

Claimant commitment and work related groups

What the claimant commitment is

CC001 It is a condition of entitlement to UC that a claimant has accepted a claimant commitment¹. Unless the claimant has accepted a claimant commitment or can be treated as having accepted a claimant commitment then there is no entitlement to UC. A claimant commitment is a record of a claimant's responsibilities in relation to an award of UC².

1 WR Act 12, s 4(1)(e); 2 s 14(1)

CC002 It is the responsibility of the Secretary of State to prepare for each UC claimant a claimant commitment. A claimant commitment can be

1. reviewed **and**
2. updated

at such times as the Secretary of State sees fit¹.

1 WR Act 12, s 14(2)

Information included in the claimant commitment

CC003 A claimant commitment must include

1. a record of the requirements that the claimant must comply with in connection with an award of UC¹ **and**
2. the
 - 2.1 amount by **and**
 - 2.2 period of timewhich an award of UC can be reduced if the claimant fails to comply with any of the requirements in their claimant commitment² **and**
3. notice of the claimant's right of appeal against a decision to reduce an award if the claimant fails to comply with a requirement³ **and**
4. any other information that the Secretary of State considers appropriate⁴.

1 WR Act 12, s 14(4)(a); 2 s 26 and 27; UC Regs, reg 83(a); 3 WR Act 12, s 26 and 27; UC Regs, reg 83(b); 4 WR Act 12, s 14(4)(c)

CC004 The claimant commitment can be in any form as the Secretary of State sees fit¹.

1 WR Act 12, s 14(3)

Example 1

Claimant Commitment Jack Smith

This commitment sets out what I have accepted I must do in return for Universal Credit and the consequences of not fulfilling those responsibilities.

About me

My personal circumstances that my adviser should know about are

- I am in good health
- I have no dependent children
- I have worked as a plumber for the last 4 years
- I have a car

My job goal

Having discussed my personal circumstances with my adviser, my goal is to secure work

- As a plumber
- Paid at least £8 per hour
- Within 1.5 hours of my home
- Full time

If I do not find this kind of work within 8 weeks from now, my job goal will be reviewed and I understand that I may be required to widen my job goal.

Offers of work

I understand I must take up any offers of work that fit within my job goal.

If I fail without good reason to take up such an offer, my benefit will be reduced by £65 a week for 13 weeks.

My availability for work

I understand that at all times I must be willing and able to immediately attend a job interview or start work.

If it is found that I am not available without good reason, my benefit will be reduced by £65 a week for 4 weeks.

Ongoing actions I will take to obtain work

I will do everything I reasonably can to give myself the best prospects of obtaining work. In order to meet this requirement I will typically spend the same amount of time preparing, looking and applying for jobs as I would spend in work. Action I could take includes

- Checking my online account for matched vacancies at least daily and apply for any suitable jobs that I am matched with

- Checking Total Jobs and Plumbers Weekly online for listed vacancies every week and apply for any suitable jobs
- Contacting local plumbing companies about jobs every week
- Look for vacancies in local newspapers and apply for any suitable jobs

If I do not do everything I reasonably can to look and apply for work without good reason, my benefit will be reduced by £65 a week for 4 weeks.

Improving my job prospects – specific actions and support

In addition, I have discussed with my adviser what specific steps I need to take to improve my job prospects

- I will create an online CV by 31 October 2012; and
- To help ensure I am matched with relevant jobs, I will register with Work Agency Inc by 17 October 2012,

If I fail to take any action listed here without good reason, my benefit will be reduced by £65 for 1 week followed by £9 a day until I have done what is required (as notified by an adviser). This will apply for each action I fail to do.

Attending the Jobcentre

I will attend the Jobcentre Plus office at 123 North Street, Anytown at any time I am asked to do so. I will also log into my online account whenever I am asked to do so.

I will contact Anytown Jobcentre in advance on 0123 456 789 if I am unable to attend when I should. If I do not attend the Jobcentre or log into my account when I am required to without good reason, my benefit will be reduced by £65 for 1 week followed by £9 a day until I have done what is required (as notified by an adviser).

