

JSA Hardship Award

Guidance Queries and Help

1. If you are unable to find an answer to a particular question regarding policy within this guide you must contact the Jobcentre Plus Live Support Advice Line. Do not give the Advice Line number to claimants or outside bodies under any circumstances, it is for the use of Jobcentre Plus staff only. Details of how to contact them can be found by clicking on the following hyperlink, Bright Ideas and Advice Line Home Page.
2. Please **do not use** the 'E-mail page owner' and 'Page information' links at the bottom of each page of guidance to raise policy queries. These should only be used to report broken hyperlinks.

Introduction

3. A hardship award is a reduced payment of income-based Jobseeker's Allowance (JSA (IB)) designed to provide a minimum level of financial support to certain claimants, when sanctions apply.
4. Hardship payments can be made to certain people who do not qualify for JSA under normal rules and they or a member of their family will suffer hardship.
5. Hardship is not defined in the regulations, it should be given its normal everyday meaning of "severe suffering or privation". Privation means a lack of the necessities of life.
6. There is no provision for awarding contribution based JSA (JSA(C)) under the JSA hardship provision, therefore if a claimant applies for hardship and JSA(C) **only** has been claimed, the claimant must complete a JSA3 as well as the JSA/ESA10JP.
7. The decision on the claimants entitlement to JSA(IB) **must** be established before progressing their application for hardship.
8. If the claimant claimed both JSA (C) and JSA (IB) at the start of the claim but JSA (C) was paid because the two amounts were equal, then a JSA3 **is not** required.
9. Once JSA (IB) is awarded the JSA(C) cumulative total continues to increase during the sanction period.

Conditions for receiving a hardship award

10. Three conditions must be satisfied before a hardship award can be made. The claimant must:
 - apply for the hardship award in the appropriate manner; **and**
 - be in one of the prescribed circumstances for receiving an award; **and**
 - show that they, or a member of their family, would suffer hardship if an award was not made.

Appropriate manner of application

11. The appropriate manner of application is for the claimant:
 - to complete and sign the hardship application form JSA/ESA10JP; and

- to attend an interview **face to face** with the Band C Hardship Officer in the Jobcentre; and
- the hardship interview **must be** within 24 hours of hardship being requested, the appointment is made the same day or the next morning if contact is made by the claimant after 2.30pm and there are no same day appointments available.

Prescribed circumstances

12. A hardship award can only be made if one of the following prescribed circumstances applies:

- the claimant has received an adverse decision on labour market entitlement conditions, but all other conditions of entitlement to JSA(IB) are satisfied;
- a sanction has been imposed on the claimant, but all other conditions of entitlement to JSA(IB) are satisfied;
- a Fraud Loss of Benefit (LOB) penalty has been imposed on the claimant, but all other conditions of entitlement to JSA(IB) are satisfied;
- the claimant is waiting for a decision about whether they satisfy certain labour market entitlement conditions at the start of their claim to JSA; or
- the claimant's JSA is suspended because of a doubt on availability or ASE.

13. Further details of each level of sanction and other penalties that can be imposed are found in the JSA Sanctions, suspensions and disallowances guidance. See also DMG Chapter 35 – Hardship

From what date are hardship payments payable

14. The date that hardship is payable to a claimant depends upon whether the claimant is in a vulnerable group or non vulnerable group.

Dealing with enquires when hardship is refused

15. Hardship decisions are appealable to Her Majesty's Courts and Tribunal Service (HMCTS) if the claimant is still dissatisfied following a mandatory reconsideration.

16. If the claimant is refused hardship they are given a written statement of the reasons why hardship is not payable. This is the JSA/ESA11D.

17. Deciding if a claimant is vulnerable for hardship purposes is not the same as the DWP definition of vulnerable claimants. See DMG Chapter 35 - What is a vulnerable group.

18. The JSA/ESA11D explains the mandatory reconsideration and appeals process to the claimant.

Mandatory reconsideration process

19. If the claimant disagrees with the decision, they must ask for the decision to be looked at again, this is called a review. The review is carried out by a different hardship officer.

20. If the decision is upheld and remains unchanged, refer the case to the Disputes Resolution Team in the BC for the Mandatory Reconsideration process to begin.

21. Further details of the reconsideration and the disputes process can be found in the DMG Disputes and Appeals guidance.

At the beginning of the JSA claim

22. Any questions about whether the claimant meets one or more of the labour market entitlement conditions must be resolved before JSA is awarded.

23. In these cases, JSA cannot be paid until the doubt is resolved. However payments can be made under the hardship provision if the claimant is in a vulnerable group and successfully applies for a hardship award.

Vulnerable group

24. Vulnerable group is the term used to describe claimants and/or their partners who are more likely to suffer hardship if JSA is not paid.

25. A person or couple in hardship who are members of a vulnerable group are entitled to a hardship payment from the latest of either:

- the date the claimant becomes a person in hardship; **or**
- the fourth day of the Jobseeking Period, if waiting days have to be served;
- or**
- the date of claim if the claimant does not have to serve waiting days.

26. However, hardship payments can be awarded for a period before the date that the JSA/ESA10JP is returned, if the hardship officer is satisfied that the claimant suffered hardship in that period.

People who are members of a vulnerable group

27. Claimants and/or their partners are in a vulnerable group if they are;

- pregnant women **or**
- lone parents responsible for a young person **or**
- members of couples or polygamous marriages responsible for children or young people **or**
- people who qualify for a disability premium (DP) **or**
- certain people with long-term medical conditions **or**
- certain people who provide care for disabled people **or**
- certain people aged 16 or 17 **or**
- certain people under the age of 21.

28. Further guidance on these categories is given in DMG Chapter 35 – People who are members of a vulnerable group. Some claimants 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 also who cannot claim hardship.

Care Leavers

29. Certain claimants age under 21 at the time of applying for hardship, that have been looked after by a local authority (under the Children Act) within the previous three years may be treated as being in a vulnerable group providing they satisfy the conditions for receiving a hardship award.

