

# Jobseekers Allowance for 16-17 year olds

## Making a Severe Hardship Decision

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Department for Work and Pensions

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## **Making a Severe Hardship Decision**

### **Verification of Information**

1. It is the Young Person's responsibility to provide evidence in support of their claim.
2. If the evidence provided by them is insufficient to satisfy you, you may request Third Party confirmation of their evidence.
3. A short direction may be appropriate whilst evidence is being verified.

### **Young Person living independently**

4. Where the Young Person lives independently you should be satisfied that the Young Person is not placing themselves in Severe Hardship through choice and is living away from their parents or guardians out of necessity, and, that they are not being fully supported by them. [DMG Volume 6 Chapter 30 paragraph 30638](#) explains the circumstances when a young person, of necessity, living away from their parents, can claim JSA(IB).

### **No Fixed Abode or Person Without Accommodation**

5. No distinction should be made between a Young Person sleeping rough and one moving from address to address when it comes to giving short directions and asking for proof of looking for accommodation.
6. In both cases the Young Person should prove that they are making every effort to find a permanent address.

### **Young Person's Permission to contact Parents and Third Parties**

7. The overriding principle, when considering estrangement, is that the Young Person's statement should be believed. Do not seek verification as a matter of course. Only if we have valid evidence of doubt will third party corroboration be required.
8. Always ask for permission from the Young Person before contacting any other person if corroboration of their statement is required.
9. For further information, see:
  - [Evidence from third parties](#); and
  - [Third party does not reply to request for information](#).
10. If corroboration is necessary, ask the Young Person to sign a statement on the ESY2JP form that they agree to allow contact with third parties in furtherance of their claim and send a copy of their permission with the enquiry.
11. If they refuse permission without good reason, explain that without evidence from third parties it may not be possible to make a direction to pay JSA.
12. Do not, however, place undue pressure on the Young Person to give permission.
13. Consent must be given voluntarily and not as a result of threats or inducements.
14. An example of a letter, which can be used to contact third parties to confirm estrangement or parents and third parties for board/lodging requirements, is available within this guide.

15. The Young Person may be embarrassed about the reasons for their claim or concerned that information will be released that will allow them to be traced.

16. Inform the Young Person that:

- Only information needed to decide on their claim is required; and
- No information that will allow them to be traced will be released without their permission.

17. Before the Young Person leaves make sure:

- The interview is fully completed; and
- All details of the Young Person's circumstances have been obtained.

18. If the Young Person has refused permission without good reason to contact third parties or (where appropriate) parents and written confirmation is not received, refer full details of the case to the Under Eighteens Support Team, who will consider if a direction is appropriate.

19. In cases where there is difficulty in obtaining evidence from third parties or (where appropriate) parents because of their availability, consider a short-term direction of no more than two weeks if the Young Person would otherwise suffer Severe Hardship, for example, if a risk of eviction exists.

### **Evidence from Third Parties**

20. If the Young Person is accompanied by a responsible third party such as an adult relative, social worker or recognised voluntary worker, community sector worker, Connexions Service/Careers Service Personal Assistant or a youth worker ask them to confirm the Young Person's evidence.

21. Outside organisations and other third parties may be able to offer useful evidence, which can help you reach a decision on a claim. The third parties detailed above may have had close association with the Young person and their family. They may have detailed knowledge of certain particular circumstances of the case.

22. A Connexions Service/Careers Service Personal Adviser or Youth Worker for example, may have had close association with the Young Person or their family. They may have detailed knowledge of the particular circumstances of the case.

23. In considering evidence presented by an outside organisation or other third party, assess how much weight you can give to it. For example, someone who knows the Young Person and their circumstances may well be able to offer stronger evidence than someone who has only just met them.

24. Consider carefully any evidence presented and its bearing on the claim. Such evidence could be presented in person, by telephone or in writing.

25. It should be agreed how evidence will be provided. Some outside organisations and other third parties can provide a telephone service and this may be the quickest method of obtaining evidence.

26. When this is not possible a letter of support could be agreed on.

27. When a third party provides supporting evidence, record it in writing and as far as possible include the following details in a report:

- Identity of the third party;
- Third party's organisation or relationship to the Young Person;
- How long they have known the Young Person;

- How they obtained the evidence they are providing e.g. professional contact, providing accommodation in a crisis;
- Whether they can be contacted by telephone and a contact number/address;
- Details of the evidence they can provide; and
- The date the evidence was provided.

