

Universal Credit: The Claimant Commitment

Information Guide 7: For Residents and Advisers

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1. Introduction

Universal Credit is a new benefit and may be claimed by people of 'working age'. Like the benefits it is designed to replace, Universal Credit sets out to provide a minimum income for day-to-day living and financial assistance towards rent and mortgage payments. Universal Credit may be claimed in isolation or in addition to other benefits.

When fully rolled out Universal Credit will be available to single people, couples and families. It will be available to those who are unemployed, those who may be considered to be too sick to work and carers. It will also be available to people in part-time or low paid employment.

How much Universal Credit is actually paid will depend upon a person's personal and financial circumstance. Extra money will be paid to couples, families, carers and disabled claimants. The level of a person's existing income and savings will also determine how much Universal Credit may be awarded.

Under the rules for Universal Credit there are '**work-related requirements**' which must normally be met as part of the conditions of any Universal Credit claim.

Under the 'work-related requirements' a person may be expected to:

- attend meetings with a Work Coach at the Job Centre to examine barriers to work and explore ways of improving their prospect of work
- attend designated training or work experience placements to improve their prospects of work
- actively look for paid work, more paid work or better paid work
- be available for job interviews and be available to start work without delay

The '**Claimant Commitment**' should set out a person's personal circumstances and obligations in relation to the 'work-related requirements'. It should include details of the agreed steps the person will take to improve their job prospects and find work. According to the information provided if the agreed steps or actions of the person suggest that they do not meet or have failed to meet the 'work-related requirements' then they risk being sanctioned resulting in any Universal Credit entitlement being reduced or refused altogether.

As may be seen from the information contained in this Information Guide, what is expected under the 'work-related requirement' in any particular case is dependent upon individual circumstances. For example, special allowances and concessions are made for those who are too sick to work, those with caring responsibilities for children and disabled people and people who undertake voluntary work.

The purpose of the 'work-related requirements' is to ensure that individuals are making every effort to get a job, increase the hours they work and/or obtain better paid work thereby reducing or removing their dependency on Universal Credit. The purpose of the 'Claimant Commitment' is to outline and confirm the obligations and undertakings of the individual.

2. Work-related Requirements and the Claimant Commitment

To qualify for Universal Credit a person will normally be expected to meet the conditions set out in the 'work-related requirements'. These are:

- **Work-focused Interviews**
- **Work Preparation**
- **Work Search**
- **Work Availability**

Each claimant will have a 'Claimant Commitment' drawn up during a meeting with them by a Work Coach at the Job Centre which should both outline their personal circumstances and confirm their obligations in relation to the 'work-related requirements'. It should include details of the agreed steps the person will take to improve their job prospects and find work. The 'Claimant Commitment' may be reviewed, altered and updated periodically.

A person who fails to accept a 'Claimant Commitment' or fails to meet the 'work-related requirements' may be refused Universal Credit or sanctioned.

This will result in them being paid no Universal Credit or being paid a reduced amount of Universal Credit. In such a situation, a person may have to rely on 'hardship payments' - an advance of Universal Credit paid in the form of a repayable loan - to make ends meet. See Information Guide 8: Universal Credit - Sanctions and Hardship Payments for more information.

In the case of a couple (which requires a Universal Credit 'joint claim'), both members of the couple will normally need to accept an individually tailored 'Claimant Commitment' outlining their respective responsibilities and 'work-related requirements' whilst claiming Universal Credit. Failure to do so will result in a reduced amount of Universal Credit being awarded.

Section 4(1)(e) Welfare Reform Act 2012
Section 13 (1) to (3) Welfare Reform Act 2012
Section 14 (1) to (5) Welfare Reform Act 2012

Under the 'work-related requirement' a person will normally be expected to work 35 hours per week and/or look for work at least 35 hours per week (the so called 'expected hours' test). However, a lower number of expected hours can apply depending on the person's circumstances, childcare responsibilities and/or health.

Regulation 88(1) and (2) Universal Credit Regulations 2013

Waived - Exceptional Circumstance: The need for a 'Claimant Commitment' can be waived in the case of someone who lacks capacity (including mental capacity) or in 'exceptional circumstances' which mean that it would be 'unreasonable' to expect the person to have one.

Regulation 16(a) and (b) Universal Credit Regulations 2013

3. Work-focused Interviews

The 'Work-focused Interview' requirement is a requirement requiring a person to take part in 'Work-focused Interviews'.