Non Vulnerable group

30. A person or couple in hardship who are not members of a vulnerable group are entitled to a hardship payment from the latest of either:

- The date the claimant provided their statement of circumstances on a completed JSA/ESA10JP **or**
- The date the claimant becomes a person in hardship **or**
- 18th day if waiting days have to be served **or**
- 16th day of the claim, if waiting days were served at the start of a previous claim which is part of the same JSP.

31. Hardship is paid from the 15th day following the date of claim which is the 16th day of the claim (i.e. the date of claim plus 15 days)

See DMG Chapter 35 - People waiting for a DM's decision - new claims

JSA claim has been established

A decision is made that LM conditions are not met

32. If an adverse decision on labour market entitlement conditions is made, the claimant is disallowed from receiving JSA. An award of JSA under the hardship provision may be made if the claimant is:

- in a vulnerable group; **and**
- the adverse decision was issued because they:
 - are not available for work; **or**
 - are not actively seeking work; **or**
 - will not agree a Jobseeker's Agreement or Claimant Commitment.

33. Claimants who receive an adverse decision on labour market entitlement conditions but are not in a vulnerable group are disallowed from receiving JSA. This means they cannot be entitled to JSA under the normal rules or under the JSA Hardship Provision.

34. If the claimant has been treated as unavailable for work see the LMCG for further guidance and information.

35. An intermediate level sanction (ILS) is applied when a claimant receives an adverse decision on availability or actively seeking work.

Jobseekers Allowance is suspended

36. If a doubt arises about whether a claimant meets one or more of the labour market entitlement conditions after their JSA is awarded, their benefit is suspended until a decision is made.

37. In these cases, JSA is not paid for the suspension period, however payments can be made under the hardship provision if the claimant successfully applies for a hardship award.

Vulnerable group, what date is hardship is paid from

38. During the life of a claim, if a suspension is imposed, hardship can be paid from the;

- start of the suspension period; **or** when
- the claimant becomes a person in hardship.

Non Vulnerable group, what date is hardship paid from

39. Once a suspension is imposed on a JSA claim, hardship can be paid from the later of

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

See DMG Chapter 35 Hardship for further information.

JSA is not paid because of a sanction

40. If a sanction is imposed, JSA is not paid for the sanction period. However, payments can be made under the hardship provision if the claimant successfully applies for a hardship award.

41. Depending on the reason for the failure to comply, there are three types of sanctions that can apply;

- Higher;
- Intermediate;
- Lower Level.

See the LMCG, Sanctions and DMA Guidance for further information.

Intermediate Level Sanction (ILS) applied

42. A Intermediate level sanction (ILS) follows a period of disallowance and applies where a claimant has not been available or actively seeking work.

43. The period of disallowance is usually two weeks, this counts towards the waiting period for hardship for non-vulnerable claimants.

44. Claimants, including joint claimants who receive an ILS must complete claim form JSA1 ILS to re-instate their JSA award after the disallowance period or earlier if the claimant is in a vulnerable group and applies for hardship.

45. Claimants that have not been available or actively seeking work in the first week of their fortnightly benefit period that re comply in their second week, do not have to complete a JSA1 ILS.

46. A application for hardship may be payable if applied for, subject to the hardship rules.

Date hardship payable for vulnerable and non vulnerable groups

47. Hardship payments can be awarded when a sanction has been imposed. The rules depend whether the claimant is in a vulnerable or non vulnerable group

Fraud Loss of Benefit

48. If a fraud loss of benefit (LOB) penalty is imposed, JSA is not paid for the LOB disqualification period under the normal rules.

When hardship is payable from when a Fraud LOB penalty is imposed

49. If a claimant has received a LOB penalty under regs 2001 Part 3, Reg 7 & 5(2) has to serve a 14 day waiting period, this applies to **both** vulnerable and non vulnerable groups.

50. Claimants who have received a LOB penalty under Regs 2001 Part 3, Reg 6 (1&2) & Reg 5(1)) can have access to hardship without standing the 14 days waiting period if they are in a vulnerable group.

Hardship enquiries from claimants

51. A claimant may ask about applying for a hardship award:

- in person;
- by telephone;
- at their Jobsearch/Worksearch review
- by post.

Claimant calls in to the Jobcentre in person

52. If the claimant calls into the Jobcentre because they have not received their JSA payment, a JC assistant service coach (ASC) makes enquiries to establish non receipt.

53. If the JSA payment has not been issued due to a suspension/disallowance or sanction, the JC ASC explains that a payment under the hardship rules may be available.

54. If the claimant wants to apply for hardship, the JC ASC:

- checks to see if they fall into one of the prescribed circumstances;
- explains the hardship procedure to the claimant;
- establishes if the claimant is in a vulnerable or non vulnerable group;
- makes an appointment via LMS using the **General Adviser Interview Category – Social Fund interview type** at the JC with the hardship officer.
- the interview **must be** within 24 hours of hardship being requested, the appointment is made the same day or the next morning if contact is made by the claimant after 2.30pm and there are no same day appointments available.
- issues the JSA/ESA10JP hardship claim form for completion and leaflet JSA/ESA10A;
- issue form JSA1(ILS) if the claimant has received an intermediate level sanction;
- asks the claimant to provide **as much evidence** of their circumstances, including;
 - birth certificates of any children in the household that have not been previously declared;
 - building society book (if previously declared savings);
 - current bank mini statement if full bank statement not available.
- If the claimant **is not** in a vulnerable group, the JC ASC tells the claimant they serve a 14 day penalty period and discusses the implications of their non compliance.
- If the claimant still wants to apply for hardship, the JC assistant service coach makes an appointment via LMS using the **General Adviser Interview Category – Social Fund interview type** at the JC.
- the hardship interview **must be** within 24 hours of hardship being requested, the appointment is made the same day or the next morning if contact is made by the claimant after 2.30pm if there are no same day appointments available.

- issue the JSA/ESA10JP hardship claim form for completion and leaflet JSA/ESA10A;
- form JSA1(ILS) if the claimant has received an intermediate level sanction;
- ask the claimant to provide **as much evidence** of their circumstances, including;
 - birth certificates of any children in the household that have not been previously declared;
 - building society book (if previously declared savings);
 - current bank mini statement if full bank statement not available.

