

Escalation of sanctionable failures

Summary

How an agent explains that escalation of sanctionable failures will affect a claimant's Universal Credit

Content

Definition of escalation

Escalation is an increase in the length of a sanction. This happens where a sanction is imposed and a claimant already has one or more sanctions of the same level imposed on their Universal Credit. This is provided that the earlier sanction has:

- a failure date in the 365 days immediately preceding the date of the current failure, and
- the date of the previous failure is not in the 13 days immediately preceding the date of the current failure

The date of failure is used to determine escalation. The date of the sanction decision is not relevant.

Any unspent Legacy sanctions that have been applied to a claimant's Universal Credit may escalate any subsequent sanctionable failures at the same level. This is provided that the legacy sanction was not:

- a pre-claim failure
- with a date of failure less than 13 days and more than 365 days before the date of the subsequent failure

Pre-claim failures

Where a claimant has a loss of pay/paid work voluntarily, loss of pay/paid work through misconduct or fails to take up an offer of employment prior to applying for Universal Credit this is known as a pre-claim failure. If a sanction is imposed for a pre-claim failure the duration of the sanction can escalate provided that the previous sanction:

- is at the same level

- has a date of failure 13 or more days and less than 365 days, before the date of failure of this sanction
- is not a pre-claim failure

Explaining escalation

It is important the agent explains the escalation process to the claimant when a sanctionable failure has been identified.

When giving information present it in a clear, concise way and ensure the claimant understands what they have been told. Agents should consider the claimant's reactions to be sure they understand what is being said to them.

Examples of escalation

1. Trevor is in the All Work-Related Requirements group. He fails to apply for a specific vacancy on 26 March 2014. The decision maker (DM) decides that he does not have good reason for the failure and a 91 day sanction is imposed. He subsequently fails to apply for another vacancy on 26 April 2014 without good reason. As his previous higher level failure was in the 365 days preceding the current failure, but not in the preceding 13 days, escalation applies and a sanction for 182 days is imposed.
2. Phillip is in the All Work-Related Requirements group. He fails to apply for a specified vacancy on 12 August 2013. The DM decides that he does not have good reason for the failure and a 91 day sanction is imposed. Phillip fails to apply for another vacancy on 25 August 2013. However, as the failure on 12 August is within the 13 days preceding the current failure, escalation does not apply and a further 91 day sanction is imposed.
3. Rowena is given a work preparation requirement by her work coach (WC) to register with a specified employment agency

by 20 May 2014, but fails to do so. On 23 May 2014 she notifies her WC that she registered with the agency that day. The DM determines that she had no good reason for the failure and imposes a low level sanction of 10 days (3 days before compliance plus 7 days fixed period). Rowena fails to attend a work search review on 2 June 2014. She attends on 5 June 2014 saying she forgot about the review on 2 June 2014. The DM determines that she had no good reason for the failure and imposes another low level sanction of 10 days (3 days before compliance plus 7 days fixed period). In this instance a 7 days fixed period is imposed as escalation isn't appropriate because the failure of 20 May 2014 is disregarded, as it is within the 13 days preceding the current failure.

4. On 5.8.14 Abdul refuses a job and the DM determines he has failed without good reason to accept paid work and imposes a 91 day higher-level sanction. On 17.12.14 he fails to apply for another job which is vacant and this time the DM imposes a 182 day reduction for a second higher-level failure which has occurred within 365 days of the first failure. On 31.7.15 Abdul leaves a job because he is bored and reclaims UC from 31.7.15. The DM determines Abdul left paid work voluntarily and without good reason and imposes a 1095 day reduction. The third failure is a pre-claim failure but is within 365 of a previous higher-level failure which is not a pre-claim failure.