

# Accepting the Claimant's Commitments

It is a basic condition of entitlement to Universal Credit that all claimants accept a reasonable and current commitment and they can be asked to do this in a certain way i.e. accessing and accepting it in their Universal Credit account.

If claimants do not accept their commitments following any cooling off period or second opinion, they are not entitled to Universal Credit and their claim will close. This means that the claimant and their partner where relevant, will not receive any Universal Credit. This includes all payments, for example housing and child payments.

Universal Credit Full Service is a digital service. So even where the claimant attends the office to discuss their commitment, they should be asked to accept the content of their commitment on-line via their account.

They must be strongly encouraged to accept their commitment whilst still in the office, using an internet Access Device or their own device.

It is in the best interests of the claimant to do this immediately as this is an entitlement condition and if not completed may lead to a delay in payment or their claim being closed. Doing this in the office enables checks to be made that they can access their Universal Credit account and helps them become familiar with using it to engage with Universal Credit and maintain their claim.

Accepting their commitment is the claimant's responsibility. A coach must not accept a commitment on behalf of a claimant.

However on very rare occasions there are circumstances when the requirement to accept the commitment can be lifted either temporarily or permanently. In this instance only may a coach accept a commitment on the claimant's behalf.

Whenever commitments are updated (including new/amended work related requirements) they must be **accepted** by the claimant to remain entitled to Universal Credit. A new commitment must be produced whenever a claimant changes regime and where updates and amendments are made to a commitment whilst in the same regime.

## Cooling off period

If a claimant accepts their commitments during the cooling off period, the claim continues from the original date of claim.

Claimants unable to accept their commitments in the office (or do not accept the content of the commitment) have a "reasonable" amount of time to consider it, currently set at 5 working days/7 calendar days. This is also known as the "cooling off period". It must be explained to the claimant that failure to accept their commitment within 7 calendar days will result in the claim being closed.

If they have not accepted the commitment or requested a second opinion by the end of any "cooling off" period then they have failed a condition of entitlement and their Universal Credit claim will close. They must be notified of this decision by an outcome decision notification which sets out their rights to mandatory reconsideration and appeal.

## **Second Opinion**

Claimants in the intensive work search regime who refuse to accept their commitment have the option to ask for any work availability requirements or work search requirements to be reviewed by a second coach. However the claimant and any partner must be informed of the consequences of not accepting their commitment.

Also if the original requirements are considered to be reasonable then they will not be entitled to Universal Credit for the period the commitments were refused and in most cases this will lead to their claim being closed (or in the case of a new claim – a revised date of claim).

Only one request for a second opinion is allowed for every new or updated commitment.

If it is decided that the original requirements were unreasonable, those requirements should be amended and a new commitment created. The claimant should now accept this commitment and their claim will continue (from original date of claim).

Where the second opinion review does not amend the commitment, the claimant should accept the original version and the date of claim becomes the date of acceptance.

If at the outcome of the review the claimant does not accept a reasonable commitment (either a revised one or the original) they must be advised that the claim will end. This includes where this is a couple claim. They cannot request a further “cooling off period” or second opinion.

They have failed a condition of entitlement and their Universal Credit claim will close. They must be notified of this by an outcome decision notification which sets out their rights to mandatory reconsideration and appeal.

## **Temporary lifting of requirement to accept a claimant commitment**

In exceptional circumstances it is possible to temporarily lift the requirement to accept a commitment.. This should only be used where the claimant is absolutely prevented from accepting due to exceptional circumstances. An example is where the claimant is suddenly or unexpectedly incapacitated or where there is administrative failure or crisis. Once the circumstances are resolved, a commitment will need to be accepted.

Examples where the requirement can be temporarily lifted are:

- a person is undergoing medical treatment as an in-patient in a hospital
- a claimant or office has an exceptional domestic emergency such as fire or flood
- the office the person would be required to attend to accept their commitment is closed and alternative arrangements are not possible

This list is not complete and is to show some circumstances that are exceptional.

## **Permanently lifting of requirement to accept a claimant commitment**

Where the claimant lacks capacity and are either physically or mentally unable to accept their commitment and this is unlikely to change we will lift the requirement to accept one.

This also applies to claimants who are terminally ill. Whilst a requirement to accept a commitment is waived, the system does not currently allow commitment acceptance to be ignored, so in this instance a coach can mark the commitment as accepted so the claim can continue, and make a note of the actions taken and the reason.

Appointees are not able to accept a commitment on behalf of a claimant.