Claimant telephones the Contact Centre (CC)

55. If the claimant telephones the BEL or JEL enquiry line in the CC to apply for hardship, the agent talks through a pre-defined desk aid to enable them to confirm if the claimant has initial eligibility to hardship.

56. The agent;

- explains the hardship procedure to the claimant;
- makes them an appointment with the hardship officer via LMS using the **General Adviser Interview Category – Social Fund interview type** at the JC.
- The hardship interview **must be** within 24 hours of hardship being requested, the appointment is made the same day or the next morning if contact is made by the claimant after 2.30pm and there are no same day appointments available.
- asks the claimant to attend the appointment 10 minutes earlier than their appointment to complete the JSA/ESA10JP hardship claim form and JSA1 (ILS) if the claimant has received an intermediate level sanction;
- asks the claimant to provide **as much evidence** of their circumstances, including;
 - birth certificates of any children in the household that have not been previously declared;
 - building society book (if previously declared savings);
 - current bank mini statement if full bank statement not available.

Claimant enquires by post

57. Unless the claimant uses the postal facility to provide their LM declaration it is unlikely a claimant will enquire about applying for hardship by post. Should this happen the request must be given to the hardship officer.

58. The hardship officer checks to see if the claimant has a contact number. If they can be contacted by telephone they;

- ring the claimant to check they fall within the prescribed circumstances;
- explain the hardship procedure
- make an appointment in LMS using the **General Adviser Interview Category – Social Fund interview type** for an hardship interview in the JC.
- the hardship interview **must be** within 24 hours of hardship being requested, the appointment is made the same day or the next morning if

contact is made by the claimant after 2.30pm and there are no same day appointments available.

- ask the claimant to attend the appointment 10 minutes earlier than their appointment to complete the JSA/ESA10JP hardship claim form and JSA1(ILS) if the claimant has received an intermediate level sanction;
- ask the claimant to provide **as much evidence** of their circumstances, including;
 - birth certificates of any children in the household that have not been previously declared;
 - building society book (if previously declared savings);
 - current bank mini statement if full bank statement not available.

59. If the claimant does not have a telephone the hardship officer;

- Writes to the claimant enclosing the JSA/ESA10JP hardship claim form and JSA1(ILS) if the claimant has received an intermediate level sanction, and tells them to contact them to arrange an appointment for the hardship interview.

Claimants who use the postal facility to provide a labour market declaration

60. If a request is made for a hardship award from a claimant who uses the postal facility, send them a JSA hardship application form JSA/ESA10JP and form JSA1(ILS) if the claimant has received an intermediate level sanction. The hardship officer with enclose a letter giving their contact name and telephone number for any further information or enquiries.

61. When the form is returned, the hardship application is considered in the normal way and a decision made as to whether or not to make a JSA hardship award.

62. For claimants that live remotely the JSA hardship application form JSA/ESA10JP and form JSA1 (ILS) (if applicable) can be completed over the telephone and posted out to obtain their signature.

63. When the form(s) are returned, the hardship application is considered in the normal way and a decision made as to whether or not to make a JSA hardship award.

64. If the claimant falls into the vulnerable group, hardship can be awarded and paid before the signed forms are returned. This procedure is **only** for claimants that live **remotely** and are **vulnerable**, under no **other circumstances must this procedure be adopted**.

Claimant satisfies the hardship conditions

65. If the claimant satisfies the hardship conditions, the hardship officer:

Step	Action
1	Records the hardship decision on form JSA/ESA11
2	Sends the JSA/ESA11 form to the BC via HOTT , using the drop down menu, select; <ul style="list-style-type: none"> • Standard Call Back for claimants where hardship has been allowed and are either vulnerable and/or an urgent payment is

	<p>required.</p> <ul style="list-style-type: none"> • Non Call Back (dealt within 3 hours) for claimants that have been allowed but payment is not due or the claimant has been disallowed hardship.
3	<ul style="list-style-type: none"> • the BC action the hardship award within 3 hours of receipt of the JSA/ESA11, issuing the hardship payment if due, or ensures the payment is issued in line with the claimants normal JSA payday. • A Faster Electronic Payment (FEP) payment is used if payment is overdue or payment is due in less than three days and the payment will not arrive in the claimant's bank account using the normal JSAPS method.
4	completes form JSA/ESA11A and posts it to the claimant.
5	accesses dialogue JA110: Maintain Notepad and record the details of the hardship application and the decision.
6	sends the JSA/ESA10JP and all other supporting documents to FARIO in the BC.

The decision is made to make a hardship award to a claimant who usually uses the postal facility

66. If the decision is made to make a hardship award to a claimant who usually uses the postal facility, action depends on whether or not the claimant has received an adverse decision on labour market entitlement conditions.
67. If the claimant's JSA has been suspended, sanctioned, had a LOB penalty applied or a decision is awaited at the start of their claim, they can continue to use the postal facility.
68. If the claimant has received an adverse decision on labour market entitlement conditions and the adverse decision is for two weeks or less, they can continue to use the postal facility. However, if the decision is for more than two weeks, the postal facility is withdrawn.
69. If the postal facility is withdrawn, the PA or WC tells the claimant they must attend the Jobcentre for their Jobsearch or Worksearch reviews, but they can claim their fares to attend each fortnight.

Doubt raised at the Jobsearch review (JR) or Worksearch review (WR)

70. If an availability or ASE doubt is raised at the JR or WR, the Personal Advisor (PA) or Work Coach (WC) sets a suspension on the claimants JSA and tells the claimant their benefit stops until a decision has been made whether they are still entitled to their JSA. They are issued with the leaflet ESL48JP (ILS) confirming this.

71. During the review the PA or WC discusses the possibility that hardship payments may be available. See Get Britain Working Guidance for further details. If the claimant does not request hardship during the review the PA or WC tells them to contact the BEL if they want to apply for hardship at a later date.

72. The PA or WC **must** check JSAPS to see if the claimant is already receiving hardship payments due to a previous sanction. If they are, and the claimant **is not** in a vulnerable group they must stop the hardship payments.

