

# The Universal Credit Claimant Commitment

## Policy Aims

Universal Credit is designed to ensure that for people who can, work is still the best route out of poverty and an escape from benefit dependence. The aim of Universal Credit is to increase labour market participation, reduce worklessness and increase in-work progression. The conditionality regime will recast the relationship between the citizen and the State from one centred on “entitlement” to one centred on a contractual concept that provides a range of support in return for claimant’s meeting an explicit set of responsibilities, with a sanctions regime to encourage compliance. A personalised approach to labour market activity, together with appropriate sanctions, will encourage and incentivise claimants to take responsibility for preparing for work, finding work and taking up more and better paid work.

The Claimant Commitment is at the heart of this personalised approach. Compliance with requirements such as active job search and engagement with advisers, increases the chances that claimants find work more quickly than they would otherwise, but too often in the current system there is a lack of clarity about requirements and consequences. The Claimant Commitment will address this, for the first time setting out all requirements and consequences in one place – ensuring claimants understand what is required.

The key role it will play is reflected in the fact that all claimants are required to accept a Claimant Commitment as a condition of entitlement to Universal Credit. The Claimant Commitment will be accepted as part of the normal claim process, where appropriate during a face to face interview with an adviser. The conditionality group a claimant falls into determines the requirements that can be imposed:

### *All Work- Related Requirements Group*

Claimants who are able to work fall into this group. Our aim is to encourage them to get into as much work as they reasonably can do as quickly as possible. Advisers will take account of individual circumstances and set requirements that, if complied with, give the claimant the best possible prospects of finding paid work. All such requirements will be recorded on the Claimant Commitment. Our initial focus will be on those claimants who would be eligible for current benefits. We will explore through trials, tests and pilots the right approach for claimants who are in work.

### *Work Focused Interview Only Group*

Claimants in this group, including people responsible for children aged between 1-5 and foster carers, will be required to attend regular work focused interviews which help them focus on how they can move into work in the future and the steps they can take to prepare for this.

### *Work Preparation Group*

Claimants who have been determined at their Work Capability Assessment as having limited capability for work are subject only to work preparation and work focused interviews. Our aim will be to set requirements which help keep them motivated by preparing them to return to work as soon as they are able, taking into account their capability and circumstances.

### *No Work-Related Requirements Group*

For those claimants who are not expected to work, their Claimant Commitment will require them to notify promptly any changes in circumstances. For those claimants who are exempt from conditionality because of their earnings, the Claimant Commitment will also advise them of any implications of ending employment or loss of pay.

### **The Claimant Commitment**

As accepting a Claimant Commitment is a condition of entitlement, in the case of joint claims, **both** eligible claimants within a household will be required to accept an individual Claimant Commitment, which will set out any work related requirements for each of them. If one member of the couple does not accept their Claimant Commitment, neither will be entitled to Universal Credit if they continue to apply as a couple. The Claimant Commitment can be accepted electronically, by phone or in writing. The appropriate method will be made clear to the individual.

We recognise that in some circumstances, claimants will find it difficult or be unable to accept a Claimant Commitment. In the following situations, we will support these people by:

- lifting the requirement for those claimants who lack capacity. In this context, “lack the capacity” primarily relates to those claimants with an appointee acting on their behalf.
- In exceptional circumstances, deferring the requirement to accept a Claimant Commitment, without affecting the date of entitlement, such as an office being closed due to fire or flood.

### **Claimants in the all work related requirements group**

This paper focuses on the development of requirements for those claimants falling into the all work related requirements group. These will be subject to an intensive conditionality regime and will be expected to actively look for and prepare for work. These are claimants who would be eligible for Jobseeker’s Allowance in the current benefit system and who will be the first to access Universal Credit.

