached at the time of the selected period

9386 Having established the appropriate capital balance outstanding, you will go on to check the following:

• MID qualifying dates/anniversary dates- for MID to be appropriate the loan must be secured on the property
• correct application of SIR/LIR/SR
• that any add-back in payment is still appropriate and is the correct amount
• that mortgage protection policies have been actioned properly
• that deductions in respect of non-dependants are correct
• whether the property is owned jointly
• whether the lender is a qualifying lender
• whether linking with a previous claim applies
• whether the DM has considered abandonment and its potential impact on the housing costs qualifying period
• whether there is a flexible current account mortgage. Where this mortgage product is identified, you will check that the DM has gathered sufficient evidence to determine the allowable mortgage capital balance
outstanding. You will check for use of the 'drawdown' facility and its impact on the allowable mortgage balance. Where the claimant has used capital rather than income to reduce the mortgage capital balance outstanding, you will check that the DM has considered deprivation of capital.

9387 Claimants with pre-1995 mortgages may have accumulated arrears because only 50% of the claimant’s loan interest is met during the first 16 weeks of their claim; any interest charged on the arrears of interest should be met as a housing cost. If the claimant was in difficulty, an application could be made to the local office for assistance with the interest charged on the arrears of interest. However, legislation states that the amount of such interest shall be met and this should have been done automatically.

9388 Where there is a possibility that the arrears of interest could have been met and no decision has been made, you will leave the case as incomplete for the office to establish if any interest on these arrears had accumulated. The outcome will depend on:

- if the information relating to the unmet arrears is not available by the deadline, you will raise a deemed error as a payment error cannot be ruled out
- if the information is provided by the deadline, you will proceed to check the correctness of the award in respect of the selected period and where it is found that interest on the arrears had accumulated because only 50% of the loan interest had been met during the first 16 weeks of the claim, you will raise a payment error

9389 - 9399

**Other housing costs**

9400 You will seek evidence of service charges, including the documentation of the DM's decision, providing sufficient breakdown of services provided, and the cost of each, and whether any amount is covered by Housing Benefit, in order to confirm the amount allowable. You will check that the periodicity of payment is correct.

*Note: where the service charge included in the assessment is based on an earlier claim estimate, you will raise a payment error where this estimate should have been brought to account by the time of the selected period, i.e. where the actual charge is now known, you will check that the award has been revised to take account of the actual charge.*
9401  For ground rent, you will not seek evidence other than that contained on the claim form, provided that this evidence is clear.

   Note: this includes the amount of ground rent or the length of the lease unless there is a ‘reason to doubt’ i.e. the amount of ground rent appears to be an excessive amount.

9402 - 9409

Clerical components

9410  If the case involves a clerical component, you will check that:

   • the reason for the clerical component, together with its calculation, is correct and has been recorded
   • the clerical component has been recorded correctly on the system

9411 - 9419

Case controls/notes

9420  You will check that:

   • the appropriate case controls have been set to mature at the correct time and that these have been actioned timeously
   • all indicator fields have been completed

Cases involving 3rd party information

9421  In many instances the office requires information from a 3rd party in order to process a claim or verify information on a current claim. For example, a MI12 is required when a claimant is approaching a qualifying date for potential entitlement to a payment towards his housing costs. The form is initially sent to the claimant to complete their part and then forward it on to the lender for them to complete their portion and return to the office.

9422  Where the office has demonstrated that they have retained control of the case, but the potential error could cause an overpayment and there is claimant involvement, they will be referred to Fraud and/or recorded as claimant error/fraud. This applies to sample cases subject to review. Any Official error check cases would be referred to Fraud, or for the office to take action. If it is determined that there is no claimant involvement and the office has demonstrated that the case is correct on the information held by the office then the case should be marked as correct.
9423  Where the office is unable to demonstrate that the case was correct, for example, forms and reminders have not been issued or have not been issued timeously the case will be left as incomplete in order for further requests for the information to be made.