### **Third Party does not reply to request for Information**

#### **Estrangement**

28. Information provided by the YP about estrangement should not be verified as a general rule. We should take them at their word unless we have valid evidence of doubt. For example they have fundamentally contradicted themselves or the department has alternative evidence showing they are not estranged.

29. If there is evidence that puts the estrangement into doubt and the third party is not contactable by telephone send them a letter.

30. If no reply is received after one week, send another letter.

31. Allow another week for the reply. If none is received ask the YP for any other evidence in support of their estrangement.

32. If the Young Person is unable to supply supporting evidence then you have to decide whether or not the Young Person is estranged. [See DMG Volume 1 Chapter 1 paragraphs 01300 - 01405.](#)

33. During this period of information gathering, the adviser should consider whether a short direction is appropriate.

#### **Board Requirements**

34. If the person that the Young Person is living with is not contactable by telephone, send them a letter.

35. If no reply is received after one week, send another letter.

36. During this period of information gathering, the adviser should consider whether a short direction is appropriate.

37. If no reply is received after another week, the adviser can assume that the lack of response means that no board is required and they should refer the case to the Under Eighteens Support Team for a 'nil' decision on grounds of being 'Supported by Parents/Others'.

#### **Insufficient Information**

38. If there is insufficient information confirmed that satisfies the adviser that the Young person would suffer [Severe Hardship](#) were they not to receive JSA, make further attempts to confirm information.

39. Consider contacting the Live Support Advice Line to seek advice on how to proceed with the claim.

40. A certificated officer should consider making a short-term direction, to ensure the Young Person is not in Severe Hardship, pending confirmation of evidence.

41. If unsure, contact the Under Eighteens Support Team for a decision using the contact pro-forma available on the Live Service Management Division website on the Intranet.

## Consider the Financial Circumstances

42. When considering the financial circumstances of the Young Person, take into account:

- [Expenditure](#);
- [Income](#);
- [Part time earnings](#);
- [Part time earnings declared at the start of the claim](#); and
- [Fluctuating earnings](#).

### Expenditure

43. It is worth noting that when considering expenditure, catalogue debts and credit loans can be discounted as anyone under the age of eighteen cannot have credit.

44. Items that can be considered as expenditure include:

- Fuel and general household bills (quarterly bills should be dealt with by taking into account the immediacy of the payment of the bill);
- Fines (if they are being paid – generally defer if possible);
- Social fund loans; and
- Consider the partner's expenditure (if appropriate).

### Income

45. When considering income from wages, it is expected that they should last for the period that they have been paid for e.g. a week's wages should last for a week and a month's wages should last for a month.

46. The adviser should take this income into account for the period that it is intended for, even if the Young Person has spent the wages.

47. The Young Person must prove that this money had been spent on reasonable expenditure e.g. rent arrears & board requirement (especially if the accommodation had subsequently been lost), food etc.

48. Items that can be included as income include:

- Wages – final wages, part-time wages and holiday pay;
- Savings;
- Previous Social Services support;
- Disability Living Allowance;
- Young Person's Bridging Allowance (YPBA) in Scotland and Wales;
- Tax refunds – these should be treated in the same way as savings;
- Support from parents and others; and
- Consider the partner's income (if appropriate).

### Child Tax Credit

49. If the person that the Young Person lives with is receiving Child Tax Credit in respect of them the Child Tax Credit should be included in the amount available to the Young Person for their support.

### Part Time Earnings

50. The rules on hours of part time work apply to Young People in the same way as adults, but there is no disregard for Young People as far as wages are

concerned, all of their wages are taken into account when considering Severe Hardship.

51. A Young Person who works for more than 16 hours a week will lose their JSA entitlement.

52. Similarly if their partner works more than 24 hours a week their JSA entitlement will be lost.

53. A Young Person can claim housing benefit, on grounds of low income rather than because they are in receipt of a benefit.

54. If a Young Person has earnings, which will cover food costs and non-deferrable outgoings, it could be that Housing Benefit will cover accommodation costs. In this instance a referral to the Under Eighteens Support Team for a revocation or a nil direction would be appropriate.

