| **Circumstance for new UC claim** | **Additional information and exceptions** | **Comment** |
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| Move from in work to unemployment, and also claimants whose hours reduce to less than 16 hours per week | Claimants subsequently claim UC (because JSA(IB) is abolished in their area). Claimants may also apply and qualify for new style JSA – contribution-based only – alongside UC[1](https://www.gov.uk/government/publications/housing-benefit-adjudication-circulars-2018/a72018-universal-credit-full-service-areas-guidance-for-local-authorities#fn:1). | May apply for new-style JSA without also claiming UCHB and CTC would increase to maximum rateAdvantages: only one member of couple subject to conditionality; in cases where legacy rates are more generous retain higher entitlement (eg disabled child not on top rate of DLA; lone parent under 25)Disadvantages: most couples would miss out on about £40 a week by not claiming UC, all other factors being equal Same comments apply where ESA(c) claimed, although UC more likely to be “better buy” in such cases |
| Move from out of work to employment / self-employment | Exception – Claimants who already have an award of CTC can apply for WTC. The award of WTC is a change of circumstances to the existing Tax Credits award, so they do not need to claim UC. | Claimants who are not on Tax Credit do not have to claim UC either – just stay on HB adjusted to in-work rate. Need to check whether UC or in-work HB would be better buy (eg quirks of size criteria – joint tenants especially can game the HB system in ways that UC does not allow)If claimant entitled to HB extended payment, could be worth delaying UC claim until just before end of EP (depending on amount of earnings in month 1). |
| Move from ESA(IR) to jobseeking | For example, claimant’s ESA(IR) award is terminated as they are found not to have LCW. The claimant subsequently claims UC (because JSA(IB) is abolished in their area) and must remain on UC even where any subsequent appeal against the ESA disallowance is found in their favour.Exception – Claimant does not claim UC during mandatory reconsideration period and, on appealing, is then awarded ESA pending appeal (a new claim not required); where subsequent appeal is allowed, they remain on ESA(IR). | This is true, but frequently not followed by DWP who will often reinstate ESA in a case where UC has already been awarded. This puts the local authority in an awkward position because they cannot accept a new HB claim and they cannot award HB for a period in which there is UC entitlement so revision of the decision ending HB would not work either. |
| Move from ESA to employment / self-employment | Exception – Claimants that already have CTC can continue to claim tax credits. This is because a new claim to WTC in these circumstances is not prevented under UCFS rules and so they do not need to claim UC. | As noted above, people who were not receiving tax credit may also elect not to claim UC and may remain on in-work HB if better off that wayMain advantage for self-employed people: no MIF |
| Move from unemployed (in other words, IS or JSA(IB)) to being sick | Claimants may apply and qualify for new style ESA – contributory only – alongside UC. | May apply for new-style ESA only (subject to contribution record of course) and remain on HB and Tax Credits |
| Become responsible for a child for the first time | Exception – Claimants who already have an award of WTC can claim CTC. This is because a new claim to CTC in these circumstances is not prevented under UCFS rules and so they do not need to claim UC. |  |
| Existing HB claimant who moves from one LA to a new LA in a UCFS area | Exception – Only claimants who move into specified accommodation or temporary accommodation can continue to make a new claim for HB. Claimants with 3 or more children can continue to make a new claim for HB up to 31 January 2019. |  |
| Income Support award ends because the claimant no longer satisfied the conditions of entitlement | Examples –The claimant is no longer a carer.The claimant is a lone parent whose youngest child reaches age 5. |  |
| Claimant receiving a legacy benefit or tax credits forms a couple with a UC claimant | They will not be able to remain on their existing benefits or tax credits and, on forming the couple, are treated as making a joint UC claim with their new partner. |  |