9424  Where the office does not obtain the information by the deadline and there is the possibility of an official error, then a deemed error will be raised.

9425  If the information is received by the deadline and the result is that the claimant has been over or under paid, then the office will be treated as having lost control of the case and an official error would be appropriate, where there is no claimant involvement in the error.

9426  You will leave cases as incomplete where information is not available in order for the office to try and obtain the information. Applying the time limits for providing missing information, PM will consider whether the office had the case under control. If it was determined that they did and the reason why the information was not available was due to the 3rd party, and there is no evidence of claimant error/fraud, it will be recorded as due to a 3rd party error.

9427  If it is determined that there is a claimant error on this aspect then a 3rd party error must not be recorded as well as a claimant error/fraud.

9428  If the office is unable to demonstrate that the case was under control and if the result would be that the claimant was due a different amount of benefit then an official error would be recorded.

Deductions

Deductions (except deductions for MID)

9429  There is no requirement for PM to check that the rate of deductions being taken from a claimant’s benefit is at the correct rate.

9430  If it is found that there is possibly a mistake in the rate of deductions, then a procedural comment will be raised. Under no circumstances will you leave a case as incomplete, if there is a doubt, a procedural comment should be raised.

9431 - 9479
Deductions for MID payments

9480 PM will check that deductions are appropriate and applied at the correct rate.

9481 Legislation governing MID payments to a qualifying lender is different from that covering other third party deductions. DWP has a legal obligation to pay over the correct amount to the third party, (except where a part week payment applies, usually at the beginning and end of a claim, as part week payments can be made directly to the claimant. (Paragraph 2 of schedule 9A to the Claims and Payments Regulations 1987 refers).

Note: because of this fundamental difference in legislation, any under/overpayment of MID payments will be classed as a payment error. This is because the overall amount of benefit paid for the selected period will be affected by correcting the case, which DWP is required to do by legislation.

9482 - 9489

Civil Partnerships

9490 The Civil Partnership Act 2005 and the Social Security (Pensions Social Security and Child Support) (Consequential and Provisions) Order 2005), provides that the definition of a “couple” means:

• a man and a woman who are married and are members of the same household or
• a man and a woman who are not married but are LTAHAW or
• two persons of the same sex who are civil partners and are members of the same household or
• two people of the same sex who are not civil partners but are living together as if they were civil partners.

Note: for the purposes of bullet point 4, two people of the same sex are to be regarded as living together as if they were civil partners only if they would be regarded as living together as husband and wife if they were two people of the opposite sex.

9491 Therefore, you will apply the meaning of couple defined in the above paragraph and conduct the technical preview/PM checks on all aspects of the case to ensure that change resulting from the introduction of the Civil Partnership legislation has been correctly actioned and all required information/verification obtained. For example, capital, income, benefits paid to a member of a “couple”, evidence of identity, joint claims for JSA etc.
Living Together (LT)

9492 Where evidence held in the casepaper suggests that a LT situation may exist which the office have overlooked, for cases subject to review, the outcome will depend largely on the findings of the MRO who conducts the review. For example the claimant may admit to living together at the interview and the MRO determines that clearly a LT situation exists, the claimant having made a deliberately evasive/ambiguous statement on the claim form.

9493 Where a review does not take place and the claim is solely subject to an official error check the case must be referred back to the office to progress.

9494 Where the MRO through structured probing suspects a LT situation but the claimant does not admit to this, the MRO will complete an FRF to Fraud. The DM will be expected to decide/express an opinion as to whether LT applied during the selected period for official error checks if appropriate.

Disregards/Premiums

9495 PM will check that the conditions for receipt of the relevant disregard/premium are satisfied and that the amount in payment is correct.

9496 - 9499

National easements

9500 Businesses can seek National easements for specific operational issues; WWEG FESD can provide support with drafting the easement if businesses require help.

9501 Where a National easement has been accepted, PM will issue guidance to inform PM and PDCS/JCP staff to explain how PM will treat any affected cases.

Note: PM will not have any regard to any local easements.