Showing what actions I have taken

Each time I attend, I will provide information to confirm I have done the activities in this commitment. This may include

- a record in my online account of the jobs I have looked for and applied for
- copies of any paper applications I have made
- any other electronic or paper confirmation of actions I have taken

Without this information I understand I may be treated as not having met the requirement.

Reporting change of circumstances

I understand that I need to tell Jobcentre Plus immediately if my circumstances change in any way which could affect my benefit. I have received and understood

information about the changes I must report, and should ask my adviser if I need any further explanation.

I understand that if I fail to notify changes, or to provide information or evidence, I could be liable to repay any overpaid benefit and I may be subject to prosecution or other action.

I also understand that if I knowingly give Jobcentre Plus information that is incorrect or incomplete, I could be liable to repay any overpaid benefit and I may be subject to prosecution or, in the case of negligence, other action.

Claimant Statement

I understand this is the minimum I must do in return for Universal Credit and that if I fail to do anything in this commitment my benefit may be reduced.

Where a decision is taken to reduce my benefit, I will have this fully explained to me. I understand that if I disagree with the decision I have the right to appeal it.

I am aware of my right to complain if I am unhappy with the support given to me from Jobcentre Plus. I can expect my complaint to be taken seriously and I know it will not affect my benefit payment.

Signature.....Date.....

Support from Jobcentre Plus

My personal adviser is Jennifer Green, and I can contact her on 0123 456 789. If I need support to meet any of the actions listed here, I can ask my adviser for help. I can also arrange to discuss any concerns I may have about my work search or job applications, if they arise.

I know I can expect my adviser to do her best to help me, listen to me and make sure I feel comfortable dealing with Jobcentre Plus.

Example 2

Claimant Commitment Nicola Evans

This commitment sets out what I have accepted I must do in return for Universal Credit and the consequences of not fulfilling those responsibilities.

About me

- I am in good health
- My partner is Peter Evans, I am the nominated carer for our children aged 8 and 10
- I left my job as a receptionist to have children, but am now ready to go back to work

- My mother can provide me with emergency childcare

My job goal

Having discussed my personal circumstances with my adviser, my goal is to secure work.

My goal is to secure work

- Paid at least National Minimum Wage
- Within 30 minutes of my home
- Part time, for 25 hours a week between 9.30am and 2.30pm, from Monday to Friday.

When my youngest child turns 13, I understand I will be required to look for full time work.

Offers of work

I understand I must take up any offers of work that fit within my job goal.

If I fail without good reason to take up such an offer, my benefit will be reduced by £65 a week for 13 weeks.

My availability for work

I understand that at all times I must be willing and able to attend a job interview as soon as I can arrange suitable childcare and, in any case, within 48 hours.

I must be willing and able to start work as soon as I can arrange suitable childcare and, in any case, within one month.

If it is found that I am not available without good reason, my benefit will be reduced by £65 a week for 4 weeks.

Ongoing actions I will take to obtain work

I will do everything I reasonably can to give myself the best prospects of obtaining work. In order to meet this requirement I will typically spend the same amount of time preparing, looking and applying for jobs as I would spend in work. Action I could take includes

- Checking my online account for matched vacancies at least daily and apply for any suitable jobs that I am matched with
- Checking for listed vacancies on A to Z Jobs every week and apply for any suitable jobs
- Contacting local shops and offices about jobs every week
- Keeping in regular contact with Work Agency Inc

If I do not do everything I reasonably can to look for work, without good reason, my benefit will be reduced by £65 for 4 weeks.

My availability for work

I understand that at all times I must be willing and able to attend a job interview as soon as I can arrange suitable childcare, and in any case within 48 hours.

I must be willing and able to start work as soon as I can arrange suitable childcare and in any case within one month.

If it is found that I am not available without good reason, my benefit will be reduced by £65 a week for 4 weeks.

Improving my job prospects – specific actions and support

In addition, I have discussed with my adviser what specific steps I need to take to improve my job prospects

- To establish what training courses would help me improve my job prospects I will attend a skills assessment with an expert adviser at 10.00 am on 5 June 2012 at Anytown Jobcentre Plus

If I fail to take the actions listed here without good reason, my benefit will be reduced by £65 for 1 week followed by £9 a day until I have done what is required (as notified by an adviser).