A 'Work-focused Interview' is a meeting the claimant will have with a 'Work Coach' at the local Job Centre. It is designed to:

- (a) assess the claimant's prospects of remaining in paid employment or obtaining paid employment (or more or better-paid employment); and
- (b) assist or encourage the person to remain in paid employment or obtain paid employment (or more or better-paid employment); and
- (c) identify activities the person could undertake to improve their prospects of remaining in or obtaining paid employment (or more or better-paid employment); and
- (d) identify educational, training or rehabilitation opportunities which may make it more likely that the person may remain in or obtain paid employment (or more or better-paid employment); and
- (e) identify current or future employment opportunities that are relevant to their needs and abilities; and
- (f) establish whether the person is self-employed or within the early stages of self-employment (the 'start-up period') or embarking on self-employment.

Section 15(1) to (4) Welfare Reform Act 2012
 Regulation 93(a) to (f) Universal Credit Regulations 2013
 Regulation 97 Universal Credit Regulations 2013
 Regulation 63(1) to (3) Universal Credit Regulations 2013

4. Work Preparation

The 'work preparation requirement' is a requirement to participate in undertakings the DWP consider will improve the person's employment prospects or prospects in obtaining employment (or more or better-paid employment). It could include:

- (a) attending a skills assessment
- (b) improving personal presentation
- (c) participating in training
- (d) participating in the Employment Programme
- (e) undertaking a work experience or work placement
- (f) developing a business plan.

It could include undertaking any other action the DWP considers will improve the person's employment prospects or prospects in obtaining employment (or more or better-paid employment).

In the case of a person who is considered to have 'limited capability for work' it could include taking part in a 'work-focused health-related assessment' (with a Healthcare Professional) to assess how their 'capability for work' may be improved or how the likelihood of them obtaining paid employment (or more or better-paid employment) or remaining in paid employment may be improved.

Section 16(1) to (6) Welfare Reform Act 2012
 Regulation 91A Universal Credit Regulations 2013

5. Work Search

The 'work search requirement' is a requirement that the person will take:

- 'all reasonable action'; and
- any 'particular action' specified by the DWP

that gives them the 'best prospects' of obtaining paid employment or more or better-paid employment.

A 'action' can include:

- (a) looking for work
- (b) making an application for work
- (c) creating and maintaining an online profile
- (d) registering with an employment agency
- (e) seeking references.

It includes any other 'reasonable' action taken or specified by the DWP intended to enable the person to obtain paid employment or more or better-paid employment.

Section 17(1) to (4) Welfare Reform Act 2012

A person will be treated as not having complied with the 'work search requirement' in any week in which they spend less time 'taking actions' to obtain paid employment (or more or better-paid employment) than they are expected to actually work.

As a general rule a person must look for work regardless of its type or salary. The number of hours a person will normally be expected to look for work will be 35 hours per week. This is because a person will normally be expected to work 35 hours per week. However, this may alter depending on a person's circumstances. See 9. Work Availability Requirement for more information.

If a person has spent less hours looking for work than is expected, they may still be treated as having met the 'work search requirement' in that week provided they can show that they have taken 'all reasonable action' to obtain employment (or more or better-paid employment) despite the reduced hours.

The number of hours per week for which a person is expected to look for work (or more or better-paid employment) may be reduced by the amount of time in that week that they:

- are in paid employment
- are engaged in an activity under the 'work preparation requirement'
- undertake voluntary work

However, the amount of time allowed for the undertaking of voluntary work may not exceed 50% of the person's expected number of 'work search requirement' hours.

The number of hours per week during which a person is expected to take steps to secure paid employment (or more or better-paid employment) may be reduced by the amount of time in that week that the person undertakes 'voluntary work preparation' - a step which will improve the person's prospects of securing paid employment (or more or better-paid employment) which is agreed by the DWP but which is not a 'work preparation requirement'. See 4. Work Preparation.

The number of hours per week a person is expected to look for paid employment (or more or better-paid employment) may be reduced by the amount of time in that week that the person needs to deal with temporary childcare responsibilities, a domestic emergency, funeral arrangements or any other temporary circumstance. Indeed, if it is considered unreasonable for someone to be expected to look for work in light of such circumstances, the DWP can waive the requirement to look for work for the duration of the relevant period.