73. Non Vulnerable claimants that have a sanction imposed for a second offence, immediately following or during an existing sanction are penalised for each offence.

74. See Consecutive and Overlapping Sanctions

LMDM decision to be made within 48 hours

75. The decision to disallow or allow the availability or ASE doubt is made by the LMDM within 48 hours.

LM Decision is favourable

76. If the LMDM decides **not** to disallow the JSA on the grounds of availability or ASE, the suspension is lifted and the JSA payment is issued, however the LMDM must first check to see if hardship has been claimed.

77. If hardship has been claimed the LMDM does not lift the suspension but sends a HOTT handoff or urgent email to the claim maintenance team in the BC to end any hardship action and issue the normal JSA payment, ensuring payment is received by the claimant on their JSA pay day.

See the LMDM guide - Considering JSA Labour Market Doubts

LM Decision not favourable - claimant wants to apply for hardship

78. If the claimant wants to apply for hardship, the PA or WC;

- checks they fall within the prescribed circumstances;
- explains the hardship procedures to the claimant;
- establishes if the claimant is in a vulnerable or non vulnerable group;
- if the claimant is in a vulnerable group, make them an appointment in LMS using the **General Adviser Interview Category – Social Fund interview type** for an hardship interview.
- the interview **must be** within 24 hours of hardship being requested, the appointment is made the same day or the next morning if contact is made by the claimant after 2.30pm if there are no same day appointments available.
- asks the claimant to attend the appointment 10 minutes earlier than their appointment to complete the JSA/ESA10JP and JSA1(ILS) claim forms.
- If the claimant **is not** in a vulnerable group, the PA or WC will discuss the implications of their non compliance.
- If the claimant wishes to claim hardship, the PA or WC will make an appointment via LMS using the **General Adviser Interview Category – Social Fund interview type** at the JC for a hardship interview.
- the hardship interview **must be** within 24 hours of hardship being requested, preferably the same day or the next morning if contact is made by the claimant after 2.30pm if there are no same day appointments available.

- asks the claimant to attend the appointment 10 minutes earlier than their appointment to complete the JSA/ESA10JP and JSA1(ILS) claim forms.
- asks the claimant to provide **as much evidence** of their circumstances to help make our decision, including;
 - birth certificates of any children in the household that have not been previously declared;
 - building society book (if previously declared savings);
 - current bank mini statement if full bank statement not available.

Action when hardship is in payment from previous offence

79. If hardship is in payment and the claimant **is not** in a vulnerable group, the PA or WC takes the following action;

Step	Action
1	Accesses dialogue JA060 Register claim/event;
2	Inputs event type 02, change of circumstances;
3	sub event type 10, change to exceptional conditions;
4	Enters today's date in the change in circumstance;
5	Presses end. This will create S003 case control which will appear on the JA72539 work available report the following day, it will prevent any further payment being issued until the change of circumstance is cleared at the BC.
6	Accesses dialogue JA110 maintain notepad and ensure that robust notes are recorded about the further doubt raised to ensure no further hardship payment is issued.

Claimant requests hardship when in contact with the LMDM or Claims Maintenance Team

80. It may be possible that the request for hardship is raised by the claimant when in contact with the LMDM or the claims maintenance team when dealing with routine or other enquires.

81. If the LMDM/claims maintenance team have access to LMS and have the correct access levels, the hardship interview appointment is made using the **General Adviser Interview Category – Social Fund interview type** during the telephone call and the details given to the claimant.

82. The hardship interview **must be** within 24 hours of hardship being requested, the appointment is made the same day or the next morning if contact is made by the claimant after 2.30pm and there are no same day appointments available

83. The LMDM/claims maintenance asks the claimant to:

- attend the appointment 10 minutes earlier than their appointment to complete the JSA/ESA10JP hardship claim form and JSA1 (ILS) if the claimant has received an intermediate level sanction;
- provide **as much evidence** of their circumstances, including;

- birth certificates of any children in the household that have not been previously declared;
 - building society book (if previously declared savings);
 - current bank mini statement if full bank statement not available.
84. If the LMDM/claims maintenance team does not have access to LMS then they phone the PTL/Diary Manager in the JC giving the claimants details, the claimant will be contacted by the JC who arrange the hardship interview.

See LM DMA guidance - JSA Hardship Guidance for LMDMs

Centralised Decision Making Teams

85. The preferred method of awarding hardship is for a band C Hardship Officer, **once and done** approach where the decision is given to the claimant at the hardship interview. However this may not be sustainable where JC's use centralised decision making teams.
86. Centralised decision making teams that serve several Jobcentres are responsible for making the hardship decisions, however the rest of the hardship national process as described in this guide is followed.
87. The hardship interview can be conducted by a band B officer who;
- checks and gather any missing information required;
 - emails the scanned JSA/ESA10JP and any evidence/documents required to the centralised decision making team;
 - tells the claimant that the DM will give them their decision by telephone.
88. If the claimant makes their application for hardship by post the JSA/ESA10JP and any evidence is scanned then emailed to the centralised decision making team by the JC.
89. The original documents are stored at the JC using their normal storage arrangements and **not** posted to the centralised decision making team.
90. **It is essential that no delays occur if this approach is adopted.** The claimant **must** receive their hardship payment, if due, within 3 working days of them expressing their request to apply for hardship.

The Hardship interview

91. The decision about whether or not to make a hardship award is made by a Hardship Officer in the Jobcentre.
92. The information gathered is checked against the information previously provided to establish their entitlement to JSA (IB). The hardship officer looks at what resources would be available to the family if JSA is not paid.
93. The hardship officer conducts the hardship interview **face to face** with the claimant, during which they decide:
- if the claimant, and their circumstances, satisfies the conditions to receive a hardship award; **and**
 - whether the claimant or a member of their family would suffer hardship if a hardship award is not made.
 - details of the essential outgoings/expenditure is recorded on the JSA/ESA11 to substantiate the decision to award hardship.

