

N2 Going North – Social Welfare

This leaflet is for you if you live south of the border and are a frontier worker working in Northern Ireland (NI), or if you want to move north to live. It tells you about the social security (welfare) system in NI and about social welfare payments which may be exported to NI. It tells you about the social welfare benefits you may get if you have children, are unemployed, sick, have a disability, need help to pay specific expenses, or are otherwise in need of financial support. It covers the general rules – there is not enough space to give all the details. You may get further information from the addresses and websites listed.

Note that the telephone numbers are given as if you are calling from NI. If calling from the South you place the digits 048 before the number and drop the 028 or place the digits 0044 before the number and drop the first zero in the number.

The information in this leaflet is mainly for citizens of the EU/EEA. Citizens of all countries, including citizens of the EU and EEA member states, may have to establish habitual residence in the Common Travel Area before they can qualify for certain benefits. (The Common Travel Area is Ireland, the UK, the Channel Islands and the Isle of Man.) Citizens of the EU/EEA member states are entitled to combine social insurance contributions paid in two or more member states in order to qualify for benefits and they are entitled to transfer certain benefits from one member state to another. Citizens of other countries may acquire entitlement to the social insurance based benefits after working for a period and may acquire rights to other benefits after a period of legal habitual residence.

The information in this leaflet was compiled in January 06. Subsequent changes may affect the accuracy of the content.

Social Security Agency

The Social Security Agency is an agency of the Northern Ireland Department for Social Development. It assesses and pays social security benefits and provides services on behalf of the UK Department for Work and Pensions. There are social security/Jobs and Benefits in all the main towns. You can get application forms and further information about all benefits from these offices.

www.dsdni.gov.uk

Benefit Enquiry Line: 0800 220 674

Unemployment Payments

Jobseeker's Allowance

If you are unemployed you may qualify for Jobseeker's Allowance (JSA). This is either a national insurance based payment (contribution based JSA) or a means tested payment (income based JSA). Effectively it is the equivalent of Unemployment Benefit and Unemployment Assistance (now known as Jobseekers Benefit and Jobseekers Allowance) in the South.

You should apply at the Social Security/Jobs and Benefits Office.

Under EU regulations social insurance contributions paid in the South or any EU/EEA country, may be combined with national insurance contributions in the North to help qualify for contribution based JSA. This is known as aggregation. Usually the country where you last paid social insurance will be responsible for considering your entitlement to a contribution based unemployment payment (see below for important exception to this rule in the case of Frontier Workers)

Transferring Unemployment Benefit

If you are unemployed and receiving Unemployment Benefit (UB) in the South, you may be able to transfer that benefit to NI if you go there to live and look for work. Generally Unemployment Assistance may not be transferred. You must have been receiving UB for at least four weeks before you go. You should contact the employment exchange or social welfare office where you claimed UB before you go north in order to process the paperwork. You should be given Form E303. When you arrive in the North, you should go to a Jobs and Benefits office within seven days. You will get the same UB payment as you were receiving in the South (converted to sterling). Your right to receive UB in the North lasts for a maximum of 13 weeks (78 days). If you are still unemployed at the end of that time, you may be entitled to income based Jobseeker's Allowance or Income Support.

Frontier Workers

Generally, if a frontier worker resident in the South loses their job in NI, they can rely on their National Insurance Contributions paid in NI to qualify for UB in the South. They must still satisfy the general contribution conditions for UB. If there is a partial loss of employment in NI, the Social Security Agency would be obliged to consider entitlement to contribution based JSA.

Sickness Payments

Statutory Sick Pay SSP

You may get SSP from your employer for up to 28 weeks if you become ill while you are employed and your earnings are at least on average equal to the Lower Earnings Limit for national insurance contributions (£84 a week from 06 April 2006). SSP is payable from the 4th day of illness. There is no qualifying period of employment but employment must have commenced. You must be aged between 16 and 65 when you start to receive it. It

is paid to you and subject to tax in the same way as your normal pay. If you are still ill when your SSP ends, you may qualify for Incapacity Benefit.

Incapacity Benefit

You may qualify for Incapacity Benefit if you are unable to work because of illness or disability, you are under the state pension age, are not entitled to Statutory Sick Pay and have enough social insurance contributions. You get a short term rate for the first 28 weeks, a higher rate for a further 24 weeks and the long term rate after that. The short term (lower) rate is tax-free, but the short term (higher) and long term rates are taxable.

Incapacity Benefit is based on your incapacity for work in your normal occupation for the first 28 weeks of incapacity (The own occupation test) and your incapacity for all work from the 29th week of incapacity (The Personal Capability Assessment).

