

DWP Central Freedom of Information Team

e-mail: [freedom-of-information-request@dwp.gsi.gov.uk](mailto:freedom-of-information-request@dwp.gsi.gov.uk)

Our Ref: Fol 2610

DATE: 11 August 2017

Dear Mr Dutton,

Thank you for your Freedom of Information request of 27 June 2017. Please accept our apologies for the delay in replying. You asked:

*I am encountering cases in which claimants to Universal Credit who have made an online claim in a full service UC area have had their claims closed if they miss an appointment with a work coach. There appears to be no provision for allowing 'good cause' for missing an appointment.*

*Claimants have been told that this is 'policy' - I would like to have written details of this policy, and a copy of any guidance as to its application.*

*On reading the UC Claims and Payments Regulations, I cannot see any provision allowing for the closure of a UC claim if the claimant misses an appointment. Please provide the legal underpinning of the above policy.*

### **DWP Response**

A claimant is mandated to attend the initial evidence gather interview under the power to require a person to supply information or evidence in connection with the claim, in regulation 37 of the Claims and Payments Regulations 2013. A claim cannot be closed for failing to attend an interview for this purpose until a period of one month has expired since the information was requested.

The SoS must allow the one month period to elapse before closing the claim, and may extend this one month period if he considers it reasonable.

If the claims are being closed on the basis of a failure to accept a claimant commitment which is part of the initial work interview, again there must be a 'cooling off' period granted to the claimant before this can be done. The claimant commitment must be drawn up and either sent to the claimant in advance of the scheduled meeting or sent to the claimant after the meeting, allowing an additional 7 days for the claimant to accept it. This gives them time to make contact and, if necessary, book a further interview. It also allows us to make additional efforts to contact claimants where there is a potential vulnerability. We cannot close a claim for failing

to accept a claimant commitment unless we have produced one and given the claimant reasonable opportunity to accept it (regulation 3(3) Universal Credit Regulations 2013).

In terms of failure to attend other conditionality-related interviews, this of course incurs a low- or lowest level sanction, not a closure of the claim. This is always subject to good reason (section 27(2) Welfare Reform Act 2012).

I can confirm that the Department holds this information. However, the information is exempt under Section 21 of the Freedom of Information Act because the information is reasonably accessible to you, as it is already in the public domain. However, to be helpful you can find the information you seek at:

<http://www.legislation.gov.uk/ukpga/2012/5/section/4> - This is the legislation that sets out that a Claimant Commitment is a basic condition of entitlement. The Initial Interview will in most cases include discussion and acceptance of a Claimant Commitment.

<http://www.legislation.gov.uk/uksi/2013/380/regulation/37> - This is the legislation that sets out that claimants must provide information and/or evidence in connection with a claim.

<http://www.legislation.gov.uk/uksi/2013/381/regulation/47> - This is the legislation that sets out that a claim can be terminated if a claimant has not provided information/evidence.

See Annex A for Internal guidance.

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

Yours sincerely,

DWP Strategy Fol Team

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#### **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](mailto: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](http://www.ico.gov.uk)

## Claim closure and re-claims

First published:

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Contents

Introduction

Before closing the claim

Closing the claim

Duplicate accounts (claims)

Re-claims

### Introduction

Claim closure is an important process on Universal Credit. Claims are closed for a number of reasons but the common factor is that the claimant is no longer receiving Universal Credit payments. Reasons for considering closing a claim include where a claimant:

- hasn't accepted their Commitment within 7 days
- hasn't booked their Initial Evidence Interview
- hasn't done annual verification
- has re-claimed but not booked First Commitment meeting
- withdrew their claim
- moved abroad
- passed away
- suffered bereavement of:
  - o partner
  - o child
  - o person for whom they were the carer
  - o non-dependents in some circumstances
- moved in to full time education
- is in legal custody or prison
- moved to Northern Ireland
- failed to book initial interview or attend the interview
- failed their Habitual Residency Test
- didn't accept their Commitment
- failed to provide evidence
- failed to review their details
- has been matched to an incorrect NINO
- has capital over £16,000
- isn't eligible or entitled (new claim)
- has their claim suspended for 30 days
- has a nil award due to earnings

These are examples, not a full list.

Nil award due to earnings – these are shown in auto-calc but there is no prompt to alert the agent to close the claim. Claims should be closed when the claimant has a nil award due to earnings.

### Before closing the claim

There are checks to conduct making sure the claim should be closed:

- has the claimant accepted their Commitment?
- for failed to book initial evidence interview claims, are there 7 days since the date of declaration?
- were the appointment details correct on BookingBug?
- has there been a mandatory reconsideration?
- does a duplicate claim exist?
- is there a history of complex needs?
- is there a recent journal entry to explain the circumstances?

These are examples, not a full list.

If there is a journal entry, checks should be made to see whether the claimant has made contact. If there is an appointment, depending on the circumstances, the appointment can remain booked and the claim remains open.

### **Closing the claim**

If the claim should be closed, all outstanding appointments must be cancelled.

The claimant should receive a decision notification that the claim has been closed, including consideration of appeal rights. A journal note entry is added to this effect.

### **Duplicate accounts (claims)**

If there is more than one active UCFS account with a matching national insurance number registered on CIS a prompt will be sent to check both accounts. Where the duplicate account was an error, the older of the live accounts should remain live. If fraud is suspected then a fraud referral must be made.

### **Re-claims**

A claimant can re-claim Universal Credit within 6 Assessment Periods (APs) of their award ceasing (from the beginning of the first AP where the award was zero) without having to make a full new claim. This makes it easier to claim Universal Credit and reduce the time it takes to receive a payment following claim closure. See re-claims guidance.