94. The preferred method is the outcome decision is given to the claimant by the hardship officer at the interview.

Resources

95. Resources is not defined in the law, the word should be given its normal everyday meaning of the means available or a stock or supply that can be drawn upon.
96. The role of the hardship officer as the decision maker, is to make determinations and decisions on the available evidence. The claimant must make sure that they give as much evidence of their circumstances to enable a decision to be made.
97. The hardship officer looks at what resources are likely to be available to the claimant's family if JSA is not paid, this includes any resource available from a member of the household who is not a member of the family.
98. Details of income or capital that are held on the claimants account should be checked at the interview ensuring that evidence is provided if the income or capital has diminished.
99. CTC and CHB are **disregarded** in the calculation of income for hardship purposes.
100. Where claimants or members of their family receive periodic payments of income, the weekly amount is calculated to determine the amount of resources that are available to the claimant's family if JSA is not paid. This will establish how long the family's current circumstances and level of resources will continue.
101. Consideration must be given to resources that aren't available immediately, hardship may occur in the period between an application for resources and their receipt.
102. For further **detailed** information see DMG Volume 6, Chapter 35, Hardship – Resources .

Claimant fails to attend hardship interview

103. If a claimant fails to attend the hardship interview the hardship officer telephones the claimant and establishes if the appointment needs to be re arranged.
104. If the claimant decides not to pursue their application, make a note in JSAPS dialogue JA110: Maintain Notepad and take no further action.
105. If the claimant has not got a contact number, the hardship officer writes to the claimant enclosing the JSA/ESA10JP hardship claim form (and JSA1(ILS) if the claimant has received a intermediate level sanction), and tells them to arrange a further appointment for the hardship interview if still required.
106. Make a note in JSAPS dialogue JA110 that the claimant did not attend the hardship interview and record the forms issued.

Hardship Officer action

107. When the claimant attends the Jobcentre for their hardship interview take the following action:

Step	Action
1	check the hardship application form JSA/ ESA10JP is correctly completed and signed and obtain any missing information;
2	compare the information on the JSA/ESA10JP to that on JSAPS to ensure no change of circumstances have occurred;
3	if the claimant was previously receiving JSA(C) only, check that form JSA3 has been completed and returned.
4	explain that the decision on their entitlement to JSA(IB) must be established before progressing their application for hardship.
5	check if claimant is in a vulnerable group.

Claimant is not in one of the prescribed circumstances

108. If the claimant is not in one of the prescribed circumstances, they cannot be entitled to a hardship award. The hardship officer must:

Step	Action
1	record the decision on hardship decision form JSA/ESA11;
2	complete form JSA/ESA11D showing the reason why a hardship award cannot be made and issue it to the claimant;
3	explain to the claimant the reasons why they are not entitled to a hardship award, and tell them that they can go through the disputes process if they wish.
4	attach form JSA/ESA11 to the JSA/ESA10JP and forward both to FARIO at the BC.
5	access dialogue JA110: Maintain Notepad and record the details of the hardship application and the decision.

Note: do not record the claimant's application in dialogue JA060: Register claim/event. Only hardship applications from claimants who are in the prescribed circumstances must be recorded.

Deciding the JSA hardship condition

109. After checking the hardship application form JSA/ESA10JP to ensure that it has been correctly completed and signed by the claimant, the hardship officer must decide:

- if the claimant satisfies the first two conditions for receiving a hardship award; and
- if the claimant or a specified member of their family will suffer hardship If a hardship award is not made.

110. After considering all the available evidence, take the appropriate action depending on whether the claimant:

- does not satisfy the hardship conditions; or
- satisfies the hardship conditions.

Deciding the amount of a hardship payment

111. The weekly amount of hardship awarded depends on the claimants needs. All personal allowances, premiums, housing costs and disregards

for income and capital are calculated as for JSA (IB) under the normal rules. The special rules reduce the applicable amount by 20% or 40% of specified personal allowances.

112. Further information about determining the amount of hardship is in Chapter 35 of the Decision Makers Guide.

When does the 20% reduction apply

113. The personal allowance is reduced by 20% if the claimant or a member of the family or a member of a joint-claim couple is pregnant or seriously ill.

See DMG Chapter 35 – When does the 20% reduction apply for further details

When does the 40% reduction apply

114. The personal allowance is reduced by 40% if the claimant or a member of the family or a member of a joint-claim couple is not pregnant or seriously ill.

See DMG Chapter 35 – When does the 40% reduction apply for further details.

Joint Claims

115. Either member of the joint claim can apply for hardship during a period of sanction. Any payment made will go to the member of the claim who has not been sanctioned.

Member of joint claim is disallowed

116. When a member of a joint claim is disallowed the joint claim will fall. The member who has complied is paid the full age related JSA(C) and/or JSA (IB) as a single person.

117. At the end of the disallowance period the joint claimant who has been disallowed must complete a JSA1 ILS before the joint claim is re-joined.

JSAPS action when one member has been disallowed

Step	Action
1	Access JA050: Maintain Joint Claim, JA050169 END JOINT CLAIM, take action to fall the joint claim.
2	If the member of the couple who is not disallowed is entitled to JSA(IB), and there is income or capital belonging to the other jobseeker to be taken into account, access JA060: Register Claim/Event and input; <ul style="list-style-type: none"> • Change of circumstances event [02]; and • Sub event [11] for capital or • Sub event [13] for income
3	Access JA091: Maintain Claim Details, input the date of change as the 1st day of the disallowance; <ul style="list-style-type: none"> • Put a [Y] against other income or capital as appropriate; • Enter details of any capital or income belonging to the other

	jobseeker;
4	Access JA200: Award and Decision;
5	Access JA405: Compute Payment.

JSAPS action at the end of the disallowance period

Step	Action
1	Access dialogue JA050: Maintain Joint Claim and input the date, the day after the disallowance as a start of the new joint claim period;
2	Access dialogue JA060: Register Claim/Event;
3	Access dialogue JA091: Maintain Claim Details, complete income and capital details as appropriate;
4	Access dialogue JA200: Award and Decision;
5	Access dialogue JA401: Joint Claim Award decision;
6	Access dialogue JA405: Compute Payment.

118. Where both members of the claim are sanctioned, the payment will be made to the person whose claim for hardship is considered first.