You may get an Incapacity age addition if you are receiving Long Term Incapacity Benefit and were under age 45 on the first day of incapacity for work.

Under specific rules it is possible for a young person resident in NI to qualify for Incapacity Benefit without meeting the national insurance contribution conditions.

Transfer of Contribution Based Social Welfare Payments

Disability Benefit (now known as Illness Benefit) and Invalidity Pension can be transferred to NI if the claimant moves to live in NI. You will need prior approval from the Department of Social and Family Affairs for the transfer.

If you move to NI to look for work and transfer your UB to the North and then become ill you may apply for and get Illness Benefit instead and this may continue to be paid while you remain ill and meet the other conditions.

Frontier Workers

Under EU regulations it is generally the case that the country where you last paid social insurance is liable to consider your entitlement to sickness benefits. Therefore, a frontier worker resident in the South who becomes ill when working in NI can qualify for SSP or Incapacity Benefit. Under aggregation previous Social Insurance paid in the South can be combined with National Insurance paid in NI to help qualify for Incapacity Benefit.

Disability and Carers Payments

Disability Living Allowance (DLA)

You may qualify for DLA if you are present and ordinarily resident in NI, aged under 65 and you need help to look after yourself, or if you are aged between 5 and 65 and have difficulty walking or getting around. You must normally have been present in NI for at least 26 of the last 52 weeks. Periods spent in another EU/EEA member state can count towards the 26 weeks. The amount you get depends on how much care you need (care component) and the amount of difficulty you have in getting around (mobility

component). Those in receipt of an award before reaching 65 can continue to receive it beyond this age, provided they continue to satisfy the conditions.

Attendance Allowance

You may receive this payment if you are aged 65 or over and you need help with your personal care because of an illness or disability. It is based on need and not on social insurance or a means test. A higher rate is paid if you need help at night and during the day. Presence and resident conditions are the same as those for DLA.

Carer's Allowance

You may qualify for Carer's Allowance if you are aged 16 or over and you are caring for someone for at least 35 hours a week and not gainfully employed. The person for whom you are caring must be receiving Attendance Allowance, Constant Attendance Allowance or Disability Living Allowance awarded at the middle or high rate of the care component. The presence and residence conditions are the same as for DLA.

Industrial Injuries Scheme

The Industrial Injuries scheme provides no fault tax free benefit for an employee who suffers personal injury caused by an accident arising out of and in the course of work, or who contracts a prescribed disease or a prescribed injury while working.

You are covered by the Industrial Injuries scheme if you are working for an employer. It doesn't matter if you don't earn enough to pay national insurance contributions.

There are a number of payments available under this scheme including Industrial Injuries Disablement benefit, Reduced Earnings Allowance and Constant Attendance Allowance. The rate of payment is determined by the level of disablement.

Further Information:

A – Z Guide for People with Disabilities http://www.dsdni.gov.uk/a-z_disability.pdf

Maternity and Paternity Payments

Statutory Maternity Pay (SMP)

You may get Statutory Maternity Pay (SMP) when you stop work to have your baby. It is paid by your employer. SMP is payable if you have been employed by the same employer for at least 26 weeks ending with the qualifying week, which is 15 weeks before the baby is due. You must also still be in the job in the qualifying week and have average weekly earnings of at least the national insurance lower earnings limit (£84 from 06 April 2006). It is payable for 39 weeks if the expected week of childbirth begins on or after 01 April 07, and for 26 weeks if the expected week of childbirth begins before this date, regardless of the date the baby is born. It is subject to tax in the same way as normal pay.

Statutory Adoption Pay is awarded on the same basis as SMP, however you must have worked for the same employer for at least 26 weeks by the week in which you are notified of being matched with a child for adoption.

Maternity Allowance

If you do not qualify for SMP, because for example, you do not earn enough or you are self-employed, you may qualify for Maternity Allowance(MA). This is a benefit paid by the Social Security Agency. If you have worked in the South before working in the North this may help you to qualify. Maternity Allowance is paid for up to 26 weeks, and for up to 39 weeks if the expected week of childbirth begins on or after 01 April 07.

State maternity payments are generally paid by the state in which the mother was last employed, and payments can be transferred or exported if the mother moves to another EU/EEA state.

Statutory Paternity Pay

You may get statutory paternity pay if you are entitled to paternity leave – see Leaflet NI *Going North – Work*). It is payable for 2 weeks.

Payments for Families and Children

Child Benefit

You may get Child Benefit if you are caring for a child aged under 16 or between 16 and 19 and in full time education. There is no means test.