55. Any cases of doubt in part time working cases should be referred to the Under Eighteens Support Team.

### **Part time Earnings declared at the start of a claim**

56. If a Young Person declares part time earnings at the start of a JSA Severe Hardship claim write the weekly amount of earnings in the appropriate space on the ESYP2JP form.

57. If the Young Person is paid monthly, work out the weekly earnings by multiplying the monthly amount by 12 and dividing this figure by 52.

58. If this amount plus any other income is enough to cover the Young Person's living costs (food and accommodation) a 'nil' direction may be appropriate.

59. In Scotland and Wales, Young Person Bridging Allowance may be payable in full or part whilst part time work is declared and this added to the earnings may require a 'nil' decision. The Young Person's Bridging Allowance Guide, has more information.

60. If the earnings and any other income are not enough to support the Young Person and a direction is awarded they should be treated as any other part time worker.

61. This means they will be required to complete a B7 form on each attendance.

### **Fluctuating Earnings**

62. If the Young Person declares that their earnings will fluctuate consider the minimum income they require for food, accommodation and non-deferrable outgoings.

63. If their income will always be less than their needs a direction will be appropriate and earnings should be declared on a B7 form.

64. If their income will always be above their minimum requirement issue a 'nil' direction or revocation if there is a direction in force.

65. If the Young Person's income fluctuates above and below their minimum requirement consider giving directions on a fortnightly basis. If one week the earnings are below the minimum requirements consider a direction for this week.

66. If the Young Person wishes to claim for a week when their earnings are above the minimum requirement consider a 'nil' direction.

67. This is not necessary if the Young Person has worked for 16 hours or more in one benefit week, as their claim will be closed automatically.

68. All these directions will be decided in retrospect.

## **Deciding Entitlement in Couple Cases**

69. When considering entitlement to Jobseekers Allowance each member of a couple where one or both is aged under 18 is treated individually.

70. Categorisation should be completed for each member in the usual way.

71. There are three possibilities for the outcome of categorisation:

- Over 18
- Under 18 in a Prescribed Group
- Under 18 is not in a Prescribed Group

72. The action for couples is slightly different depending on which of the above apply.

73. The Benefit Processing Team is responsible for deciding if someone fits into a prescribed group, although these are usually identified at the New Jobseeker Interview if not at first contact.

74. The following outline the action necessary to specific cases where one or both is under 18:

- [Under 18 fits into an Exemption Category](#)/is entitled to Income Support;
- [Over 18 claims with an Under 18 in Prescribed Group](#);
- [Over 18 claims with an Under 18 who needs to prove Severe Hardship](#);
- [Both are under 18 and fit into a Prescribed Group](#);
- [Both are under 18 and need to claim Jobseekers Allowance via the Severe Hardship route](#);
- [Both are under 18, one is in a Prescribed Group](#), one claims Jobseekers Allowance via the Severe hardship route;

### **Under 18 fits into an Exemption Category/is entitled to Income Support**

75. Exemptions from meeting certain JSA conditions cannot be applied to Young People.

76. This is because 16/17 year olds have to satisfy the special requirement to register with the Connexions Service/Careers Service for work and training under JSA regulations.

77. If a Young Person would otherwise be exempt and is entitled to claim another benefit they should claim for their partner.

78. The over 18 may choose to make a JSA credits only claim if they wish.

### **Over 18 claims with an Under 18 in Prescribed Group**

79. This will usually meet the [Joint Claims](#) criteria if the over 18 was born after 28/10/1957.

80. As both members of the claim will be entitled to JSA the claim will be taken in the same way as an adult Joint Claim, the Young Person will still be required to register at the Connexions Service/Careers Service and sign a Jobseekers Agreement (JSAg).

81. If the over 18 is exempt or likely to be exempt from meeting certain JSA conditions the couple can make either:

- A Joint Claim to JSA. In this case the over 18 must apply to be an exempt partner, the under 18 will be a jobseeker; or

- A [Dependent Partner](#) claim to another benefit. If it is likely that another benefit is payable to the over 18, they can claim this for the under 18, but only if the under 18 has a claim to JSA.