Regulation 95(1) to (4) Universal Credit Regulations 2013
Regulation 99(5) Universal Credit Regulations 2013

A person will be treated as not having complied with the 'work search requirement' if they fail to participate in a vacant job interview offered to them.

Regulation 94 Universal Credit Regulations 2013

See 9. Work Availability Requirement for more information on the number of hours a person is expected to work each week.

6. Work Availability Requirement...

The 'work availability requirement' is a requirement that the person will be available for paid employment. This means that they are:

- able and willing to attend a job interview immediately; and/or
- able and willing immediately to take up an offer of paid employment (or more or better-paid employment).

Section 18(1) to (5) Welfare Reform Act 2012
Regulation 96(1) to (5) Universal Credit Regulations 2013

If the person is a 'responsible carer' (meaning: see 9. Work Availability) or a 'relevant carer' (meaning: see 9. Work Availability) then the DWP can allow them up to one month to take up an offer of paid work and up to 48 hours to attend an interview if this is what would be needed for them to arrange alternate care arrangements.

Where a person is undertaking voluntary work, then the DWP can allow them up to one week to take up an offer of paid employment (or more or better-paid employment) and up to 48 hours to attend an interview if in light of the voluntary work commitment this would be needed.

Regulation 96(2), (3)(a) to (c) Universal Credit Regulations 2013
Regulation 96(4)(a) to (c) Universal Credit Regulations 2013

In cases where a person is leaving employment and they are contractually obliged to work through a notice period then the DWP should treat them as meeting the 'work availability requirement' during that period.

Regulation 9(2) Universal Credit Regulations 2013

7. Which Work-related Requirements Apply

There are four 'work-related requirements'. These are:

1. Work-focused Interviews
2. Work preparation
3. Work search
4. Work availability

Which (if any) apply in any particular case depends on the circumstance of the person. If a person's 'work-related requirement' is not removed or limited under one of the following provisions, then they will be expected to undertake or participate in all four 'work-related requirements'.

No Work-related Requirement Applies:

A. Age:

None of the 'work-related requirements' will apply to a person who has reached the 'qualifying age for Pension Credit'. This will only be relevant in the case of couples where the other member is under the 'qualifying age for Pension Credit' - hence the need for Universal Credit.

Regulation 89(1)(a) Universal Credit Regulations 2013

B. Too Sick to Work:

None of the 'work-related requirements' will apply to a person who has 'limited capability for work-related activity' (i.e. they are placed into the 'support group' because they are considered to be too sick to work).

Section 19(2)(a) Welfare Reform Act 2012

C. Caring Responsibility:

None of the 'work-related requirements' will apply to a person who:

(a) has a 'regular and substantial caring responsibility' for a 'severely disabled person'

(b) has a caring responsibility for a 'severely disabled person' for at least 35 hours per week but they are not entitled to Carer's Allowance (e.g. because someone else claims Carer's Allowance for looking after the 'severely disabled person') and it is considered that it would be unreasonable to expect them to comply with the 'work search requirement' and the 'work availability requirement'.

Meaning: A person will be treated as having a 'regular and substantial caring responsibility' if they meet the conditions for Carer's Allowance or they would do but for the fact that they have earnings higher than allowed (i.e. they have earnings above £116.00 per week). A 'severely disabled person' is someone who gets Attendance Allowance, Disability Living Allowance (middle or higher rate care component), Personal Independence Payment (daily living component), Constant Attendance Allowance (under either the Industrial Injuries or Armed Forces schemes) or Armed Forces Independence Payment

Section 19(2)(a) Welfare Reform Act 2012
Regulation 89(1)(b) Universal Credit Regulations 2013
Regulation 30(1) to (3) Universal Credit Regulations 2013

D. Pregnancy and Maternity:

None of the 'work-related requirements' will apply to a person where they:

(a) are pregnant and within 11 weeks of the expected date of confinement

(b) have had a baby within the last 15 weeks.

Regulation 89(1)(c)(i) and (ii) Universal Credit Regulations 2013

E. Child Care:

None of the 'work-related requirements' will apply to a person where they:

- (a) are a 'responsible carer' (meaning: see 9. Work Availability) for a child aged under one.
- (b) are a 'responsible foster carer' (meaning: see 9. Work Availability) of a child aged under one
- (c) have adopted a child (or been matched with a child who is not a close relative or their foster child) and it has been 12 months or less since the date the child was placed with them.

