

About an availability or actively seeking work doubt on your Jobseeker's Allowance

jobcentreplus

Department for
Work and Pensions

Notes sheet

What will happen if there is a doubt on your Jobseeker's Allowance?

If there is a doubt about whether you have been

- actively looking for work, or
- available for work

we will stop paying your benefit until we decide whether you are entitled to Jobseeker's Allowance.

Even though we have stopped paying your benefit, you may still be able to get some Jobseeker's Allowance under the hardship provision.

How long will it take to make the decision?

We will make the decision as quickly as possible. But if we need more information from you, it may take longer for us to decide.

We will send you a letter giving you our decision.

What happens if we decide that you are entitled to Jobseeker's Allowance?

If you maintained contact with your Jobcentre and kept signing declarations as required, we will pay you any Jobseeker's Allowance we owe you as soon as possible. If we paid you Jobseeker's Allowance under the hardship provision while we made our decision, we will take away that amount from any Jobseeker's Allowance we owe you.

What happens if we decide that you are not entitled to Jobseeker's Allowance?

Your benefit will stop, and you will no longer qualify for Jobseeker's Allowance, if you are not:

- actively looking for work, or
- available for work.

If your benefit is stopped, you will need to complete a Jobseeker's Allowance Reclaim Form in order to get paid Jobseeker's Allowance again. It is important that you contact your local Jobcentre to obtain your reclaim form as soon as possible.

If you reclaim Jobseeker's Allowance, you may not get paid benefit for up to 4 weeks. If there has been more than one such failure in the last 52 weeks, you may not be paid benefit for up to 13 weeks.

During this period you may still be able to get some Jobseeker's Allowance under the hardship provision.

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What is a hardship payment?

A hardship payment is a payment of income-based Jobseeker's Allowance to someone who does not qualify under the normal rules, but would suffer hardship if Jobseeker's Allowance is not paid.

Only people who would usually get income-based Jobseeker's Allowance can get a hardship payment.

If you usually get contribution-based Jobseeker's Allowance you can still apply for a hardship payment by using claim form **JSA/ESA10JP**. But you must fill in form **JSA3** as well so we can find out if you are entitled to income-based Jobseeker's Allowance.

If you need more information about the normal rules for getting Jobseeker's Allowance, contact your Jobcentre.

What happens if I only get National Insurance credits?

If we decide that you are not entitled to National Insurance credits, we will send you a letter.

What to do if you think this decision is wrong

If you think the decision is wrong, please get in touch with us by telephone or in writing, within one month of the date of the letter that tells you about our decision not to pay you benefit. If you do not contact us within one month of the date of the decision letter we may only be able to change the decision from the date you contact us. Our telephone number and address are on the front page of the letter.

You can appeal against this decision, but you cannot appeal until we have looked at the decision again. We call this a **Mandatory Reconsideration**.

You, or someone who has the authority to act for you, can:

- ask us for an explanation of the decision, or
- ask for a written statement of reasons for the decision, if we have not already sent one
- ask us to look at the decision again, to see if it can be changed. There may be some facts you think we have overlooked, or you may have further information that affects the decision.

When we have looked at the decision again, we will send you a letter explaining what we have done. We call this a **Mandatory Reconsideration Notice**. This will include the information you need to be able to appeal.

Joint claims for Jobseeker's Allowance

If you have made a joint claim for Jobseeker's Allowance you must share all this information with each other.