How to action Income Support and Incapacity Benefit claims

Income Support customer found capable of work

15250 When an IS customer is notified by the IB Section that they have not satisfied either the Own Occupation Test or the Personal Capabilities Assessment, there are five possible options available. The options are to:

- claim IS on alternative grounds, the customer does not have to make a fresh claim
- register as unemployed and claim Jobseeker's Allowance (JSA)
- appeal against the IS decision, register as unemployed and claim JSA. If the customer takes this option, reassure them that:
  - claiming JSA will not jeopardise their appeal
  - they will receive NI credits while waiting for the outcome of the appeal
- appeal, and IS is payable pending the outcome of the appeal at the reduced rate
- appeal against the original decision, however submit medical evidence for a different incapacity. If this incapacity is accepted by STB and the customer is entitled to IS then IS is payable at the full rate

15251 If the customer does not satisfy any other conditions of entitlement to IS, the entitlement to IS ends.

15252 The customer has the right of appeal against the IS decision to end payment on the grounds of incapacity, but IS can only continue to be paid if the customer appeals against the IS decision.

Own Occupation Test or Personal Capabilities Assessment not satisfied

15253 If you are notified that IS has been disallowed because the Own Occupation Test or Personal Capabilities Assessment is not satisfied:

<table>
<thead>
<tr>
<th>Step</th>
<th>Action</th>
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<tbody>
<tr>
<td>1</td>
<td>Consider whether the customer satisfies any other criteria exempting them from being available for work, eg lone parent</td>
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<tr>
<td>2</td>
<td>If the claim is:</td>
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<td></td>
<td>- clerically maintained, recall the OB by issuing form NO4</td>
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<td></td>
<td>- ISCS maintained, recall the OB in dialogue IS410: Recall order book or, if the customer is paid by Automated Credit Transfer (ACT), suspend payment in dialogue IS460; Payment suspension</td>
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<td>3</td>
<td>Issue:</td>
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<td>- DL1S/96, if the customer satisfies another condition of entitlement to IS</td>
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<tr>
<td></td>
<td>- DL1S/967, if the customer does not satisfy another condition of entitlement to IS</td>
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<td>4</td>
<td>If the claim is:</td>
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<td>- clerically maintained, set a BF for one week and note form A6 to check whether an appeal has been received or a claim made for JSA</td>
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<td></td>
<td>- ISCS maintained, set a case control in dialogue IS530: Case controls for one month from the date the customer failed the Personal Capabilities Assessment. The entry should read: Appeal Received Or JSA Claimed? If an appeal is not received and JSA not claimed, when the case control matures, close the IS claim, using exclusion reason 30 in dialogue IS091: Change of circumstances</td>
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Entitlement to IS is continuous if:
* an appeal is received before the end of the benefit week following the benefit week in which the IS decision is made, and
* the appeal is accepted by the IS section.

This is because the customer has satisfied a condition of entitlement for at least:
* one day in the benefit week in which the decision was made and
* one day in the following benefit week.

Paying Income Support at a reduced rate pending appeal for information on what to do following an appeal

An exception to this is when a customer fails the PCA on their BWC day. In this case the appeal must be received and accepted by the BWE day of that week. This is because until the customer submits an appeal, and it is accepted, they do not satisfy a condition of entitlement for any day in that week.

Example
Mr Lord fails the PCA on Friday 23 June 1999. He does not satisfy a condition of entitlement from and including that day.
He is a Thursday BWE.
He must submit an appeal before 29 June 1999 to satisfy a condition of entitlement for at least one day in benefit week 23 June 1999 to 29 June 1999.
If Mr Lord appeals after 29 June 1999 he will have no entitlement to IS for 23 June 1999 to 29 June 1999.
However, as long as a new claim form is received and his appeal is accepted, backdating can be considered using Claims and Payments Reg 19.

DLIS/366 includes advice to the customer on the award of NI credits.

DLIS/367 informs the customer that:
* they are required to be available for work and may be entitled to JSA if they sign on at the Employment Services Jobcentre (ESJ)
* what the customer should do if they think the decision is wrong
* how the customer can appeal
* the appropriate channels of advice

Volume 12II, Draft letters for a copy of DLIS/366 and DLIS/367

Amendment 7. February 2000

Other benefits

TOTAL £ 24