Section 19(2)(c) Welfare Reform Act 2012
Regulation 89(1)(f) Universal Credit Regulations 2013
Regulation 89(1)(d) Universal Credit Regulations 2013

F. Education:

None of the 'work-related requirements' will apply to a person who:

- (a) is a young person aged under 21 (or aged 21 and they reached that age whilst on the course they are doing) and undertaking a full-time non-advanced course (e.g. GCSE or A-level) of study or education and they are able to claim Universal Credit because they are a lone parent, a 'disabled student' or because they are 'without parental support'
- (b) is a student and able to claim Universal Credit because they are a lone parent or a 'disabled student' and they receive student income (e.g. a student loan) which is taken into account in the calculation of their Universal Credit award.

Meaning: 'Without Parental Support' and 'Disabled Student'. A young person is 'without parental support' if they are an orphan (and there is no one acting in place of their parents) or a person who cannot live with their parents (or anyone who acts in place of their parents) due to estrangement or due to a serious risk to their physical or mental health.

A 'disabled student' is someone who gets Personal Independence Payment or Disability Living Allowance and they may be considered to have 'limited capability for work' (i.e. they may be considered to be too sick to work).

Do seek further information and advice as necessary.

G. Working:

None of the 'work-related requirements' will apply to a person who is working (employed or self-employed) provided that their monthly gross earnings (earnings before any deductions for tax or national insurance):

- single person: are equal to or greater than their individual 'earnings threshold'; or
- couple: combined are equal to or greater than the 'earnings threshold' for a couple

Earning Threshold: For a single person, this is equal to the level of their National Minimum Wage (NMW) multiplied by the number of hours they are expected to work. The number of hours a person is expected to work is normally 35 hours per week (30 hours in the case of an apprentice). However, this may alter depending on a person's circumstances. See 9. Work Availability Requirement for more information. For a couple, the amount would normally be the combined amounts of the value of their individual 'earning threshold' figure were they a single person.

Example One: Igor is aged 26. He is single. His NMW is £7.50 per hour. He is expected to work 35 hours per week. Igor's individual 'earnings threshold' would be £1,137.50 per month ($£7.50 \text{ per hour} \times 35 = £262.50 \times 52$ divided by 12 = £1,137.50 per month).

Example Two: Libby is aged 23. She is single. Her NMW is £7.05 per hour. She is expected to work 35 hours per week. Libby's 'earnings threshold' would be £1,069.25 per month ($£7.05 \text{ per hour} \times 35 = £246.75 \times 52$ divided by 12 = £1,069.25 per month).

Were Igor and Libby living together as a couple then their combined 'earnings threshold' would be £1,137.50 per month (Igor) plus £1,069.25 per month (Libby) = £2,206.75 per month.

Regulation 90(1) to (5i) Universal Credit Regulations 2013

H. Domestic Violence:

No 'work-related requirement' will apply for 13 weeks where the person has notified the DWP that they have suffered (or been threatened with) domestic violence by their partner, former partner or a 'family member' within the last six months.

For this to apply the person must be living with the person who inflicted or threatened the violence at the time of the notification. Further, within one month of the notification the person must provide evidence which confirms that the person's circumstances are consistent with someone who has suffered 'domestic violence' or been threatened with such violence.

The evidence must come from someone acting in an official capacity - a Social Worker, employer, trade union representative or person working for any public, voluntary or charitable body. That person must have had direct contact with that person in connection with domestic violence within the previous month.

Meaning: 'Domestic Violence' is any incident(s) of 'controlling behaviour', 'coercive behaviour' or violence or abuse. It includes (but is not limited to) psychological abuse, physical abuse, sexual abuse, emotional abuse or financial abuse regardless of the person's gender or sexuality.

Meaning: 'Controlling Behaviour' is an act designed to make someone subordinate or dependent by isolating them from sources of support. It can include taking them away from their means of independence, resistance or escape or regulating their everyday behaviour.

Meaning: 'Coercive Behaviour' is an act of assault, humiliation or intimidation or other abuse that is used to harm, punish or frighten someone.

Meaning: 'Family Member' is a grandparent, grand-child, parent, step-parent, parent in-law, son, step-son, son-in-law, daughter, step-daughter, daughter-in-law, brother, step-brother, brother-in-law, sister, step-sister, sister-in-law (or the partner of any of these).

