

Agent considers compliance following a sanctionable failure

Summary

How to confirm if a claimant has met a compliance condition or that work-related requirements have been lifted so that a sanction can be updated

Content

If a claimant has a low or lowest level sanction because they have:

- failed to attend an interview
- failed to complete a one-off work search requirement
- failed to complete Work Preparation requirement

An open ended sanction is applied to their Universal Credit.

To end the open-ended period of a low or lowest level sanction, the claimant must complete the original requirement or, where that is no longer possible, another activity that has been agreed with their work coach (WC), for example:

- to update and provide a CV, or
- arrange and attend a new appointment

If one of these is no longer reasonable because the claimant's circumstances have changed, Universal Credit now has further information or good reason applies, then it should be lifted and no doubt action should be taken.

Work Preparation and one-off work search requirements, together with their compliance conditions are included on the claimant's tailored Claimant Commitment. These are specific actions that the WC believes can help the claimant prepare for and secure work, more work and better paid work.

Those attending the Work Programme will have compliance conditions set by the Work Programme provider which are recorded on a UC193 when the referral is made, however, these may not be recorded on the Claimant Commitment.

When considering if a claimant has met a compliance condition, the agent considers if the original requirement is still reasonable and if the action they have taken is reasonable to meet the

requirements set. The claimant may not have completed the specific action as stated on their Claimant Commitment, however, they may have taken alternative actions which will give them a better chance of preparing for work, securing work or better paid work.

The agent's actions depend on whether a decision has been made on the original sanctionable failure and whether the claimant has:

- not completed the compliance action so has not demonstrated compliance
- completed the compliance action but no outcome has been recorded and it is a work preparation activity
- completed the compliance action but no outcome has been recorded and it is not a work preparation activity

To determine if a decision has been made, within the Work Services Platform (WSP) the agent:

1. Selects 'Doubt' from the common menu.
2. Selects the hyperlink for the specific doubt.

This displays the doubt screen and decision field showing whether a decision has been made on the sanctionable failure.

The agent determines if the requirement on the Claimant Commitment is a work preparation activity. To identify if it is a work preparation activity, within WSP the agent:

1. Selects 'Work preparation activity from the 'Common menu'.
2. Identifies the action to be reviewed (the Work Prep Activity to be updated will show 'No' in the 'Completed' column and the review date will be today's date or earlier).

Claimant has not completed the action so has not demonstrated compliance and the requirement has not been lifted

If the agent is in conversation with the claimant they should present the information in a clear, concise way to ensure they understand what they have been told and what to do next. Consider the claimant's reactions to be sure it has been understood and use language they understand.

The agent explains why the sanctionable failure has been identified and the compliance condition. The agent explains what the claimant needs to do to comply and that the open ended part of the sanction will stay in place until they complete the compliance activity. The agent asks the claimant to comply as soon as possible to stop the open ended part of the sanction. The agent tells the claimant they will receive a notification to confirm the open ended part of the sanction has ended when they comply.

Claimant has completed the compliance action or the requirement has been lifted

For Work Preparation or one-off work search requirements and failed to attend (FTA) interviews, the agent:

1. Selects 'Doubts' from the common menu in WSP.
2. Selects the related doubt from the list presented.
3. Completes the 'Compliance date' field.
4. Completes the doubt notes for the relevant doubt
5. Selects 'Save and Close'

The agent completes the doubt notes including date of failure, date of compliance and the compliance activity completed.

When entering a compliance/sanction lifted date for a low/lowest open-ended sanction, the earliest of the following is recorded:

- the day the compliance condition is met - for FTA this is the date the claimant, in conversation with an agent, re-arranges the missed appointment, as long as they then attend that appointment or the date the claimant actually attends the appointment if booked on their behalf when the claimant hasn't been in conversation with an agent. This only applies to Ongoing Work Search

Reviews (not initial Work Search Interviews), Work Preparation appointments and Work Focused interview appointments, as sanctionable doubts only apply to these appointment types

- the day of the assessment period in which the claimant is in the No Work Related Requirements group
- the day the claimant is no longer required to take a particular action

During the FTA process agents will update WSP General notes and CAMLite Contact history when a Work Search Interview (WSI) has been booked for the claimant to re-engage and comply. The notes will include whether the claimant has been in conversation with the agent to book the WSI or not. The notes enable the date of compliance to be determined when the claimant attends the WSI. The notes entered and compliance date will either be:

- 'Conversation on dd/mm/yyyy with the claimant following FTA. OWSI booked for dd/mm/yyyy'. The compliance date will be the date of the conversation with the claimant, if they attend the WSI appointment

or

- 'No conversation with claimant following FTA. OWSI booked for dd/mm/yyyy on claimant's behalf'. The date of compliance is the date of the WSI providing the claimant attends the interview

If the agent who has determined the compliance condition is met or the requirement has been lifted is a WC, they must notify the Service Centre. This is because the WC doesn't have the permissions to amend that claimant's record on the Agent Portal. To ensure the claimant receives any payment due on time the WC must create the following task for an account developer (AD):

- Task Type: Payment
- Sub Type: Conditionality Sanction
- Start Task From: Today's Date
- SLA: 3 days

- Notes: Relevant AR code sanction from (dd/mm/yyyy) Claimant has complied or requirements lifted on (dd/mm/yyyy), (insert details of the compliance activities or reasons for lifting the sanction), please update Sanction Portal and close any associated tasks for this sanction
- Assigned To: UC Work Services

The consequences of not doing this include:

- delays in making payment to the claimant
 - increased claimant contact
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- unnecessary applications for Recoverable Hardship Payments
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The task matures in Updating the Sanction Portal when compliance requirements are met/lifted.

The following job roles have the permissions to update a 'Date of Compliance' on the Agent Portal:

- account developer
- decision maker

If the claimant has complied following a FTA sanctionable failure, the agent closes the Termination/Suspension CAMLite task set for the first day of the third AP following the effect date of the relevant sanction.

Work preparation compliance met

Where a claimant has complied with a work preparation requirement the agent updates WSP and:

1. Selects the Work Preparation action to be reviewed tick box.
2. Selects the 'Yes' radio button against the 'Completed' field.
3. Selects 'Save and close'.