119. The joint claim couple circumstances as a household are taken into account in deciding the entitlement to hardship. They include all relevant information about their circumstances such as health and disabilities of both members of the couple on the hardship application.

120. Where the claim has been sanctioned or suspended, the joint claim hardship application is dealt with the same way as any other hardship application. If hardship is paid to one member of a joint claim, JSAPS will prevent payment of hardship to the other member of the claim.

121. If hardship is applicable, where only one member of a joint-claim couple is subject to a sanction a reduced amount of JSA is usually payable to the member of the couple who is not subject to the sanction, any premiums in payment remain at the couple rate, however the non sanctioned person must make the claim to hardship.

122. If one member of the couple is sanctioned, suspended or disallowed and the other member of the couple is exempt and would be eligible to claim IS or ESA, they must claim that benefit. See who cannot claim hardship

123. If both members of a Joint claim are sanctioned, the couple receive a 40% reduction of the personal allowance plus any premiums.

See DMG Chapter 35 Hardship – Joint Claim Couples for further details.

Claimant satisfies the hardship conditions

124. If the claimant satisfies the hardship conditions, the hardship officer:

Step	Action
1	records the hardship decision on form JSA/ESA11;
2	explains to the claimant that they are entitled to a hardship award and when they can expect to receive a payment;
3	Sends the JSA/ESA11 form to the BC via HOTT using the drop down

	<p>menu, select;</p> <ul style="list-style-type: none"> • Standard Call Back for claimants where hardship has been allowed and are either vulnerable and/or an urgent payment is required. • Non Call Back (dealt within 3 hours) for claimants that have been allowed but payment is not due or the claimant has been disallowed.
4	<ul style="list-style-type: none"> • the BC action the hardship award within 3 hours of receipt of the JSA/ESA11, issuing the hardship payment if due, or ensures the payment is issued in line with the claimants normal JSA payday. • A Faster Electronic Payment (FEP) payment is used if payment is overdue or payment is due in less than three days and the payment will not arrive in the claimant's bank account using the normal JSAPS method. • The BC do not have to contact the claimant, the hardship officer has told the claimant they are entitled to a hardship award and when they can expect to receive a payment.
5	completes form JSA/ESA11A and gives it to the claimant.
6	explains to the claimant about the arrangements for the future
7	accesses dialogue JA110: Maintain Notepad and record the details of the hardship application and the decision.
8	sends the JSA/ESA10JP and all other supporting documents to FARIO in the BC.

Claimant does not satisfy the hardship conditions

125. If the claimant does not satisfy the hardship conditions, the hardship officer:

Step	Action
1	records the decision on hardship decision form JSA/ESA11;
2	explains to the claimant the reasons why they are not entitled to a hardship award, and tell them that they can go through the disputes process if they wish;
3	completes form JSA/ESA11D showing the reason why a hardship award cannot be made and give it to the claimant;
4	attaches form JSA/ESA11 to the JSA/ESA10JP and any other documentation and forwards to the BC via HOTT .

Benefit Centre Action

Claimant does not satisfy the hardship conditions

126. If the claimant does not satisfy the hardship conditions, the hardship officer sends:

1	forms JSA/ESA11 and JSA/ESA10JP and any other documentation to
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	the BC, upon receipt;
2	<p>accesses JSAPS, go to dialogue JA060: Register claim/event, REGISTER CLAIM/EVENT screen JA060062 and complete the following fields:</p> <ul style="list-style-type: none"> • 'Event type' input [04]; • 'Event sub type' input: <ul style="list-style-type: none"> <input type="checkbox"/> [01] for a suspension; <input type="checkbox"/> [02]] for a disallowance; <input type="checkbox"/> [03] for a sanction or LOB; or <input type="checkbox"/> [04] if the claim has not been decided; • 'Receipt date' input the date of the hardship interview;
3	<p>accesses JSAPS dialogue JA120: Event maintenance, select the hardship event and complete the following fields:</p> <ul style="list-style-type: none"> • 'Outcome' input [02] adverse decision to show that the hardship application has not been successful; • 'Completed date' input the date of the hardship interview;

Processing a hardship award on JSAPS

127. To process a hardship award on JSAPS, input the JSA(IB) claim as normal unless this has already been done, then:

Step	Action
1	access dialogue JA120: Event maintenance to check if there is an open New Claim or Change of Circumstances event;
2	<p>access dialogue JA060: Register claim/event, REGISTER CLAIM/EVENT screen JA060062 and complete the following fields:</p> <ul style="list-style-type: none"> • 'Event type' input [04] hardship; • 'Event sub type' input: <ul style="list-style-type: none"> <input type="checkbox"/> [01] for a suspension; <input type="checkbox"/> [02] for a disallowance; <input type="checkbox"/> [03] for a sanction or LOB penalty <input type="checkbox"/> [04] if the claim has not been decided; • 'Receipt date' input the date the claimant applied for a hardship award; <p>then:</p> <ul style="list-style-type: none"> • if there is an open New Claim or Change of Circumstances event, go to Step 4; • if there is no open New Claim or Change of Circumstances event, go to Step 3;
3	<p>re-access dialogue JA060: Register claim/event, EVENT MAINTENANCE REGISTER CLAIM/EVENT screen JA060062 and complete the following fields:</p> <ul style="list-style-type: none"> • 'Event type' input [02] change of circumstances; • 'Event sub type' input [10]; • 'Receipt date' input the date the claimant applied for a hardship award;