Regulation 98(1) to (4) Universal Credit Regulations 2013

Work-focused Interview Requirement Only Applies:

I. Parents and Foster Parents:

A person will be required to participate in 'Work-focused Interviews' only where:

(a) they are the 'responsible carer' (meaning: see 9. Work Availability) child aged one

(b) they are the 'responsible foster carer' (meaning: see 9. Work Availability) of a child aged 1 or over but under 16

(c) they are a 'responsible foster parent' for a 'qualifying young person' (see below) and the DWP are satisfied that given the young person's care needs, it would be unreasonable for them to meet the 'work search requirement' or 'work availability requirement'

(d) they are a foster parent (but not a 'responsible foster parent') of a child aged under 16 or 'qualifying young person' (see below) and the DWP are satisfied that given the child's or young person's care needs it would be unreasonable for them to meet the 'work search requirement' or 'work availability requirement'

(e) within the past eight weeks they have been a foster parent (under (b), (c) or (d) above) and whilst not having a child or 'qualifying young person' placed with them at present, they expect to resume being a foster parent

(f) they are a 'responsible carer' (meaning: see 9. Work Availability) of a child under 16 (who is not their child/stepchild) who they started to care for within the past 12 months because they are an orphan, their parents are unable to look after them or it is likely they would otherwise have to go into local authority care because of concerns over their welfare.

This means that they will not have to adhere to the 'work preparation requirement', 'work search requirement' or 'work availability requirement' whilst one of the above headings applies.

Meaning: A 'Qualifying Young Person' is a person who is:

- aged up to 16 up until 31st August following their 16th birthday; and
- aged up to 19 up until 31st August following their 19th birthday.

In the second instance the young person must be attending (or enrolled on or accepted for) a course of full-time (more than 12 hours per week) non-advanced course (e.g. GCSE or A-level) education or 'approved training'.

Where the young person is aged 19 they must have started (or been enrolled on or accepted for) the education or approved training before they reach the age of 19. Note: Any education or training undertaken as part of a contract of employment will not count. A young person who is getting Universal Credit or Jobseeker's Allowance or Employment and Support Allowance may not be treated as a 'Qualifying Young Person'.

Section 20(1)(a) Welfare Reform Act 2012
Regulation 91(1) to (3) Universal Credit Regulations 2013
Regulation 2 and 5(1) to (5) Universal Credit Regulations 2013

Work-focused Interview and Work Preparation Requirement Only Applies:

J. Limited Capability for Work:

A person will only be required to participate in 'Work-focused Interviews' and the 'Work Preparation Requirement' where they have 'limited capability for work' (but not 'limited capability for work-related activity') and have been placed into the 'Work-related activity group' (not the 'support group'). This means that they will not have to adhere to the 'work search requirement' or the 'work availability requirement'.

Section 21(1) to (5) Welfare Reform Act 2012

K. Domestic Violence:

A person will only be required to participate in 'Work-focused Interviews' and the 'Work Preparation Requirement' for a period of 13 weeks where:

- (a) they have been a victim of 'domestic violence' (see above)
- (b) they are the 'responsible carer' (meaning: see 9. Work Availability) of a child aged under 16
- (c) they were previously subject to all four factors of the 'work-related requirement'
- (d) the 13-week period in which no 'work-related requirement' applied due to domestic violence has just come to an end.

This means that during the relevant period the person will not have to adhere to the 'work search requirement' or the 'work availability requirement'.

Regulation 98(1A) Universal Credit Regulations 2013

Childcare Responsibilities: Note, formerly (under Regulation 91A Universal Credit Regulations 2013) a 'responsible carer' of a child aged 2 was only required to participate in 'Work-focused Interviews' and the 'Work Preparation Requirement'. However, this provision was removed with effect from 3.4.2017.

No Work Search Requirement:

L. Unfit for Work:

A person will not be expected to look for work under the 'work search requirement' for up to 14 days where they are too sick to work.

Note: A person is able to declare themselves as unfit for work for the first 7 days of sickness. After this they must provide a Med3 Fit Note to This provision may only be applied twice within any 12-month period. The 14-day period/twice in 12-month limit may be extended if the DWP considers that in light of the person's ill-health it would be unreasonable to expect them to look for work.

Regulation 99(4) Universal Credit Regulations 2013

M. Working:

A person will not be expected to look for work under the 'work search requirement' if they:

- (a) are single and they work, and have earnings of at least £338.00 per month
- (b) are a member of a couple and they work, and have earnings of £541.00 per month (or they and their partner have joint earnings of this amount or greater)

Regulation 99(6) Universal Credit Regulations 2013

N. Death of a Partner or Child:

A person will not be expected to look for work under the 'work search requirement' for up to six months if their partner or child/young person has died.

