

# Universal Credit: The Claimant Commitment

Information Guide 3: For Residents and Advisers

24<sup>th</sup> April 2023

[www.wolverhampton.gov.uk](http://www.wolverhampton.gov.uk)

## 1. Introduction

Universal Credit is a Social Security benefit designed to provide financial support to people of 'working age' who are without paid employment or who may work but have a low income. 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.

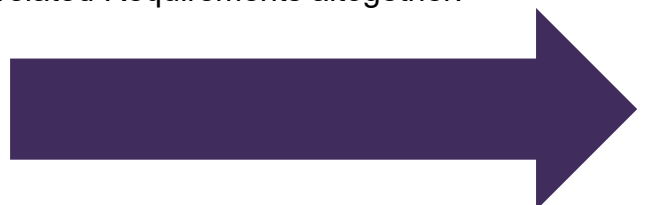
How much Universal Credit is actually paid will depend upon a person's personal and financial circumstances. Extra money is paid to couples, to those with children, carers and some disabled claimants. The level of a person's existing income and savings will also have a bearing on how much Universal Credit is ultimately awarded.



Under Universal Credit rules there are **Work-related Requirements** which must normally be met as part of the conditions of any on-going 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 prospects 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.

What is actually expected of any individual will depend upon their personal circumstances. Some people may be expected to commit to all of the above stated undertakings. Whereas others may only have to undertake some. Indeed, in some situations a person may be exempt from having to commit to any Work-related Requirements altogether.



The '**Claimant Commitment**' is the agreement which 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.

The premise is that a person may not be entitled to Universal Credit until there is a Claimant Commitment in place for them.

If it comes to light that a person has failed to undertake the agreed steps or actions within their Claimant Commitment then they risk being sanctioned, resulting in any Universal Credit entitlement being reduced or refused altogether.

The purpose of the Work-related Requirements provision is to ensure that those getting Universal Credit make 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 commit to the following four Work-related Requirement conditions:

1. **Work-focused Interviews**
2. **Work Preparation**
3. **Work Search**
4. **Work Availability**

As part of the claims process those applying for Universal Credit will have a Claimant Commitment drawn up during a meeting with a Work Coach at the Job Centre.

The Claimant Commitment should outline the person's personal circumstances and confirm their Work-related Requirement commitments.

The Claimant Commitment should include details of the agreed steps the person will be expected to 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 4: Universal Credit - Sanctions and Hardship Payments for more information.



In the case of a couple (which requires a Universal Credit 'joint claim'), both members 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 Requirements 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.

**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

**Terminal Illness:** Since 15<sup>th</sup> February 2022 a person may be exempt from having to need a Claimant Commitment if they may be considered to be terminally ill. A person will be considered to be 'terminally ill' if they are suffering from a progressive disease and their death in consequence of that disease can be reasonably expected within 12 months.

Regulation 1 The Universal Credit and Employment and Support Allowance (Claimant Commitment Exceptions) (Amendment) Regulations 2022

### 3. Work-focused Interviews

The Work-focused Interview Requirement is a requirement whereby a person is expected to take part in Work-focused Interviews with a Work Coach at the local Job Centre.

The purpose of the meeting is to:

- (a) assess the person'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



If it is impractical for a person to attend a Job Centre, then they can ask for their Work-focused Interviews to be undertaken over the telephone or online.

During the Coronavirus pandemic all Work-focused Interviews were conducted over the telephone or online.

### 4. Work Preparation

The Work Preparation Requirement is a requirement to participate in undertakings the DWP considers 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 a 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).

Section 16(1) to (6) Welfare Reform Act 2012

If a person has been assessed under the Work Capability assessment as having 'limited capability for work' then 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(4) Welfare Reform Act 2012

## 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.

An '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 on page 11.

If a person has spent fewer 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 on page 3.



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 on page 11) or a 'relevant carer' (meaning: see 9. Work Availability on page 11) 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 alternative care arrangements.