82. This means that the under 18 will still need to register at the Connexions Service/Careers Service, attend an New Jobseekers Interview, sign a JSAg and attend fortnightly etc.

### **Over 18 claims with an Under 18 who needs to prove Severe Hardship**

83. Where one partner is aged 18 or over and born after 28 October 1957, both members of the claim will usually be required to attend fortnightly reviews etc.

84. An ESY2JP form will be required for the Young Person, this must include details of the partner, and the case must be referred to the Under Eighteen Support Team for a direction to be considered.

85. If the over 18 is exempt or likely to be exempt from meeting certain JSA conditions the couple can make either:

- A Joint Claim to JSA. In this case the over 18 must apply to be an exempt partner, the under 18 will be a Jobseeker, the case must be referred to the Under Eighteens Support Team who will decide if JSA can be paid via the Severe Hardship route; or
- A Dependent Partner claim to another benefit. If it is likely that another benefit is payable to the over 18 because of the exemption, they can claim this for the under 18, but only if the under 18 has a claim to JSA.

86. This means that the under 18 will still need to register at the Connexions Service/Careers service, attend an New Jobseekers Interview (NJI), sign a JSAg and attend fortnightly etc.

87. An ESY2JP should be completed as part of the NJI and the case should be referred to the Under Eighteens Support Team to decide if they can be paid JSA via the Severe Hardship route.

### **Both are under 18 and fit into a Prescribed Group**

88. These claims will always be Dependent Partner claims.

89. One must choose to be the main claimant and receive benefit for both Jobseekers.

90. They will both be required to attend a NJI, register at the Connexions Service/Careers Service, and, attend fortnightly reviews etc.

### **Both are Under 18 and need to Claim Jobseekers Allowance via the Severe Hardship Route**

91. These claims will always be Dependent Partner claims. An ESY2JP form will be required for each Jobseeker.

92. Both cases must be referred to the Under Eighteens Support Team to see if they can be paid.

93. One Jobseeker will be the main claimant and claim for their partner.

94. Both will be required to attend a NJI, register at the Connexions Service/Careers Service and attend fortnightly reviews etc.

## **Both are Under 18, one is in a Prescribed Group, one claims Jobseekers Allowance via the Severe Hardship Route**

95. This will be a Dependent Partner claim. As one is in a Prescribed Group, he/she will be entitled to JSA and will not need to prove Severe Hardship.

96. The other must have a Severe Hardship interview.

97. When the ESY2JP form has been completed, the Under Eighteens Support Team will decide initially if the case can be paid (further Directions may be awarded by a certificated officer where the claim is continuous and no change in circumstances has arisen that affects their claim).

98. Both will be required to attend a NJI, register at the Connexions Service/Careers Service, and, attend fortnightly etc.

## **Consideration of a Severe Hardship Direction**

99. A Severe Hardship direction can be considered by a [certificated officer](#) once all the relevant information has been gathered, using the information obtained at the Severe Hardship Interview, and recorded on the ESY2JP or ESY3JP forms to decide if the Young Person:

- Is in Severe Hardship; or
- Will suffer Severe Hardship if JSA is not paid.

100. In exercising the Secretary of State discretion, use common sense and judgement based on the circumstances of the individual claim.

101. When considering if a Young Person is suffering or likely to suffer Severe Hardship, consider all their circumstances.

102. The fact that a Young Person is pregnant or another is sleeping at various friends' houses may be significant, but on its own may not constitute conclusive evidence of Severe Hardship.

103. Before reaching a decision remember that to be in Severe Hardship the Young Person must not have enough financial or other support (income) to provide them with food and accommodation and cover any other non-deferrable expenses (outgoings).

104. Where the decision to pay Severe Hardship is based on one element e.g. fuel cost etc. of the above, evidence should be requested, although a short direction to pay may be given to allow time for this to be gathered.

105. Also consider other options, for example the Young Person could return home.

106. Facts to consider when making a Severe Hardship direction;

- [The person that the Young Person lives with is on an Income Based Benefit](#);
- The [Threat of Eviction](#);
- [No Threat of Eviction](#);
- [Bail Conditions](#); and
- [Board requirement exceeds the potential Benefit Rate](#) and a threat of Eviction exists.

