

DWP Central Freedom of Information Team

e-mail: freedom-of-information-request@dwp.gsi.gov.uk

Our Ref: VTR4569

DATE: 3 November 2015

Dear Mr Dutton,

Thank you for your Freedom of Information request of 23 October 2015. You asked:

I wish to ask what approach the DWP will take as and when a claimant on Universal Credit requests to take any kind of holiday.

There are provisions in the existing Jobseeker's Allowance Regulations in which a person may be treated as actively seeking employment but there appears to be no such provision in the Universal Credit Regulations.

How does DWP propose to deal with exactly the same issue under UC? What variations will be allowed in conditionality, under what circumstances and for how long?

If someone is working but still subject to work conditionality, will the leave provision in their contract of employment be taken as a basis for allowing time off?

Under JSA rules, a claimant can go away within the UK for up to two weeks but cannot usually leave the UK or their claim will be closed. The claimant still needs to comply with the rules of JSA and can be asked to look for work whilst they are away.

Under Universal Credit a claimant can go abroad for a period of a month for any reason, a longer period of up to six months temporary absence abroad is also allowable for reasons of medical treatment. However, if a claimant chooses to go on holiday in Great Britain or abroad they must continue to carry out the work-related requirements as set out on their Claimant Commitment.

No allowances are made within the conditionality regime for claimants going on holiday. For example claimants within the All Work-Related Requirements Group with no restrictions on their availability will still be expected to be immediately available to attend a job interview or take up an offer of employment, even if this means cutting short a holiday. They are also required to attend their normal appointments and failure to do so will incur a sanction.

Being on holiday would not be considered by a DWP Decision Maker as good reason for not carrying out any work search or availability requirements.

Regulation 11 of the Universal Credit regulations 2013 sets out that a person on Universal Credit is able to leave the UK for a period not exceeding a month (or not expected to exceed a

month). This can be extended in certain exceptional circumstances. However, this provision does not exempt a claimant from work related requirements as set out on the Claimant Commitment Here is a link to the regulation:

<http://www.legislation.gov.uk/uksi/2013/376/regulation/11>

If you have any queries about this letter please contact me quoting the reference number above.

Yours sincerely,

DWP Strategy Fol Team

Your right to complain under the Freedom of Information Act

If you are not happy with this response you may request an internal review by e-mailing freedom-of-information-request@dwp.gsi.gov.uk or by writing to DWP, Central Fol Team, Caxton House, Tothill Street, SW1H 9NA. Any review request should be submitted within two months of the date of this letter.

If you are not content with the outcome of the internal review you may apply directly to the Information Commissioner's Office for a decision. Generally the Commissioner cannot make a decision unless you have exhausted our own complaints procedure. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow Cheshire SK9 5AF www.ico.gov.uk