In all such cases, the Claimant Commitment will be developed through a face to face interview with an adviser. The interview will cover 4 core elements leading to a set of requirements to be recorded in a Claimant Commitment. These are:

- Diagnosis of claimant capability and circumstance
- Identifying the work a claimant is expected to look and be available for

- Establishing which work search, preparation and availability requirements should apply
- Establishing ongoing contact requirements

These will enable the adviser to develop and record a set of requirements that, if complied with, will give claimants the best prospects of finding work.

### **Diagnosis of claimant capability and circumstance**

To support claimants get into as much work as they can as quickly as possible, advisers will determine a claimant's capability and personal circumstances (including exploring work history, qualifications, health and caring responsibilities) . This will ensure the claimant is placed in the correct conditionality group and that all relevant circumstances are taken into account.

### **Identifying the work a claimant is expected to look and be available for**

The adviser will identify a job requirement that sets out the work a claimant is expected to look for and accept if offered. The adviser will establish the type, location, hours and pattern of work a claimant will be expected to look and be available for. Claimants will normally be expected to look for any suitable employment, paying the relevant national minimum wage, that is within 1.5 hours travelling distance from their home. Claimants will also be expected to look for full time work.

Claimants in the all work related group will normally be available to attend an interview and take up a job immediately. People with childcare responsibilities are permitted 48 hours to arrange alternative care and up to one month to arrange care before they take up a job.

There are a variety of matters an adviser will take into account. Where a claimant has a strong work history the adviser can allow a claimant to restrict their jobsearch for up to 3 months to looking for work relating to a particular type of job and location (and associated salary) that they have recent experience in. This is to be known as a 'permitted period'. After this period, they will be expected to look for full time work at the national minimum wage.

The adviser should also reflect on caring responsibilities and any health issues. There are specific provisions in regulations:

- A parent of a child aged 5-12 years (or an older child where the child has exceptional care needs) will be expected to look for work in line with their caring responsibilities, for example during their child's school hours.
- Carers who are not entitled to the Carer's Element but have regular caring responsibilities for a severely disabled person may have their hours of availability adjusted in line with their caring responsibilities. They will have to satisfy the adviser that the restricted hours offer reasonable prospects of finding paid employment. Those with at least

35 hours a week of caring responsibilities are exempt from all requirements

- Where a claimant has a physical or mental impairment the requirement will be limited to what is considered reasonable in light of the impairment and they will not have to show they have 'reasonable prospects' of finding work.

In establishing whether a claimant has "reasonable prospects" of obtaining paid work, the adviser will ensure that the limitations do not prevent the claimant from taking up any job, taking into account the jobs available in the local labour market and ensuring that the claimant is not restricting the hours they are available to such an extent that no jobs would be available.

### **Establishing whether work search and availability requirements should apply**

When a claimant is expected to look for work, we will identify the requirements that will maximise their chances of finding work. These will remain in place and the claimant will be expected to show how they have been meeting them on a regular basis. The requirements will be kept under review to check that they are still appropriate and likely to get the claimant into work.

There will also be some circumstances, where requirements won't be applied, for short periods of time. In certain circumstances, work search and availability requirements cannot be applied. Regulations give a list of the particular circumstances where this may be appropriate. This applies to claimants:

- with a self certificate/medical evidence of illness of up to 14 days
- receiving medical treatment outside of Great Britain
- on jury service or attending court or a tribunal as a witness
- whose partner, child or qualifying young person has died
- participating in structured recovery for alcohol or drugs
- who has in the last 6 months been a victim of domestic violence
- who are prisoners
- with a protection order
- engaged in a public duty.

And at adviser discretion:

- where the claimant is carrying out work preparation or voluntary work preparation
- Where a claimant has a fit note beyond the first 14 days of sickness the adviser may decide that it is unreasonable to impose work availability and work search requirements on account of the claimant's illness. They may decide that, nevertheless, the claimant should be subject to other work related requirements, such as work preparation and/or work focused interview requirements
- Where a claimant has a temporary emergency or temporary responsibilities and the adviser considers that it would be unreasonable to

require the claimant to comply with requirements for a short period of time (for example a claimant is dealing with a domestic emergency).