4	<p>press [F1] to go to dialogue JA091: Maintain claim details, CLAIM DETAILS PICKLIST screen JA091002 and complete the following fields under Change of circumstances:</p> <ul style="list-style-type: none"> • 'Effective date' input the date hardship payments have been awarded from; • 'Exceptional conditions' input [Y];
5	<p>press [ENTER] to display the EXCEPTIONAL CONDITIONS screen JA091019 and complete the following fields:</p> <ul style="list-style-type: none"> • 'Person no' input [01] customer; • 'Reason code' input code: <ul style="list-style-type: none"> <input type="checkbox"/> [15] to show an adjustment to the claimant's applicable amount; <input type="checkbox"/> [27] if the claimant is subject to the 20% reduction; <input type="checkbox"/> [28] if the claimant is subject to the 40% reduction; • 'D/Start' input the date the hardship payments have been awarded from; • 'D/End', JSAPS will accept a date of up to 52 weeks, input a date which is within this period of the start date of the hardship award, even if the hardship award is open ended;
6	press [F1] to go to dialogue JA200: Award and Decision, EVIDENCE SUMMARY screen JA200201;
7	press [ENTER] or [F12] to go to the AWARD SUMMARY screen JA200202;
8	press [F5] to access the CLERICAL COMPONENTS screen JA200203 and complete the 'Amount' field to show the reduced applicable amount payable for the claimant;
9	<p>press [ENTER] to prompt JSAPS to:</p> <ul style="list-style-type: none"> • recalculate the claimant's JSA(IB) using the clerical components input; and • display the AWARD SUMMARY screen JA200202 and use function key [F24] to make a decision
10	if the claimant has an eligible home loan, access dialogue JA301: Maintain Mortgage Direct and input/update the information as appropriate;
11	access dialogue JA405: Compute payment to display the payment profile calculated by the system and to produce a hardship payment if one is due;
13	JSAPS issues the relevant notifications to the claimant which explains that they are entitled to a hardship payment.

Arrangements for the future

128. The arrangements for the future depend on the reason why the claimant has been awarded hardship:

The claimant has received an adverse decision on labour market entitlement conditions and is in a vulnerable group

129. If the claimant has received an adverse decision on labour market entitlement conditions and is in a vulnerable group, tell them that:

- payments made under a hardship award are usually paid two weeks in arrears;
- the sanction continues for the whole of the sanction period regardless of whether or not the claimant re-complies;
- the hardship award will continue to the end of the sanction period, as long as the claimant attends JR or WR and advisory interviews and satisfies the other JSA(IB) entitlement conditions; and
- any payments made under a hardship award count towards the 182 days JSA(C) entitlement.
- NI Credits are NOT awarded during the period of the Suspension, Sanction or Disallowance even if hardship is in payment

The claimant has been sanctioned and is in a vulnerable group

130. If the claimant has been sanctioned and is in a vulnerable group, tell them that:

- payments made under a hardship award are usually paid two weeks in arrears; and
- hardship payments can be made throughout the sanction period, so long as the claimant:
 - attends JR or WR and advisory interviews; and
 - satisfies the labour market entitlement conditions and the other JSA(IB) entitlement conditions.

The claimant has been sanctioned but is not in a vulnerable group

131. If the claimant has been sanctioned but is not in a vulnerable group, tell them that:

- they get their hardship payment from the 15th day after any waiting days have been served;
- payments made under a hardship award are usually paid two weeks in arrears;
- hardship payments can be made throughout the sanction period, so long as the claimant:
 - attends JR or WR and advisory interviews; and
 - satisfies the labour market entitlement conditions and the other JSA(IB) entitlement conditions.

The claimant has a Fraud LOB penalty applied

132. If the claimant has received a LOB penalty, tell them that:

- they get their hardship payment from the 15th day after any waiting days have been served;
- payments made under a hardship award are usually paid two weeks in arrears;

- hardship payments can be made throughout the LOB penalty period, so long as the claimant:
 - attends JR or WR and advisory interviews; and
 - satisfies the labour market entitlement conditions and the other JSA(IB) entitlement conditions.

The claimant is waiting for a decision at the start of a claim and is in a vulnerable group

133. If the claimant is waiting for a decision at the start of a claim and is in a vulnerable group, tell them that:

- payments made under a hardship award are usually paid two weeks in arrears;
- the hardship award is open ended following the imposition of any waiting days, so long as the claimant attends JR or WR and advisory interviews and satisfies the other JSA(IB) entitlement conditions; and
- if the decision goes against them, an adverse decision on labour market entitlement conditions will be imposed.

The claimant is waiting for a decision at the start of a claim but is not in a vulnerable group

134. If the claimant is waiting for a decision at the start of a claim but is not in a vulnerable group, tell them that:

- they get their hardship payment from the 16th day after any waiting days have been served;
- the hardship award is open ended following the imposition of any waiting days, so long as the claimant attends Jobsearch Reviews and advisory interviews and satisfies the other JSA(IB) entitlement conditions.
- payments made under a hardship award are usually paid two weeks in arrears;
- if the decision goes against them, the claimant's JSA claim will be disallowed and there will be no entitlement to JSA at all.

The claimant has been suspended and is in a vulnerable group

135. If the claimant has been suspended due to a LM doubt and is in a vulnerable group, tell them that:

- payments made under a hardship award are usually paid two weeks in arrears;
- the hardship award is open ended following the imposition of any waiting days, so long as the claimant attends JR or WR and advisory interviews and satisfies the other JSA(IB) entitlement conditions.
- if the decision goes against them, an adverse decision on labour market entitlement conditions will be imposed.

The claimant has been suspended but is not in a vulnerable group

136. If the claimant has been suspended due to a LM doubt but is not in a vulnerable group, tell them that:

- they get their hardship payment from the 15th day after any waiting days have been served;

- payments made under a hardship award are usually paid two weeks in arrears;
- if the decision goes against them, the claimant's JSA claim will be disallowed and there will be no entitlement to JSA at all.

137. Advise the claimant that they must inform their Jobcentre of any change of circumstances whilst they are receiving hardship payments.

Claimant sanctioned for failure to participate in the Mandatory Work Activity Scheme (MWA)

138. A claimant who is sanctioned because they have failed, without good cause, to participate in the MWA scheme; can have access to hardship payments during the period of sanction, This can either be on the basis of being:

- In a vulnerable group or;
- the claimant and/or partner are likely to suffer hardship if JSA is not paid.

139. The non-vulnerable claimant becomes eligible for hardship payments on the 15th day from the start of the sanction.

Schemes for Assisting Persons to Obtain Employment Regulations 2013 (SAPOE).

140. The regulations supporting the ESE scheme were abolished and replaced with Schemes for Assisting Persons to Obtain Employment Regulations 2013 (SAPOE) on 12.2.13 following a Judicial review.