## **Person that the Young Person lives with is on an Income Based Benefit**

107. All decisions should be based on board requirements and risk of eviction, not on the financial circumstances of the person the Young Person lives with.

108. However, where the person that the Young Person lives with is on an Income Based Benefit, if no income is available, then that person may suffer hardship, as their income is not calculated to support the Young Person.

### **Threat of Eviction**

109. Where the person that the Young Person lives with is on an Income Based Benefit and a threat of eviction exists, treat the case as normal, that is on board requirements and risk of eviction

### **No Threat of Eviction**

110. Where the person that the Young Person lives with is on an Income Based Benefit and no threat of eviction exists, the decision made will depend on whether any income is available.

111. In Scotland and Wales if YPBA is available, then refer the case to the Under Eighteens Support Team for a 'nil' decision. If YPBA is not available, then the adviser can consider a direction.

### **Bail Conditions**

112. The terms of the bail conditions need to be confirmed by the adviser.

113. If a Young Person has been bailed to family or friends, then it would be deemed that there is no threat of eviction as they have agreed for the Young person to stay there as a condition of bail.

114. However, the level of support must be considered. If this were to be full support for the Young Person, then the claim would be a 'nil' decision.

115. If accommodation only has been agreed as part of the bail conditions, then a direction could be considered for food costs.

116. If the Young Person has been placed in a bail hostel, then there would be a threat of eviction.

### **Board requirement exceeds the potential Benefit Rate and a threat of Eviction exists**

117. The adviser should check with the person that the Young Person is staying with as to the **MINIMUM** amount of board they are prepared to accept.

118. In Scotland and Wales, if the amount is lower than the potential Benefit Rate, but higher than YPBA - if applicable - then a direction can be considered.

119. If the amount is higher than the potential Benefit Rate and YPBA is available, inform the Young Person to look for alternative accommodation, as they cannot afford to live there - they will be evicted even if Benefit is paid - and refer to the Under Eighteens Support Team for a 'nil' decision.

120. If the amount is higher than the Benefit Rate and the young person has no entitlement to YPBA, consider a short-term direction and inform the Young Person to look for alternative accommodation.

### **Cases that must be referred to the Under Eighteens Support Team**

121. The following cases are to be referred to the Under Eighteens Support Team;

- Likely 'nil' directions;

- Likely revocations;
- The first direction on couple cases (certificated local office advisers can give directions on subsequent reviews, providing there are no changes to circumstances);
- Backdating for over one month;
- No authorised officer available.

### **Severe Hardship Direction is 'nil'**

122. Officers in Local Offices must refer all decisions not to award JSA, to the Under Eighteen's Support Team.

123. There are a number of reasons why a Young Person who claims JSA via the Severe Hardship route is not awarded a direction to pay.

124. The 'nil' direction can be reviewed if the Jobseeker requests it, there does not necessarily have to have been a change of circumstances although the outcome is likely to be the same unless there has been some change.

125. The Under Eighteens Support Team will only consider a review if the person wants to claim from the original Treat As Made date of the claim that received a 'nil' decision.

126. Some 'nil' directions are given because the Young Person is not in Severe Hardship for a reason that is temporary.

127. At the end of that period or if the Young Person wishes to make a new claim from any date apart from the original Treat As Made date a new ESY2JP form must be completed and a new claim will need to be considered.

### **Nil Directions on Couples Cases**

128. If they are in a couple and have received a 'nil' direction from the Under Eighteens Support Team, the other member of the couple may be paid at a single rate.

129. In Scotland and Wales the partner who has received the 'nil' direction may be able to receive YPBA.

130. If the Under Eighteen Support Team then consider that the Young Person should receive JSA via the Severe Hardship route the claim will become a couple claim but only from the date that the direction to pay is given.

### **Certificated Officer makes a Decision**

#### **Length of Directions given by a Certificated Officer**

131. A direction can then be given up to a maximum of 16 weeks, depending on individual circumstances

132. The following is a guide:

#### **8 weeks:**

133. A direction will usually be for 8 weeks, but will take into account the Young Person's attendance cycle; the direction could be for up to 9 weeks 6 days because of this;

134. The 8-week period is in line with the deadline for certain Young People to start training under the Government's Guarantee of training, but some Young People have a longer Guarantee deadline than this.