Attending the Jobcentre

I will attend the Jobcentre Plus office at 56 High Street, Anytown at any time I am asked to do so. I will also log into my online account whenever I am asked to do so.

I will contact Anytown Jobcentre in advance on 0123 456 789 if I am unable to attend when I should. If I do not attend the Jobcentre or log into my account when I am required to, without good reason, my benefit will be reduced by £65 for 1 week followed by £9 a day until I have done what is required (as notified by an adviser).

Showing what actions I have taken

Each time I attend, I will provide information to confirm I have done the activities in this commitment. This may include

- a record in my online account of the jobs I have looked for and applied for
- copies of any paper applications I have made
- any other electronic or paper confirmation of actions I have taken

Without this information I understand I may be treated as not having met the requirement.

Reporting change of circumstances

I understand that I need to tell Jobcentre Plus immediately if my circumstances change in any way which could affect my benefit. I have received and understood information about the changes I must report and should ask my adviser if I need any further explanation.

I understand that if I fail to notify changes, or to provide information or evidence, I could be liable to repay any overpaid benefit and I may be subject to prosecution or other action.

I also understand that if I knowingly give Jobcentre Plus information that is incorrect or incomplete, I could be liable to repay any overpaid benefit and I may be subject to prosecution or, in the case of negligence, other action.

Claimant Statement

I understand this is the minimum I must do in return for Universal Credit and that if I fail to do anything in this commitment my benefit may be reduced.

Where a decision is taken to reduce my benefit, I will have this fully explained to me. I understand that I have a right of appeal against this decision.

I am aware of my right to complain if I am unhappy with the support given to me from Jobcentre Plus, and can expect my complaint to be taken seriously.

Signature.....Date.....

Support from Jobcentre Plus

My personal adviser is Helena Oldham, and I can contact her on 0123 456 789. If I need support to meet any of the actions listed here, I can ask my adviser for help. I can also arrange to discuss any concerns I may have about my work search or job applications, if they arise.

I know I can expect my adviser to do her best to help me, listen to me and make sure I feel comfortable dealing with Jobcentre Plus.

Accepting the claimant commitment

CC005 In order to be entitled to UC, a claimant can only be said to have accepted a claimant commitment where it is

1. the most up to date version **and**
2. accepted by the claimant in the manner specified by the Secretary of State¹.

1 WR Act 12, s 14(5)

Example

Brian is in receipt of UC. He accepted a claimant commitment dated 1.11.13 when he first made a claim for UC. On 9.2.14 a new claimant commitment for Brian was drawn up by his adviser. This new claimant commitment has a greater number of activities specified for the work search requirement. Brian refuses to accept it because he thinks that his work search requirement is sufficient as it is. Brian has not accepted a claimant commitment and is therefore no longer entitled to UC.

CC006 The method by which a claimant commitment is to be accepted by the claimant is specified by the Secretary of State. The Secretary of State can specify that a claimant commitment must be accepted

1. electronically **or**
2. by telephone **or**
3. in writing

by the claimant¹.

1 UC Regs, reg 84

Date of acceptance of the claimant commitment

CC007 There may be times where the claimant is unable to accept a claimant commitment and therefore would not be normally entitled to UC. However, in certain circumstances, a claimant is not required to meet the basic condition of having to accept a claimant commitment in order to be entitled to UC.

1 UC Regs, reg 15(2)

Lacking capacity

CC008 A claimant does not have to meet the basic condition of accepting a claimant commitment where they lack the capacity to do so¹.

1 UC Regs, reg 15(2)(a)

CC009 Capacity is the ability of a person to make decisions that may have legal consequences for themselves and or for others affected by the decision. In determining whether a claimant lacks capacity to accept a claimant commitment, the DM should consider whether the claimant can

1. comprehend information relevant to a claim for UC
2. retain information long enough to make a decision
3. use and weigh information to make a decision
4. communicate what their decision is.

Example

With the help of her family and carers, Angela has claimed UC and has provided all of the information required to support her claim. Angela cannot, however, accept her claimant commitment due to a mental impairment which she has had since birth. The state of her condition means that she cannot understand and accept a claimant commitment in any meaningful sense. Angela is not required to accept the claimant commitment in order to be entitled to UC.