Regulation 99(1) and (3) Universal Credit Regulations 2013

O. Alcohol or Drug Treatment:

A person will not be expected to look for work under the 'work search requirement' for up to six months where they are receiving or taking part in a structured alcohol or drug dependency treatment programme.

P. Work Preparation:

A person may be exempt from looking for work under the 'work search requirement' whilst they are undertaking a 'work preparation' activity if it would be considered unreasonable to expect them to look for work at that time.

Regulation 99(1) to (3) Universal Credit Regulations 2013

8. Limits to Work Search and Availability for Work Requirements...

The 'work search requirement' and 'availability for work requirement' may be limited in the following ways:

A. 90 Minutes from Home

A person should not be expected to search for work (or be available for work) in a location which would normally take them more than 90 minutes (each way) to travel to or from their home.

Regulation 97(3) Universal Credit Regulations 2013

B. Previous Work Experience

If the person has previously undertaken work of a particular nature (or at a particular level of pay), then their work search (and availability for work) should be limited to work of a similar nature (and similar level of pay) for such period as the DWP considers appropriate, providing that despite this limitation the person retains a 'reasonable prospect' of getting paid employment (or more or better-paid employment). However, such an arrangement may only last for a maximum period ('permitted period') of 3 months.

Regulation 97(4) and (5) Universal Credit Regulations 2013

C. Physical or Mental Disablement

If a person has a 'physical or mental impairment' that has a 'substantial adverse effect' on their ability to carry out work of a particular nature (or in a particular location) then any work search requirement (or availability requirement) should be limited to work of such a nature.

Regulation 97(6) Universal Credit Regulations 2013

9. Work Availability/Work Search: Child Carer/Carer

The number of hours a person is expected to work and work search is normally 35 hours per week. However, where the person is either a:

- 'relevant carer' - meaning:
 - a parent of a child aged under 16 who is not a 'responsible carer' but has a caring responsibility for that child; or

- a person who has a caring responsibility for a person who has a physical or mental impairment
- **‘responsible carer’** - meaning:
 - a single parent who is responsible for a child aged under 16; or
 - a person who is a member of a couple where that person or the other member of the couple is responsible for a child aged under 16 and that person has been nominated by the couple as having the main caring responsibility for that child

then a lesser number of hours can be agreed providing the **‘relevant carer’** or **‘responsible carer’** retains **‘reasonable prospects’** of obtaining paid employment (or more or better-paid employment). In this instance the numbers of hours may be reduced to such number as may be considered compatible with the person’s caring responsibility.

Where the person is a **‘responsible carer’** for a child who has reached school age but who is under the age of 13 the number of hours that they should be expected to work (and work search) should be compatible with child’s normal school hours including the normal time it takes the child to travel to and from school. In this particular instance, the person does not need to be considered to have **‘reasonable prospects’** of obtaining paid employment (or more or better-paid employment) for the reduction to be made.

Section 40 Welfare Reform Act 2012
Section 19(6) Welfare Reform Act 2012
Regulation 85(a) to (b) Universal Credit Regulations 2013
Regulation 88(1) to (4) Universal Credit Regulations 2013
as amended by Statutory Instrument 2017 No. 204 with effect from 3.4.2017

Where the person is a **‘responsible carer’** for a child who has not yet reached school age, the number of hours that they should be expected to work (and work search) should be compatible with what is considered to be compatible with their caring responsibilities. Again, in this particular instance, the person does not need to be considered to have **‘reasonable prospects’** of obtaining paid employment (or more or better-paid employment) for the reduction to be made.

Regulation 88(2)(aa) Universal Credit Regulations 2013
as amended by Statutory Instrument 2017 No. 204 with effect from 3.4.2017

Foster Parent: If the person is a **‘responsible foster carer’** (Meaning: The person is the only foster parent in relation to that child or in the case of a couple where both members are foster parents for that child, that person has been jointly nominated to be the child’s main carer) then the number of hours they are expected to work may be reduced to such number as may be considered compatible with their caring responsibility providing they may be considered to have **‘reasonable prospects’** of obtaining paid employment (or more or better-paid employment).