### **Setting requirements to give claimants the best prospects of finding work**

By the end of the process, the intention is that the claimant is committed to complying with their requirements and motivated to find work. In setting requirements, the adviser will – working with the claimant – set out a detailed action plan, articulating the steps a claimant must take to give themselves the best prospects of finding a job.

A claimant will be expected to devote the same number of hours to work search in accordance with this action plan as we would expect them to be available for work (up to a maximum of 35 hours a week).

The action plan in the Claimant Commitment will reflect:

- any mandatory work preparation requirements – such as attendance at training or CV clinics – that the adviser thinks will benefit the claimant.
  
- other (non-mandatory) activity the claimant is engaged in that the adviser agrees improves their employment prospects. For example, if they are undertaking paid work or undertaking voluntary work (though this can only account for 50% of the expected hours).
  
- work search activity. Work search activity will take up the majority of a claimant's time – usually 35 hours - although we can take account of work preparation activity. In articulating a work search plan we will expect advisers to focus on quality of work search not quantity. We do not intend to set out in guidance how long any particular activity should take as this will vary from claimant to claimant. Where a claimant has done all that could reasonably be expected of them – for example they have applied for all suitable jobs and undertaken all the activities set out in their work search and work preparation plan - this may be considered sufficient even where the time taken was less than the hours expected.

### **Establishing ongoing contact requirements**

Finally, advisers will determine how on an ongoing basis they will continue to support the claimant and check that they are continuing to take the necessary steps to move them into work. This will consist of a tailored level of adviser contact - by telephone, electronically, or face to face – and regular reviews – at least fortnightly - to check progress and that a claimant is meeting their requirements. Claimants in need of additional support are likely to be seen more often and for longer than those claimants more capable of looking for and finding work themselves.

### **Accepting a claimant commitment**

Advisors will record all requirements in the Claimant Commitment. Requirements set will aim to get the claimant into work as quickly as possible but will be reasonable with regard to the claimant's circumstances, such that

the claimant understands them. The consequences (sanctions) of any failure to comply will be made clear.

There may be circumstances where the claimant is reluctant to accept the Claimant Commitment. If the claimant refuses to accept, the adviser must offer a cooling off period of a maximum of 7 calendar days. If the claimant still refuses to accept their Claimant Commitment then he or she will no longer be entitled to claim Universal Credit

The claimant can also request a reconsideration (second opinion) of the Claimant Commitment. This means that another adviser looks again at the requirements set in the Commitment and decides if they are reasonable. If the original requirements stand, then the date of entitlement may be moved to the date the claimant does accept their Claimant Commitment.

A new Claimant Commitment should be drawn up in response to a change of circumstance, when old requirements expire, or when work search or work preparations activities are proving ineffective. Any revised Claimant Commitment has to be accepted by the claimant for entitlement to continue.

## **Sanctions**

Where a claimant has not completed a requirement, the adviser will need to ask the claimant why this is. The adviser should consider whether a referral to a decision maker is appropriate to consider the application of a sanction. Sanctions only apply if the claimant failed to meet a requirement without good reason.

Claimants will be invited to provide evidence of good reason for not meeting the requirement. The decision maker will take all available evidence into account and may contact the claimant or third parties for further information.

## Claimant Commitment Examples: Joanne Brown

On 9 Jan 2013 Joanne sees an adviser. Joanne is 25, single, with chronic asthma which prevents her working in dusty environments, but no other personal circumstances that need to be taken into account. Joanne will be required to be available for full time work and undertake job-search for 35 hours per week. At the first interview the adviser establishes that she:

- Has 5 GCSEs including English and Maths at Grade C
- Has no IT qualifications or experience and no internet access at home
- Has 1 year voluntary work experience (3 years ago)
- Would like to work in a clothes shop
- Uses public transport. The bus service is limited.
- Has brought in a CV

The adviser explores how Joanne feels about not working and what she thinks is stopping her getting a job.