### **16 weeks:**

135. A direction can be made for up to 16 weeks if any of the following changes are expected to occur within that time:

- The Young person's 18<sup>th</sup> Birthday;
- The 11<sup>th</sup> week before expected pregnancy confinement;
- The Young person starts a training course or work; or
- The Young Person is starting further education.

136. The direction should be up to the day before the change, for example the day before the Young Person's 18<sup>th</sup> birthday.

### **Short-Term Directions:**

137. These can be made by a Certificated Officer for specific reasons, such as:

- Job/training to start. Give a direction up to the day before the start date;
- Capital will become available. Give a direction up to the day before capital will be available;
- Supporting evidence not readily available from parents/third parties; or
- Young Person is of No Fixed Abode:
  - In this case a short direction can be considered up to the next day of attendance and inform the Young Person that they must register with Social Services/Local Housing Authority and any other local housing agencies.
  - They must bring proof of this on or before the next day of attendance for a continuation direction to be considered.

This list is not exhaustive.

### **End of Interview Action**

138. Before the adviser passes the JSA claim form, and any other related information to the Benefit Processing Team they should register the claim either on JSAPS or clerically.

139. In couple cases pass the forms to Benefit Processing Team when both members have attended NJIs (unless one is claiming another benefit).

140. Retain copies of the EYP2JP/EYP3JP forms in a secure place.

141. Registration is the process of recording that a claim to JSA has been made.

142. This procedure allows the user to update the Young Person's personal details but does not award payments.

143. Claims are registered through Dialogue JA060: Register Claim/Event.

144. Dialogue JA120: Event Maintenance should also be input where labour market action is complete.

145. For further guidance on registration, refer to: Jobseekers Allowance Payments System Reference Guide JA060

146. Notify the Connexions Service/Careers Service of the result of the Severe Hardship decision on an ES22JP form.

147. Form CXS6 will be filed in the Young Person's LMU. This form specifies the information to be sent to the Connexions Service/Careers Service.

148. Record on the forms EYP2JP or EYP3JP:

- The reason for the direction if given; and

- The [period of the direction](#); and
  - The appropriate JSAPS statistical symbol for the claim:
    - **SH1** - Entitlement to Young Person's Bridging Allowance exists;
    - **SH2** - Young Person's Bridging Allowance exhausted;
    - **SH3** - Pregnant not within 11 weeks of the Expected Week of Confinement;
    - **SH4** - Young Offender;
    - **SH5** - Previously in care; and
    - **SH6** - Any other cases.
149. If appropriate, pay from the date of claim.
150. If payment is due immediately, consider a cheque payment, if necessary at the Jobcentre.
151. If a 'nil' direction is likely refer to the Under Eighteens Support Team who will consider the case.
152. If the Under Eighteens Support Team agree to award a 'nil' direction record the claim on the JSAPS and pass the JSA1/JSA1 (S) form to Benefit Processing Team noted 'nil' direction.
153. The adviser should create a workflow on LMS for 15 days before the end of the direction to remind them to book a review interview on the day after the current direction ends.
154. Decisions to treat a claim as made up to one month earlier can be made by the advisers without referral to the Under Eighteens Support Team as long as they would usually make the decision
155. There is no right of appeal against these decisions.
156. A Young Person can request a review, which may be appropriate if the decision has been given in ignorance of a material fact.
157. If there has been a change in circumstances since the decision was made another NJI is more likely to be appropriate.

## **Social Fund Applications**

### **Application**

158. Only in the following circumstances will it be appropriate to deal with a Social Fund application in the Jobcentre;
- at the start of a claim, where the Young Person is entitled to JSA or an award of JSA under the JSA Hardship provision, but due to JSA being paid in arrears their first pay day has not been reached; or
  - Where the Young Person has lost or not received their JSA cheque, but the Social Fund process should start only after proper replacement procedures have been followed and a decision has been made not to replace the cheque.
159. Refer any Social Fund business, other than relating to urgent living expenses in the circumstances described above, to the relevant Social Security office.
160. In Joint Claims cases where one member is a Young Person, the application for a crisis loan can be made at the Jobcentre if the Young Person makes it.
161. If their adult partner is making the application for a crisis loan this should be made at the Social Security office.