9502 - 9509

Tax Credits

Introduction

9510 Two tax credits (TC) were introduced from 6 April 2003:
PMG October 2014

- Child Tax Credit (CTC) - replaced the existing CTC given through PAYE codes
- Working Tax Credit (WTC) - replaced Working Families Tax Credit/Disabled Persons Tax Credit

9511 CTC will eventually replace all child applicable amounts and premiums paid with IS and JSA (IB), and CDIs paid with contributory benefits.

9512 The effect of CTC on JSA (IB) benefit claims is:

- for new claims made on or after 8 September 2005 CTC replaced all child applicable amounts and premiums
- for existing JSA(IB) claimants where the claim started on or before 5 April 2004 and who have not claimed CTC, the child applicable amounts and child premiums will be retained until the claims migrate to Child Tax Credit

Note: when an application for CTC is received by HMRC, any JSA(IB) interest is checked and if appropriate, an award is sent via the interface, generating a WAR for the JSA(IB) section.

Child Dependency Increases/Adult Dependency Increases

9513 From the introduction of CTC on 6 April 2003:

- CDIs are no longer awarded on new claims to contributory benefits, and therefore are not taken into account as income types on associated claims to JSA(IB)
- each CDI award existing on 5 April 2003 was transitionally protected; the amount of CDI transitional protection (TP) will be eroded annually each year at uprating as the amounts do not increase
- transitional protection is lost where there has been no payment of CDI for 57 consecutive days either by overlapping benefits or by extinguishment due to earnings
- from 6 April 2003, ADI can only be awarded to those claimants who are entitled, or treated as entitled, to CHB.

PM check in Tax Credit (TC) cases

9514 You will check that correct TC action has been taken and that benefit has been correctly paid.

Attribution of TCs

9515 You will raise a payment error where:
• WTC has been incorrectly attributed or taken into account at an incorrect rate
• WTC has not been taken into account as per guidance. See Decision Maker’s Guide Chapters 25 and 28

Income disregards

CHB

9520  CHB is now fully disregarded

CTC

9521  CTC is fully disregarded

Child maintenance

9522  Child maintenance payments will be fully disregarded unless the payment takes the claimants capital above £6000. The normal capital rules will continue to apply.

Note: The full disregard applies to child maintenance only but not to maintenance that may be paid to support an adult.

Hardship cases

9523  You will look at any hardship cases selected within the sample, giving consideration to sanctions. You will confirm that:

• the correct applicable amounts have been paid, and that hardship has been awarded from the correct date, in accordance with Regulation 142 and 143 of the JSA Regulations 1996
• the decision as to whether the claimant is in hardship or is not in hardship is in accordance with regulations.
General information For JSA Checks

9530 You will check that:
- all LM issues (availability, actively seeking employment, leaving voluntarily etc) have been actioned accurately and promptly
- waiting days have been applied correctly
- the First Contribution Condition (FCC) and Second Contribution Condition (SCC) have been accurately assessed and based on the correct two sets of Relevant Tax Years (RITYs)
- linking details are accurate and the jobseeking period dates and cumulative totals are correctly held
- evidence of signing is present where required. Where applicable, evidence of termination is present.
- where applicable, suspensions have been applied correctly
- decision making issues have been promptly and accurately determined (PM will check the correctness of the SDM decision where this affects the correctness of the award in the selected period)
- income or notional income has been treated correctly
- redundancy and compensation payments have been treated correctly
- part-time earnings have been taken into account correctly
- final earnings have been treated correctly
- the joint claim criteria has been met and evidence of exemptions documented
- for JSA(IB), the correct premiums have been awarded and all income and capital have been treated correctly
- where the claimant has declared incapacity during a jobseeking period, periods of incapacity have been recorded correctly.