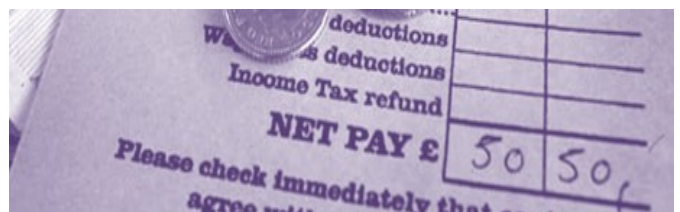


Where a person is undertaking voluntary work, then the DWP can allow them up to one week to take up an offer of paid employment (or more or better-paid employment) and up to 48 hours to attend an interview if in light of the voluntary work commitment this would be needed.

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

In the case 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

As previously stated, 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 circumstances 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' which is presently 66 (rising to 67 between April 2026 and April 2028). In practice this provision will only be relevant in the case of couples where the person concerned has reached the Qualifying Age for Pension Credit, but their partner has not - 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 been assessed under the Work Capability Assessment has having 'limited capability for work-related activity' (i.e. they are placed into the 'No Work-related Activity Group' because they are considered to be too sick to work and too sick to undertake any work-related activity).

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 £139.00 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)(b) 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 on page 11) for a child aged under one; or
- (b) are a 'responsible foster carer' (meaning: see 9. Work Availability on page 11) of a child aged under one; or
- (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 has been assessed under the Work Capability Assessment as having 'limited capability for work' due to their health problems and they receive Personal Independence Payment or Disability Living Allowance.

Do seek further information and advice as necessary. See also our Fact Sheet 3: Benefits and Young People.

## 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.

**Earnings 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 'earnings threshold' figure were they a single person.

**Example One:** Igor is aged 26. He is single. His NMW is £10.42 per hour. He is expected to work 35 hours per week. Igor's individual 'earnings threshold' would be £1,580.00 per month ( $£10.42 \text{ per hour} \times 35 = £364.70 \times 52 \text{ divided by } 12 = £1,580.00 \text{ per month}$  - fractions of a pound are ignored).

**Example Two:** Libby is aged 21. She is single. Her NMW is £10.18 per hour. She is expected to work 35 hours per week. Libby's 'earnings threshold' would be £1,392.30 per month ( $£10.18 \text{ per hour} \times 35 = £356.30 \times 52 \text{ divided by } 12 = £1,543.00 \text{ per month}$  - fractions of a pound are ignored).

Were Igor and Libby living together as a couple then their combined 'earnings threshold' would be £3,123.00 per month (Igor £1,580.00 per month plus Libby £1,543.00 per month = £3,123.00 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 experienced (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 not 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 their circumstances are consistent with someone who has suffered 'domestic violence' or been threatened with such violence.

For this to apply, the person must not have applied for an exemption on these grounds within the previous 12 months.

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.

Meaning: 'Domestic Violence' is any incident or pattern of incidents 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: A '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

**Note:** At the end of this no Work-related Requirement period a person may only be expected to participate in Work-focused Interviews and the Work Preparation Requirement for a further 13 weeks. This applies where (a) the person is a 'responsible carer' (meaning: see 9. Work Availability on page 11) of a child aged under 16; and (b) they were previously subject to all four Work-related Requirements. This means that some people who have been subjected to domestic violence / the threat of domestic violence will be able to have a 13 week period where no Work-related Requirements apply followed by a further 13 week period where they only have to take part in Work-focused Interviews and undertake in Work-related Activity if asked to do so.

Regulation 98(1A) 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 on page 11) for a child aged 1; or

(b) they are the 'responsible foster carer' (meaning: see 9. Work Availability on page 11) of a child aged 1 or over but under 16; or

(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; or

(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 is 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; or

(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; or

(f) they are a 'responsible carer' (meaning: see 9. Work Availability on page 11) 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 apply.



