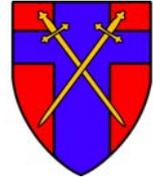




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Dependant
Employees
Returning to UK

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A Brief Guide

Dependants Returning

to

The United Kingdom

Job Seekers Allowance

INTRODUCTION

This guide has been compiled by LEC Support Services, HQ BFG for Dependants who wish to claim Jobseekers Allowance (JSA) on return to UK. It is based on current Department for Work and Pensions (DWP) rules and regulations, but it is not a definitive authority. The allowance is dealt with by the Jobcentre Plus, which is part of the DWP. The following link provides further information www.gov.uk Once on the gov.uk home page, select **Benefits** followed by **Job Seeker's Allowance and Low Income Benefits** followed by **Job Seekers allowance (JSA)**. Whilst every effort has been made to ensure that the information contained in this guide is correct, we cannot accept any legal responsibility for errors, omissions or changes in the services described. The guide highlights the criteria which need to be met, the documents required and the recommended procedure to be followed in order to claim JSA. Further advice and assistance is available from your local LSU.

HISTORY

1. In the past Dependants returning to the UK have encountered difficulties in claiming Jobseekers Allowance. However, it has now been established with the DWP that BFG Dependants returning to the UK are entitled to JSA provided that:

- (a) Sufficient National Insurance contributions have been paid over the preceding 2 tax years and that
- (b) Claimants are available and **actively seeking work** at the time of the claim.

2. In essence, Dependants are entitled to claim in line with all other persons claiming JSA in the UK provided they have paid class 1 National Insurance contributions whilst employed by BFG. Dependant employees contribute if they earn at least a certain amount each month. This is called the lower earnings limit. Class 1 contributions count towards JSA, except for the reduced rate contributions paid by some married women and widows. Those who fall into this reduced category would have signed an Election form at the LSU prior to employment.

3. Payment of JSA is dependent on the contribution record for the last 2 complete tax years before the start of the benefit year in which the claim is made. In assessing a contribution-based Jobseeker's Allowance claim, the Jobcentre Plus will decide which benefit year a claim is being made in. A benefit year is the period that begins with the first Sunday in January in any calendar year and ends with the Saturday immediately before the first Sunday in January in the next calendar year.

Note: The Benefit Year runs from January to December whilst the Tax Year runs from April to April. Therefore, if you are claiming in Sep 2016, the relevant tax years are Apr 14/Apr 15 and Apr 15/Apr 16.

Armed Forces Covenant

The Armed Forces Covenant 2015 has actually made it easier for Forces spouses and adult children to apply for Income based Job Seekers allowance in that it waives the normal 3 month residence requirements. Income based Job Seekers Allowance is available to those working with limited hours/savings etc. Details of the 2015 covenant can be seen at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/493909/20160120-AFCAR_KeyFacts_v2.pdf

4. If you have any queries on your NI contributions prior to your return to the UK you are advised to contact:

National Insurance contributions and Employers Office
HM Revenue and Customs
BX9 1AN

You must quote your name, National Insurance Number and the Tax Reference Number of your employer, which is **948/MZ67527**.

LETTERS OF TERMINATION AND BFG FORM 126

5. It is **VITAL** when you terminate your employment in BFG you obtain either:
- (a). A letter of termination if not employed by the LSU
 - or
 - (b). If employed by the LSU BFG Form 126 ((Notification of Termination for DEL, and Dependants)

Whether it is a letter or the BFG Form 126, the statement “**TERMINATION DUE TO FAMILY POSTING**” must appear. This is proof that you did not leave your job voluntarily. It is your responsibility to ensure that you have given the correct reason for your resignation.