CC010 Lack of capacity can be either a permanent or temporary state.

Example

Hanif was involved in a serious road traffic accident. Following the accident, Hanif was in a coma for 3 days and was seriously ill. After many weeks of treatment Hanif recovered to the extent that he was able to leave hospital and live back at home and resume family life. Hanif lacked capacity following the accident but has now regained it.

Exceptional circumstances

CC011 Where

1. exceptional circumstances apply **and**
2. it would be unreasonable to expect the claimant to accept a claimant commitment

then the claimant is not required to accept one¹.

1 UC Regs, reg 15(2)(b)

CC012 Examples of when exceptional circumstances apply may include where

1. the claimant is receiving medical treatment and is unable to accept the claimant commitment
2. there is a domestic emergency preventing the claimant from accepting the claimant commitment
3. the jobcentre is closed due to an emergency like fire or flood.

This list is not exhaustive. When determining whether or not exceptional circumstances apply, the DM should remember that the normal everyday meaning of exceptional is unusual; not typical.

Example

Loraine has claimed UC and has provided all of the information required to support her claim. She has not yet accepted her claimant commitment but has an appointment at the Jobcentre to do so. Loraine can't attend on the day arranged because she works on that day and this is part of her normal working pattern. The

DM determines that exceptional circumstances do not apply and Loraine is not excused from having to accept a claimant commitment.

Backdating the claimant commitment

CC013 There will often be a gap of time between the date of

1. claim **and**
2. acceptance

of the claimant commitment.

CC014 Where there is such a gap then the claimant can be treated as having accepted the claimant commitment for that period¹.

1 UC Regs, reg 15(1)

Example

Jack made his claim to UC on 20.5.13. However, he was unable to be seen by the Jobcentre to discuss and accept his claimant commitment until 28.5.13. When Jack attends the Jobcentre on 28.5.13, he accepts his claimant commitment and is treated as having a claimant commitment for the period 20.5.13 to 28.5.13. This therefore allows Jack to meet that particular condition of entitlement for UC.

Reviewing a claimant commitment

CC015 A claimant commitment can be reviewed and updated at such time as the Secretary of State sees fit¹. Where the claimant's work related requirements change then the claimant commitment must record this.

1 WR Act 12, s 14(2)

Example 1

Rory has been in receipt of UC for three months. He has no work and has failed to find any since losing his job in retail prior to his claim for UC. Rory's claimant commitment includes his work search requirements which are mainly centred on looking for work in his former occupation. Rory's advisor at the Jobcentre decides that Rory's work search should be broadened to also include work other than just retail work. Rory's claimant commitment is updated to reflect this wider work search requirement.

Example 2

Nina made a claim to UC but due to a domestic emergency was unable to accept her claimant commitment. The DM treated Nina as having accepted her claimant commitment and so Nina became entitled to UC. Now that domestic emergency has

passed, the DM decides to review Nina's claimant commitment to see if its contents are really relevant for Nina.

CC016 Where a claimant commitment has been reviewed and updated then the claimant must accept it in order to maintain entitlement to UC¹.

1 WR Act 12, s 14(5)

CC017 – CC019

Work related groups

Introduction

CC020 Depending on their circumstances, a claimant may fall into a particular work related group. The group that a claimant falls into will determine what is required of them in relation to their award of UC. The requirements are known as work related requirements. Chapter XX provides guidance on the work related requirements.

The work related groups

CC021 The work related requirements which can be imposed on a claimant depend upon which group the claimant falls into¹. The groups are

1. no work related requirements
2. work focused interview requirement only
3. work focused interview and work preparation requirements only
4. all work related requirements.

1 WR Act 12, s 13(3)

What a work related requirement is

CC022 A work related requirement means¹ a

1. work focused interview requirement
2. work preparation requirement
3. work search requirement
4. work availability requirement.

1 WR Act 12, s 13(2)

CC023 The Secretary of State can impose a work related requirement on a claimant which the claimant must comply with¹. If a claimant does not comply with a work related requirement then there may be a reduction in their award of UC². Chapters XXX provide guidance on reductions and sanctions.