162. Form CXS6 is filed in the Young Person's Labour Market Unit detail the liaison arrangements between the Jobcentre/Jobcentre Plus office and the Connexions Service/ Careers Service and may include information regarding applications made to the Social Fund.

163. The procedures for processing a Social Fund Application are:

- [Action to be taken at the Jobcentre/Jobcentre Plus Office](#);
- [Young Person disagrees with the decision](#);
- [Young Person agrees with the payment award and terms](#);
- [Young person is unhappy with the Social fund Loan repayment rate – Complaint](#); and
- [Processing the Social Fund payment](#).

### **Action at the Jobcentre**

164. When a Young Person applies for a Social Fund payment, the adviser will telephone the Social Fund section in the relevant Social Security office to advise them that an application is about to be made and that SF400 (YP) form will be faxed to them;

165. The adviser will then complete the application form (SF400 (YP)) and fax it to the Social Fund section in the relevant Social Security office for them to make the decision on the claim.

166. If the Young Person has a dependent child, capture all the child's details on a form A6 and fax this to the Social Fund section along with the form SF400 (YP).

167. Inform the Young Person that the SF400 (YP) will be processed at the Social Security Social fund section and a decision made by a Social Fund Officer on the same day as the application is made.

168. When the Social Fund Officer has made the Social Fund decision, the decision is faxed to the Jobcentre.

169. If payment has been refused, the Social Fund Computer System produced decision letter will be faxed.

170. Inform the Young Person of this decision.

171. If payment can be offered, a SF701 form, the Social Fund produced decision letter, which includes a declaration, will be faxed.

172. Pass this information to the Young Person along with leaflet SF325.

### **Young Person Disagrees with the Decision**

173. If the Young Person disagrees with the Social Fund Officer's decision the adviser will inform the Young Person that they can apply for a review of the decision.

174. Reviews must be requested in writing within 28 days of the decision date, giving reasons for the review request and sent to the Social Fund section in the relevant Social Security office.

175. Either member of a Joint Claim can apply for a review even if they were not the person who originally applied for the loan.

176. If someone other than the Young Person makes the review application, unless the third party is the appointee, the review request must include the Young Person's signature to indicate his or her consent to the review application being made.

177. The Social Fund review process is not related to the Young Person's JSA claim and is conducted by the Social Fund staff.

### **Young Person Agrees with the Payment Award and Terms**

178. If the Young Person agrees to the amount to be paid and the repayment terms, the adviser will:

- Obtain their signature on the declaration;
- Fax the signed declaration to the Social Fund section in the relevant Social Security office, to enable payment instructions to be input into Social Fund;
- Ensure the Young Person understands that they must contact the Social Fund section in the relevant Social Security office in connection with any future Social Fund business; and
- Arrange for payment by a clerical cheque from the Jobcentre on the same day as the application is made.

### **Young Person is unhappy with the Social Fund Loan Repayment Rate - Complaint**

179. A Young Person may complain about the repayment terms of a Social Fund loan:

- Before they accept the terms of a loan (and possibly refuse to sign the declaration); or
- In the period following receipt of a loan to when the loan is fully repaid.

180. If the Young Person complains about the repayment terms the adviser will advise the Young Person that the complaint must be in writing, giving reasons why the repayment rate should be reconsidered and sent to the Social Fund section.

181. If the Young Person complains about the repayment terms and refuses to sign the declaration the adviser should advise the Young Person about the complaints procedure and that unless a declaration is signed a Social Fund payment cannot be made.

182. The adviser should then direct the Young Person to the relevant Social Security office to proceed with the complaint.

183. The Social Fund complaint process is not related to the Young Person's JSA claim and is conducted by the Social Fund staff.

### **Processing the Social Fund payment**

184. For security reasons the adviser cannot authorise the clerical cheque.

185. They will pass or fax the SF400 (YP) form and the signed declaration to the Social Fund section, which will then arrange for the issue of a clerical cheque payment.

186. A FF100 (SF) form authorising the amount to be paid should be completed. If a counter payment is required this should then be passed or faxed to the adviser.

187. On receipt of the FF100 (SF) form the adviser should check the form is legible and endorse in red that it is an original form.