If a client or her/his spouse or partner pays contributions to another country's social security scheme, or receives a specified social security benefit as an employed or self-employed person, the client will receive that country's equivalent of child benefit.

If the client and her/his spouse or partner are covered by more than one country's social security system, only one country's equivalent of child benefit will be paid in full. If the country responsible for paying the full benefit pays less than the other country, the other country may pay the client the difference. In practice this may mean that a Frontier Worker resident in the South will receive child benefit from NI and a top up of Child Benefit from the South.

Child benefit is paid by HM Revenue and Customs: www.hmrc.gov.uk

Child Benefit Office: (028) 9054 9000

Child Benefit helpline: 0845 603 2000

Guardians Allowance

You may qualify for this if you are looking after a child as part of your family because both the child's parents are dead. You must be entitled to receive Child Benefit for the child. It is paid with Child Benefit.

Tax credits

Tax credits are means tested payments, which are not related to paying or being liable for tax. Married and co-habiting couples must claim tax credits on the basis of their combined income. From 5 December 2005, same sex couples who live together must also claim on the basis of their combined income. Tax credits are paid by HM Revenue and Customs.

Tax credits Helpline: 0845 300 3900

Child Tax Credit

You may claim Child Tax Credit if your family income is less than £58,000 a year (£66,000 if the child is less than one year old) and you have responsibility for a child under 16 or under 19 and in education. You do not have to be in employment if you are resident in NI. Frontier workers who are resident in the South may qualify under EU regulations on the basis of their employment in NI.

Working Tax Credit

You may claim Working Tax Credit (WTC) if you are employed or self-employed and you are on a low income. You must be working a minimum number of hours each week – people with children and people with disabilities must be working at least 16 hours a week while others must be working at least 30 hours a week. You may be treated as being at work and qualify for WTC if you are on ordinary maternity leave (see Leaflet N1 *Going North – Work*) or are unable to work because of illness. Again Frontier Workers can qualify on the basis of employment in NI.

WTC may include an element to cover childcare costs. The amount is limited and at present is only payable where child care costs are incurred with a registered child care provider in NI.

The amount of WTC depends on your income, the number of hours you work, and whether you have children. Extra amounts are payable to people with disabilities.

Retirement Payments

The rules in relation to retirement and old age pensions are described in Leaflet N4 *Going North - Retirement*.

Bereavement Benefits

You may qualify for various bereavement benefits if your spouse dies and has paid contributions in NI. Your own social insurance contributions are not taken into account for NI bereavement payments. Your late spouse's contributions in the South and the North may be combined and you may qualify for a full or partial Widow's/Widower's

Contributory Pension from the South and a Bereavement Allowance or Widowed Parent's Allowance from the North.

There are specific bereavement benefits if your spouse died because of an accident at work or due to a work related illness. The following are the main general bereavement benefits:

Widowed Parent's Allowance

You may qualify for a Widowed Parent's Allowance if your late spouse has enough social insurance contributions and you have a child for whom Child Benefit is payable (or you are pregnant). The allowance is made up of a basic allowance, an allowance for each child and an earnings-related additional pension which is based on your late spouse's contribution record.

Bereavement Allowance

You may qualify for Bereavement Allowance if you are aged 45 or over but under state pension age when your spouse dies or when you cease to be entitled to Widowed Parent's Allowance. Your late spouse must have enough national insurance contributions. Your spouse's contributions paid in the South may be combined with the contributions in the North.

The allowance is payable for the 52 weeks after the death. It is payable at a higher rate if you are over 55.

Bereavement Payment

You may qualify for a lump sum Bereavement Payment (currently £2,000) if your late spouse has enough insurance contributions and you are under state pension age or your late spouse was not entitled to a Category A Retirement Pension (see Leaflet N4 *Going North – Retirement*).

Transfer of Social Welfare Payments

Widow's and Widower's Contributory Pension are exportable, and so, are payable in NI if you go there to live. Widow's and Widower's Non-Contributory Pension are generally not exportable but you may continue to receive them for up to 5 years if you move to NI subject to the means test for those payments.

General

Income Support

You may qualify for Income Support if you are aged between 16 and 60, have a low income and have savings below certain limits. You do not have to sign on at the JobCentre for Income Support.. You must be resident in NI to qualify. Among those who are likely to qualify are lone parents with a child aged under 16, people who are

incapable of work because of sickness, carers and people with disabilities whose earnings are reduced because of the disability.

Pension Credit

This is a means-tested payment for those aged 60 or over who are resident in NI. People in this category who move to NI to live may qualify.

Housing Benefits

Housing benefits are described in Leaflet N6 *Going North – Housing*.