9531 You will check that the linking details held are accurate based on all information (RD18, RD50, RPL, claim documents and transfer to clerical prints etc). PM will also check that:

- the jobseeking period (JSP) date is accurate and that all linking periods have been taken into account
- if Carer’s Allowance has been paid, this has been used to establish the first effective day of the JSP date which will give the most beneficial RITYs for entitlement to JSA (cont) for the jobseeker when considering the FCC and SCC position

Note: where JSA (Cont) entitlement is based on RITYs established using Carer’s Allowance, and JSA(IB) has also been claimed, PM will confirm whether the carer premium (which is payable for eight weeks after cessation of ICA/Carer’s Allowance) should have been included in the JSA assessment as an Exceptional Condition (as the award should be assessed as the personal allowance Contributory amount and the Income Based amount of the Carer Premium).
• the cumulative totals used are correct, paying particular attention to cases where the claims link and the same set of RITYs are used in the assessment.

9532 - 9539

First Contribution/Second Contribution Condition

9540 You will check all nil rated cases to confirm that JSA (Cont) is not payable. This will include a detailed check of OLE, ensuring that:

• special credits have been considered/correctly awarded, and all the conditions for receipt have been met
• the case has been referred to International Pensions Centre(IPC) where appropriate
• in cases involving non-posted contributions/credits, there are no missing credits (jury service, IB, SSP and SMP), or missing contributions if there is evidence that the jobseeker has worked

9541 - 9559

Joint claims

9560 Following the Civil Partnership Act coming into force, the definition of “couple” changed to reflect that legislation. You will apply the legislative meaning of couple when checking joint claims (see para referring to “Civil Partnerships” in this part of the guide for meaning of “couple”).

9561 Joint claims maintained wholly clerically will not be selected for PM check.

9562 Where the jobseeker and the jobseeker’s partner have made a joint claim to JSA, you will conduct a labour market check in respect of both members of the joint claim.

9563 Where an exception has been applied, you will check that the criteria have been met (e.g. PFA, remunerative work).

9564 Where the jobseeker and/or partner is exempt from treatment as a joint claim, you will confirm that the exemption period is current during the selected period, and that suitable controls are in place to review or remove the exemption.

9565 Where the Jobcentre determined the exemption, and the exemption period has expired, you will leave the check as incomplete for the case to be referred
to the SDM. The outcome of the PM check will depend on whether exemption is confirmed for the selected period.

9566 Where the exemption is not determined by the SDM, you will check that the exemption criteria were satisfied for the selected period. The legislation recognises that some members of couples who should be in a joint claim may not be able to meet the conditions for receipt of JSA. For example, an Incap claimant cannot meet JSA conditionality, but a joint claim must still be made. Where an exemption applies and the office has taken no joint claim action, a payment error will be recorded as JSA legislation has not been applied correctly. The alternative is for them not to claim JSA at all. JSAPS does not have the functionality to maintain these couples as a joint claim, so they have to be maintained clerically. Jobcentre Plus should also enable claimants to make an informed decision about which benefit to claim.

9567 Where the exemption has been granted by the SDM, you will check that there is evidence in the claim to support the exemption in place and that reviews have been undertaken at the relevant time.

9568 Where the criteria for a joint claim apply, you will check that action has been taken to arrange an interview for each member of the joint claim, and where there is an application for an exemption, it has been granted correctly.

Note: unless the transitional arrangements for existing JSA couple claims to joint claims applies. See DMG Volume 20. PM will raise a payment error if no joint claim interview action has been instigated, since the labour market conditions of entitlement will not have been met (i.e. no JSAg for one of the members of the couple).

9569 The regulations state that where a joint claim falls, e.g. because one member of the joint claim couple fails to attend an interview or fails to meet the labour market conditions, calculate the applicable amount for the other member as if they were a single claimant for the relevant period.

9570 A whole award error should not be recorded in these circumstances. The amount of the overpayment is the difference between the award paid on the joint claim and the amount that would have been paid for a single person.

9571 - 9579

Categorisation

9580 Following the completion of the official error check you will be required to categorise the case using the findings from both the MRO recommended
categorisation following the review/Fraud investigation outcome and the official error check.

*Note: full details of categorisation can be found in Part 17*

9581 - 9999