188. It should then be passed to the Jobcentre cashier, together with the SF400 (YP) form and signed declaration.

189. The cashier will then arrange to issue the clerical cheque to the Young Person.

190. Once the Young Person has received the counter cheque, the cashier will return the SF400 (YP) form, signed declaration and a photocopy of the FF100 (SF) form to the Finance Section within one working day of the payment being made.

191. The Social Security Finance Section will input the Social Fund cheque number into the Social Fund system then send the Social Fund paperwork to the nominated co-ordinating officer within the Social Fund section.

### **Certificated Officer gives a Decision**

192. For a decision to be given on a Young Person's claim, the officer giving the decision must hold a certificate that states that he/she is acting on behalf of the Secretary of State, before giving the decision.

### **Estrangement**

193. There is no legal requirement to get proof of the Young Person's estrangement. The Young Person should be believed unless we have valid evidence of doubt. For example they have fundamentally contradicted themselves or the department has alternative evidence showing they are not estranged; it is seldom safe to reject evidence solely because the customer's demeanour does not inspire confidence in their truthfulness.

194. In some cases it may help the Young Person's claim if they can provide evidence to support their claim of estrangement e.g. where the Young Person alleges that they would be 'at risk' if they were to return home. Third party corroboration (by a responsible adult) should be accepted if it is available. There need be little or no contact between Jobcentre Plus and parents.

195. Advisers should be aware that, in many cases, a Young Person may not feel able to discuss matters with a third party and may also feel that leaving the household means that they are no longer at risk of harm.

196. If you have cause to doubt their evidence and the Young Person is unable to supply supporting evidence then you have to decide on the balance of probability whether or not the Young Person is estranged.

### **Joint Claims Definition**

197. A Joint Claim will be required when an under 18 has an over 18 partner and they meet the usual eligibility conditions for making a Joint Claim.

198. Exemptions cannot be applied to Young People in Joint Claim.

199. If a Young Person would fit into an exemption category, and is entitled to claim another benefit, they should be referred to the relevant Benefit Payment Teams and claim for their partner.

### **Dependent Partner Claims Definition**

200. A Dependent Partner Claim is appropriate when a couple do not meet the Joint Claims criteria, one person claims JSA for the other.

201. Usually any member of the couple who is under 18 will be required to register at the Connexions Service/Careers Service, attend an NJI and attend fortnightly.

202. A Dependent Partner claim would be required in any of the following circumstances:

- Both members of the couple are under 18;
- One is over 18 and claiming another benefit (unless they choose to make a joint claim);
- One is working between 16 and 24 hours a week;
- One or both have dependent children;
- One member of the couple is under 18 and the other is over 18 and was born before 28/10/1957.

203. When a Dependent Partner claim has been identified find out which partner will be the payment recipient.

204. This person must always attend fortnightly, unless they are claiming another benefit or are on a training programme, for example New Deal, or are temporarily unavailable.

205. A member of a Dependent Partner claim aged under 18 must be a Jobseeker and attend fortnightly unless they are claiming or entitled to another benefit.

206. If a Young Person is entitled to another benefit (usually IS) because they are not available for or capable of work they must be advised to claim IS for themselves and their partner.

207. This applies whether the partner is also a Young Person or if they are over 18.

208. If the partner is over 18 they must be advised that they can attend the Jobcentre to claim JSA for NI credits only.

## Policy

### Definition of Severe Hardship

209. **Section 16 of the Jobseekers Act** allows the Secretary of State, or a person acting on his behalf, to make a discretionary award of Jobseekers Allowance to those Young People who do not fall into a Prescribed Group but can satisfy him that they would suffer Severe Hardship were they not to receive Jobseekers Allowance.

210. Severe Hardship is not defined in law, but when considering Severe Hardship claims, every claim should be looked on at its own merits and the totality of a person's circumstances considered.

211. In exercising this discretion the person's accommodation and risk of eviction if Jobseekers Allowance is not paid, sources of income and capital and the person's health and personal circumstances are some of the factors to be taken into consideration.

212. It is taken, for the Under Eighteens Support Team purposes, as meaning that a Young Person would not have access to either food or accommodation if they did not receive Jobseekers Allowance.