Section 40 Welfare Reform Act 2012
Section 19(6) Welfare Reform Act 2012
Regulation 85 Universal Credit Regulations 2013
Regulation 88(1) and (2) Universal Credit Regulations 2013
as amended by Statutory Instrument 2017 No. 204 with effect from 3.4.2017

Nominating who will be Responsible Carer (or Responsible Foster Carer): In the case of couples, only one may be nominated as the **‘responsible carer (or responsible foster parent)’**.

Any nomination would apply to all the children (or foster children) in the family. A nomination may only be changed once in any 12-month period or on any occasion where the DWP considers that there has been a change of circumstances which is relevant to the nomination. In effect this means that where a couple have two or more children (or two or more foster children) they cannot each be made a **‘responsible carer’** (or **‘responsible foster carer’**) for different children.

Section 19(6) Welfare Reform Act 2012
Regulation 86(1) to (4) Universal Credit Regulations 2013

Responsibility for a Child: A person may be considered to be responsible for a child where that child normally lives with them.

Regulation 4(2) Universal Credit Regulations 2013

The DWP Advice for Decision Making (Work-related Requirements - Chapter J3 - paragraph J3056) provides that when considering whether a person has reasonable prospects of obtaining paid work for the hours that meet their caring responsibilities, circumstances which should be taken into account include:

- (a) the type and number of vacancies within 90 minutes normal travelling distance of their home
- (b) their skills, qualifications and experience
- (c) how long it is since they last worked
- (d) the job applications that they have made and the outcomes.

The DWP Advice for Decision Making (Work-related Requirements - Chapter J3 - paragraph J3058) provides that where a person has a caring responsibility for a child aged under 13, the expectation is that this safeguard will be 25 hours a week. The claimant does not have to show that they have reasonable prospects of obtaining paid work.

Disabled Person: If the person has a 'physical or mental impairment' then the number of hours they are expected to work may be reduced to such number as may be considered reasonable in light of that impairment.

Regulation 88(2)(c) Universal Credit Regulations 2013 as amended by Statutory Instrument 2017 No. 204 with effect from 3.4.2017

The DWP Advice for Decision Making (Work-related Requirements - Chapter J3 - paragraph J3060) includes an example where it was considered reasonable to reduce a person's expected hours of work from 35 hours per week to 10 hours per week because they had rheumatoid arthritis which caused them 'a degree of pain and discomfort' whilst not being so disabled that they had Limited Capability for Work.

10. Sanctions and Hardship Payments

A sanction may be imposed where a person (or their partner) has not met the terms of their 'work-related requirements'. Depending on the nature of the offence, the person's circumstances and whether a previous sanction has applied, a sanction may be imposed reducing or removing a person's Universal Credit payments for a period of 7 days, 14 days, 28 days (4 weeks), 91 days (13 weeks), 182 days (26 weeks) or 1,095 days (three years).

If a sanction has been imposed a person may be able to apply for a Universal Credit 'hardship payment' which must be repaid at the end of the sanction period.

Please see our Information Guide 8: Universal Credit - Sanctions and Hardship Payments for more information on the circumstances in which sanctions may be applied, hardship payments and challenging sanction decisions.

11. Information Guides

The Welfare Rights Service produces the following Information Guides for use by local residents and advisers.

The guides are designed to provide an overview of key welfare reform measures and benefit topics.

1. Personal Independence Payment
2. Personal Independence Payment - Toolkit
3. Employment and Support Allowance
4. Employment and Support Allowance - Toolkit
5. Universal Credit
6. Universal Credit - Claims and Payment
7. Universal Credit - The Claimant Commitment

8. Universal Credit - Sanctions and Hardship Payments
9. The Benefit Cap
10. The Spare Room Subsidy
11. DWP Social Fund
12. Local Welfare Assistance
13. Benefits and People from Abroad
14. JSA Sanctions
15. ESA Sanctions
16. Benefits and Young People
17. Disputes and Appeals

A copy of these Information Guides may be viewed on and obtained from the City of Wolverhampton Council's website which contains information on Benefits, Universal Credit and Welfare Reform.

www.wolverhampton.gov.uk/welfarereform

Alternatively, if you ring (01902 555351) or email (A&C.WRS@wolverhampton.gov.uk) the Welfare Rights Service can send you a copy.

The information contained in this Information Guide is meant to provide a guide to the Claimant Commitment under Universal Credit. It should not be treated as an authoritative statement of the law. The details may be subject to change by new regulation and/or case law. Do seek further information and advice as necessary.