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

- aged up to 16 up until 31<sup>st</sup> August following their 16<sup>th</sup> birthday; and
- aged up to 19 up until 31<sup>st</sup> August following their 19<sup>th</sup> 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 been assessed under the Work Capability Assessment as having 'limited capability for work' (but not 'limited capability for work-related activity') and have been placed into the Work-related Activity Group (not the No Work-related Activity Group). This means that this group of people will not have to adhere to the Work Search Requirement or the Work Availability Requirement.

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

**Childcare Responsibilities:** Note, since 3.4.2017 (under Welfare Reform Act 2012 and Regulation 91A Universal Credit Regulations 2013) a 'responsible carer' (meaning: see 9. Work Availability on page 11) of a child aged 2 is only required to participate in Work-focused Interviews and the Work Preparation Requirement.

## No Work Search Requirement:

### K. 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. A person is able to declare themselves as too sick to work for the first 7 days of sickness. After this they must provide a Med3 Fit Note to evidence their sickness. 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

### L. Working (Administrative Earnings Threshold):

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 £617.00 (since 30.1.2023) per month
- (b) are a member of a couple and they work, and have earnings of £988.00 (since 30.1.2023) per month (or they and their partner have joint earnings of this amount or greater).

In this case a person may still have to enter into a commitment to undertake the remaining Work-related Requirements.

Regulation 99(6) Universal Credit Regulations 2013

### M. 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

### N. 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.

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



### O. 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

### P. Work Preparation:

A person may be excused from looking for work under the Work Search Requirement if they are a 'responsible carer' (meaning: see 9. Work Availability on page 11) of a child aged under 16 and there has been 'significant disruption' to their normal childcare undertakings / responsibilities because in the last 24 months a parent, sister or brother of theirs or a person who was previously the 'responsible carer' of the child has died.

This exemption also applies:

- if some other person has died who at the time of their death lived in the same property as the child in question and the person who has died was not liable to pay rent in respect to the property in which they lived / the child lives; or
- where the child in question has been the victim of / witness to an incident of violence or abuse and the claimant is not the perpetrator of that violence or abuse.

The requirement exemption only applies for one month (and no more than one month) in each of the four periods of six months following the incident in question.

Regulation 99(1) to (4A) 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. When deciding upon such matters the DWP need to consider the claimant's health and disability and the availability of public transport.

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 4 weeks (the period was 3 months prior to January 2022).

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 the 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 a 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. This, in effect, means that where a couple has 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 could be assessed under the Work capability assessment as having Limited Capability for Work.



## 10. A Quick Guide...

The following is meant to provide a quick summary / overview of what is expected of some groups of people.

A. Person has Limited Capability for Work and Limited Capability for Work-related Activity	No Work-related Requirements
B. Person is a carer of a child aged under one	No Work-related Requirements
C. Person gets Carer's Allowance	No Work-related Requirements
D. Person working and earnings above 35 x NMW	No Work-related Requirements

E. Person in education	No Work-related Requirements
F. Person who has attained pension age	No Work-related Requirements
G. Person has been subject to domestic violence or the threat of domestic violence	No Work-related Requirements for 13 weeks then possibility of only having to engage on Work-focus Interviews and Work-related Activity for a further 13 weeks
H. Person is carer for child aged one	Work-focused Interviews only
I. Person has Limited Capability for Work but not Limited Capability for Work-related Activity	Work-focused Interviews and Work Preparation only
J. Person is working and earning £617.00 per month or more	All Work-related Requirements apart for Work Search Requirement
K. Person is member of a couple and combined earned income is £988.00 per month or more	All Work-related Requirements apart for Work Search Requirement

The above obviously does not cover every situation. It is meant as a guide only. Do seek further information and advice as necessary.