Joanne will be required to check the local paper and apply for all suitable jobs. She agrees to visit the library or Jobcentre to set up a Universal Jobmatch (UJ) account. The adviser assesses this will take Joanne about half a day including travel. The adviser agrees with Joanne that she should then make a trip into town twice a week to spend time on UJ. Whilst there she should visit shops and hand in a tailored CV.

As Joanne's CV needs work, the adviser discusses attendance at a 2 day interviewing skills and CV workshop. The adviser looks at UJ with Joanne but there are no suitable vacancies. She suggests that Joanne contacts a local agency that specialises in employment in the retail sector. The adviser tells Joanne that any matches on UJ or via the local paper should be applied for and a record of all Joanne's activity should be kept.

The adviser arranges for Joanne to attend a Job Club in her village. This is not mandatory but it will give her access to supported jobsearch. ***The Claimant Commitment is attached (annex 1).***

On 6 February, Joanne has completed the activities in Section 2 and has provided the new CVs, along with her diary of regular activity. Her CV is improved and her adviser agrees Joanne will continue her cold-calling efforts. They agree that she will go to town twice a week to spend time on UJ and cold call shops, concentrating her effort, street by street.

Joanne has secured 8 hours per week voluntary work in the local charity shop and the manager will provide a reference should she need one. The adviser has suggested Joanne gains a formal IT qualification and also advises her to update her CV on UJ to show she is now undertaking the voluntary work.

Joanne has also been referred to a 6 week (one day per week) Level 2 IT course and 9 hours will be counted as jobsearch (6 hours for the course and 3 for travelling).

***Joanne's updated Claimant Commitment is attached in annex 2***

## Mark Jones

On 9 Jan 2013 Mark sees his adviser for his first Universal Credit interview. Mark is 45 and has split up from his wife. He is healthy and has 1 child aged 15 living with him who has been in trouble with the police and plays truant. Mark has a voluntary parenting contract with the Youth Offending Team which says Mark must ensure his child goes to school and must be home by 4.30pm to supervise him after school. For these reasons Mark has asked if he can restrict his hours to school hours to fit with his parenting contract so he can take his child to the morning Homework Club at 8am and can be home at 4.30pm. He lives in a village and has no family nearby. The following information is also gathered by the adviser:

- Mark has no qualifications but can read and write
- He has no IT skills and no internet access at home
- He worked as a gardener at the local quarry and as a driver for 15 years and took redundancy. He hasn't worked for 12 years.
- He would prefer outdoor/labouring type jobs
- He has a car
- He has no CV.

Mark is happy to look for work providing he can drop his child off at school and can be back for 4.30pm. The adviser has agreed Mark's hours can be restricted to a minimum of 25 hours per week and for his availability to be between the hours of 9:00 and 3:00 to allow for travel to and from a job.

Mark's adviser suggests attending a CV and interviewing skills course. He also refers him to an IT course, and has allowed 6.5 hours for the course and travel. Mark's adviser discusses the best types of work search activities that will help him to find employment. This includes, applying for vacancies in the local newspaper, using Universal Jobmatch and "cold calling" employers.

***The Claimant Commitment produced for Mark from this interview is attached annex 3.***

On 14<sup>th</sup> January Mark contacts the office to say he had been ill and developed chondritis which makes it hard to breathe and painful to move. The doctor advises rest for the next 7 days. Mark's adviser switches off requirements for 1 week based on a self certificate. Mark produces a fit note for the 2<sup>nd</sup> week showing he cannot work, so the requirements remain switched off and on week 3 he has a fit note that says he could do some work but needs to restrict his driving for a further 2 weeks. ***The new Claimant Commitment produced for Mark is attached at annex 4***

Following the suspension of requirements, in view of the Doctor's advice that the condition may take months to completely alleviate, Mark is asked to attend a discussion with his adviser to review his Claimant Commitment to ensure that it is still reasonable and appropriate in light of his health condition.