141. A claimant who is sanctioned because they have failed, without good cause, to participate in the SAPOE scheme; can have access to hardship payments during the period of sanction, This can either be on the basis of being:

- In a vulnerable group or;
- the claimant and/or partner are likely to suffer hardship if JSA is not paid.

142. The non-vulnerable claimant becomes eligible for hardship payments on the 15th day from the start of the sanction.

Consecutive and Overlapping Sanctions

143. Claimants that have a sanction imposed for a second offence, immediately following or during an existing sanction are penalised for each offence for which the DM imposes a sanction. Hardship payments are not payable for the first 14 days of the second sanction unless the claimant is in a vulnerable group.

Non Vulnerable claimants

144. Non vulnerable claimants who receive a consecutive or overlapping sanction and want to apply for hardship must complete a JSA/ESA10JP for each new sanction. The hardship process starts again and the claimant is required to attend a hardship interview and prove they are still or would suffer hardship.

145. Providing there have been no changes in the claimants circumstances a full gather of information is not required.

Vulnerable claimants

146. Vulnerable claimants who receive a consecutive or overlapping sanction **do not** have to go through the new process providing the claimant remains in hardship. Hardship payments continue to the end of the latest sanction providing there are no changes in their circumstances.

Change of circumstances

147. If a claimant receiving an award of JSA under the hardship provision reports a change of circumstances the decision to award hardship must be reviewed.

Claimant still satisfies the JSA hardship conditions

148. If the claimant still satisfies the hardship conditions:

Step	Action
1	access dialogue JA091: Maintain claim details and record the change if appropriate;
2	continue normal action.

Claimant no longer satisfies the hardship conditions

149. If the claimant no longer satisfies the hardship conditions:

Step	Action
1	record the decision on hardship decision form JSA/ESA11;
2	complete and issue form JSA/ESA11D showing the reason why an award cannot be made: <ul style="list-style-type: none">• under the normal rules; nor• under the hardship provision;
3	explain to the claimant: <ul style="list-style-type: none">• they are not entitled to JSA at all; and• the reasons why;
4	tell the claimant that, if they wish, they can go through the disputes process;
5	if the claimant's claim is maintained: <ul style="list-style-type: none">• by JSAPS, go to Step 6; or• clerically, go to Step 20;
6	access dialogue JA060: Register claim/event, REGISTER CLAIM/EVENT screen JA060062 and complete the following fields: <ul style="list-style-type: none">• 'Event type' input [02] change of circumstances;• 'Event sub type' input [10] changes to exceptional conditions;• 'Receipt date' input the date of the hardship interview;
7	press [F1] to go to dialogue JA091: Maintain claim details, CLAIM DETAILS PICKLIST screen JA091002 and complete the Change of circumstances 'Effective date' field to show the date payment under the hardship award will stop;

8	press [F24] to re-display the CLAIM DETAILS PICKLIST screen JA091002 and input [Y] in the 'Exceptional conditions' field;
9	press [ENTER] to display the EXCEPTIONAL CONDITIONS screen JA091019 and identify the exceptional conditions showing codes: <ul style="list-style-type: none"> • [27] or [28]; and • [15] with a 'D/Start' which is the same as the 'D/Start' for code [27] or [28];
10	When you have identified the correct exceptional conditions [15] and [27/28], overtype the date in the 'D/End' fields to show the date the hardship award stops;
11	press [F1] to go to dialogue JA200: Award and Decision, EVIDENCE SUMMARY screen JA200201;
12	press [ENTER] or [F12] to go to the AWARD SUMMARY screen JA200202;
13	if the change of circumstances is effective from: <ul style="list-style-type: none"> • a date between the last benefit week ending (BWE) day and the current BWE day, go to Step 14; or • the current BWE day, go to Step 18;
14	identify the Award Summary screen which includes the final JSA hardship award details and then press [F5] to access the CLERICAL COMPONENTS screen JA200203 ;
15	check whether the details displayed are correct;
16	if the details displayed: <ul style="list-style-type: none"> • are correct, go to Step 17; or • are not correct, amend them as appropriate and then go to Step 17;
17	press [ENTER] to return to the AWARD SUMMARY screen JA200202;
18	when you are satisfied with the summary of evidence and award details, press [F24] to decide;
19	after deciding, press [END];
20	attach form JSA/ESA11 to the JSA hardship application form JSA/ESA10JP and file both in the claimant's claim file.

150. Further information about hardship is available within Volume 6, Chapter 35 of the Decision Makers Guide.

Non Award of National Insurance Credits

151. A NI credit **is not** awarded when a claimant is sanctioned, this also applies even if hardship is awarded.

Who cannot claim hardship

152. Claimants cannot qualify for hardship payments if their partner is in receipt of Income Support (IS) or Income Based Employment Support Allowance (ESA). The partner would claim an increase in their IS or ESA.

153. Lone parents (LP) with a child under aged 5 who have chosen to claim JSA cannot qualify for hardship. The LP would claim IS as a lone parent.

Enquiries about Housing Benefit

154. If the claimant raises any queries about their housing benefit tell them they must contact their Local Authority (LA).

JSAPS Notifications to Local Authorities

Hardship payments allowed at start of claim

155. If hardship payments are awarded, the notifications to LA that are output depends on the timing of the award.

156. If the decision to suspend, disallow, sanction or fraud LOB is input:

- at the same time as the award of hardship payments, JSAPS issues an NHB(JSA) entitlement notice; or
- before the decision to award hardship payments, JSAPS issues an NHB(JSA) decision notice showing a nil award.

157. When the hardship award decision is input, JSAPS issues an NHB(JSA) notification headed 'revised entitlement dates'.

Hardship payments made during the claim

158. If the decision to suspend, disallow, sanction or fraud LOB is input:

- at the same time as the award of hardship payments, JSAPS does not issue a notification. This is because the LA is not affected by the decisions, as the award of Housing Benefit is continuous;
- before the decision to award hardship payments, JSAPS issues NHB(JSA) end of entitlement notice with the appropriate reason.

159. When the hardship award decision is input, JSAPS issues an NHB(JSA) notification headed 'revised entitlement dates'.