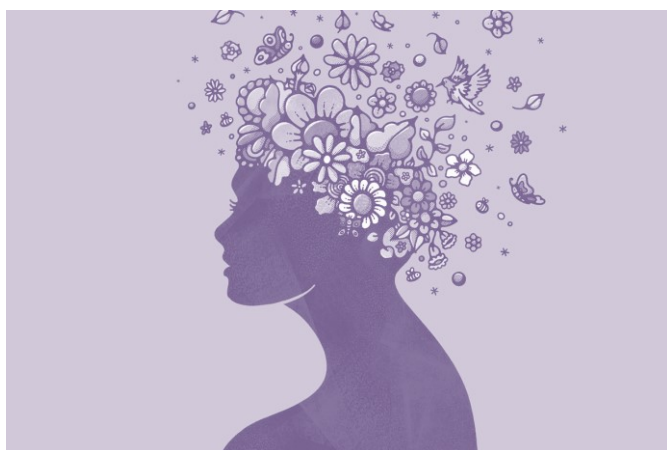
## 11. Sanctions and Hardship Payments

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) or 182 days (26 weeks) or until they comply with the requirement they have been asked to meet.

**Note:** New rules from 27.11.2019 mean that people may no longer be sanctioned for 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 also see 12. Complex Needs below and our Information Guide 4: Universal Credit - Sanctions and Hardship Payments for more information on the circumstances in which sanctions may be applied, hardship payments and challenging sanction decisions.

## 12. Complex Needs

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If a person has 'complex needs' because, for example, they have a mental health condition or suffer from drug or alcohol dependency or are homeless or have literacy or language problems or they have been subject to domestic violence) and by reason of this they may be considered to be 'vulnerable' then Work Coaches should work with them and ensure that any Work-related Requirements that are imposed are appropriate and can be reasonably achievable.

Work Coaches are advised that in such cases they can apply a 'discretionary easement' of or 'turn off' an individual's Work-related Requirements for a temporary period if necessary.

Decision Makers, who ultimately decide whether or not a person should be sanctioned, are told that in complex cases if it appears unreasonable to have expected the person to have met their Work-related Requirements then they should apply 'good reason' to the failure and return the case to the Work Coach with instructions to consider 'turning off' any conditionality for a short, medium or long period of time or for recurring periods depending upon the claimant's individual needs.

See DWP Advice for Decision Making Chapter K2 Good Reason [ADM K2053 to K2058](#) and Regulation 95 to 99 of the Universal Credit Regulations 2013.

## 13. Information Guides and Fact Sheets

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The Welfare Rights Service produces the following Information Guides and Fact Sheets on Social Security benefits and welfare reform.

### Benefits Information Guides:

1. Universal Credit
2. Universal Credit - Claims and Payments
3. Universal Credit - The Claimant Commitment
4. Universal Credit - Sanctions and Hardship Payments
5. Universal Credit and Vulnerable People - Claims and Payments
6. Universal Credit - Unable to Work Due to Ill-health or Disability
7. Universal Credit and The Work Capability Assessment - Toolkit
8. Personal Independence Payment
9. Personal Independence Payment - Toolkit
10. Form Filling: PIP2

11. Form Filling: ESA50 / UC50
12. DWP Social Fund
13. The Spare Room Subsidy
14. The Benefit Cap
15. Disputes and Appeals
16. Going to Appeal: First-tier Tribunals


## Benefits Fact Sheets:

1. Benefits and Work
2. Benefits and Disabled Children
3. Benefits and Young People
4. Benefits and Older People
5. Benefits and People from Abroad
6. Private Tenants and Universal Credit
7. Volunteering and Benefits

The information provided is designed to provide details of the different benefits that may be available to people in a variety of different situations including when they are in work, unable to work due to ill-health, unemployed or retired. It also seeks to inform people of the steps that may be taken should they wish to dispute a decision made surrounding their benefit entitlement.

A copy of the Information Guides and Fact Sheets may, together with other topical benefit information, be obtained from our [Social Security Benefits](#) page on the City of Wolverhampton Council website.

Please also watch out for our periodical **Benefits Bulletins** which provide news on the latest developments surrounding benefits and welfare reform. These are also available on the website.

 Telephone: (01902) 555351

 Email: [WRS@wolverhampton.gov.uk](mailto:WRS@wolverhampton.gov.uk)

Note: The details provided in this and our other Information Guides and Fact Sheets is meant to provide an overview on important and topical issues relating to Social Security benefits and welfare reform. The details 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.