PROCEDURES FOR CLAIMING JOBSEEKERS ALLOWANCE

6. You are strongly recommended to follow this procedure when claiming:
- (a) Ensure you have your BFG Form 126 or Letter of Termination with the phrase “**TERMINATION DUE TO FAMILY POSTING**” in your possession **prior** to leaving Germany.
 - (b) You can make an initial claim online. The following link will take you straight to the relevant Gov.UK page but you will still be required to visit your local office:
<https://www.dwpe-services.direct.gov.uk/portal/page/portal/jsaol/lp>
 - (b) Visit the Jobcentre Plus in person as soon as possible after arriving in the UK, taking your BFG Form 126 or Letter of Termination and last pay slip (it has your National Insurance Number on it) with you.
 - (c) You will be required to complete a Jobseekers Agreement to claim your benefit. Read it carefully before completion. See Annex A.
 - (d) Make sure that you convince the Jobseekers Adviser that you are willing and able to work. The phrase to bear in mind is ‘**Actively seeking work**’. **You also need to state that you had to ‘involuntarily’ resign from your position with BFG due to spouses posting.** To satisfy that condition you must be able to show that for each week you claim benefit you have taken reasonable steps to find a job. Such steps include applying for jobs, contacting employers or taking part in various schemes open to you. The local Jobcentre will be able to advise further here.
 - e) If asked for HM Revenue and Customs Form P45 or P60, explain that this is not issued to Dependant employees terminating employment with British Forces Germany. Although Dependants salaries are subject to National Insurance Contributions, Dependants are exempt from paying Tax under Inland Revenue Board Order Section 28(5) of the Income Tax (Earnings and Pensions) Act 2003.

(f) The Jobcentre may require details of National Insurance contributions paid for the period of your employment with BFG. For details of contributions and earnings, you should advise the Jobcentre to write to:

BFG DEP Pay Team
Defence Business Services
PO Box38
Cheadle Hulme
SK8 7NU

SUMMARY

7. It is your right to receive JSA when returning to the UK **provided** all the criteria have been met.

- (a) You have paid sufficient National Insurance Contributions over the last 2 tax years.
- (b) You are '**ACTIVELY SEEKING WORK**'.
- (c) You left Germany owing to your Head of Family being sent back to the UK. Thus you lost *your* Dependant Status which in turn meant you lost your job.

Mr A Patterson
CPO Training & Development
LEC Support Services

Jobseeker Interviews

If you decide to claim JSA, the Jobcentre will give you an appointment for a Jobseeker Interview and a claim form to fill in and bring to the interview.

If you need help filling in this form, the Jobcentre can arrange this.

At the interview, an adviser will:

- make sure you understand the rules for JSA.
- discuss the kinds of work you are looking for and the best ways of finding a job.
- give you information about jobs, training and other opportunities.
- check that you have filled in your form fully and given all the information required.

To get JSA you must have a Jobseeker's Agreement or **Claimant Commitment**. You and the adviser will make this agreement at this interview, and you will both be required to sign it.

If you need a private room for your interview or want the Jobcentre to provide someone to help you at the interview, for example an interpreter, please let them know in advance.

Information is also available for young people seeking work or wishing to obtain JSA, look on the website www.gov.uk

You will be expected to visit the Jobcentre every two weeks to confirm that you are still entitled to JSA. The Jobcentre will discuss with you how your job search is going and how they may be able to help you.

As well as visiting the Jobcentre every two weeks, you will also be required to attend regular, more detailed interviews to look at your situation.

Jobseeker's Agreement (Claimant Commitment)

Your Jobseeker's Agreement will include details of:

- your availability for work
- the kind of work you are looking for
- what you will do to look for work and improve your chances of finding work
- how Jobcentre Plus aims to help you.

If you and the adviser cannot agree on the content of the Jobseeker's agreement, a Decision Maker will decide if the proposed contents are reasonable.

If you do not agree with their decision, you can ask for it to be looked at again. If you still do not agree, you can appeal.

You will not usually be able to get JSA until you have a Jobseeker's Agreement. In some situations you may be able to get a reduced allowance under the hardship provision. The Jobcentre will advise you of your entitlements.