1 WR Act 12, s 13(1); 2 s 26 and 27

Carers

CC024 The requirements that a claimant may be subject to can be affected by their caring responsibilities. In this guidance the following terms are defined.

Relevant carer

CC025 A relevant carer means¹

1. a parent of a child who is not the responsible carer but does have caring responsibilities for the child **or**
2. a person who has caring responsibilities for a person who has a
 - 2.1 physical **or**
 - 2.2 mentalimpairment which requires such care.

1 UC Regs, reg 85(1)

Responsible foster carer

CC026 In relation to a child, a responsible foster carer means¹

1. a single person who is a foster parent **or**
2. a person who is a member of a couple where
 - 2.1 the couple are foster parents **and**
 - 2.2 the person has been nominated by the couple jointly as the responsible foster carer.

1 UC Regs, reg 85(1)

Responsible carer – couples and nominations

CC027 Joint claimants can nominate¹ which one of them can be regarded as either the

1. responsible carer **or**
2. responsible foster carer.

1 UC Regs, reg 86(1)

CC028 At any one time, only one of the joint claimants can be nominated as a responsible carer or a responsible foster carer¹.

1 UC Regs, reg 86(2)

CC029 Joint claimants can change¹ which member is nominated

1. once in a year starting from the date of the previous nomination **or**
2. on any occasion where the Secretary of State considers that there has been a change of circumstances which is relevant to the nomination.

1 UC Regs, reg 86(3)

Claimants subject to no work related requirements

Introduction

CC030 The Secretary of State may not impose a work related requirement on the following claimants¹ who

1. have LCW who also have LCWRA²
2. are regular and substantial caring responsibilities for a severely disabled person³
3. are the responsible carer for a child under the age of one⁴
4. have reached the qualifying age for SPC⁵
5. have caring responsibilities for a severely disabled person which are not regular and substantial but it would be unreasonable for the claimant to comply with a
 - 5.1 work search requirement even a limited requirement **and**
 - 5.2 work availability requirement even a limited requirement⁶
6. are pregnant and it is 11 weeks or less before the expected date of confinement⁷
7. were pregnant and it is 15 weeks or less since the date of confinement⁸
8. are adopters and it is 52 weeks or less since
 - 8.1 the date that the child was placed with the claimant⁹ **or**
 - 8.2 where the claimant chose that the 52 weeks should run from a date within 14 days before the child was expected to be placed, that date¹⁰
9. are in a certain type of education¹¹

1 WR Act 12, s19(1); 2 s 19(2)(a); 3 s 19(2)(b); 4 s 19(2)(c); 5 UC Regs, reg 90(2)(a); 6 WR Act 12, s 17(4) and 18(3); UC Regs, reg 90(2)(b); 7 reg 90(2)(c); 8 reg 90(2)(d); 9 reg 90(2)(e)(i); 10 reg 90(2)(e)(ii); 11 reg 90(2)(f)

CC031 In CC030 an adopter¹ is a person who has been matched with a child for adoption who is, or is intended to be, the responsible carer for the child. This does not include a

1. foster parent **or**
2. step parent **or**
3. relative **or**
4. step relative

of the child.

Note A person is matched with a child for adoption when it is decided by an adoption agency that the person would be a suitable adoptive parent for the child².

1 UC Regs, reg 90(3); 2 UC Regs, reg 90(4)

Claimants with LCW and also LCWRA

CC032 A claimant who has LCW and LCWRA should not have a work related requirement imposed on them¹.

1 WR Act 12, s 19(2)

Caring responsibilities

CC033 Where the claimant has

1. regular **and**
2. substantial

caring responsibilities for a severely disabled person then a work related requirement should not be imposed on them¹.

1 WR Act 12, s 19(2)(b)

CC034 Regular and substantial caring responsibilities for a severely disabled person means¹ that the carer

1. satisfies the conditions of entitlement for CA **or**
2. would satisfy the conditions of entitlement for CA if their earnings did not exceed the prescribed limit for CA.

This definition applies regardless of whether or not that the carer has made a claim for CA². This definition does not apply to a person whose caring responsibilities arise under a contract of service³.

1 UC Regs, reg 31(1); 2 reg 31(2); 3 reg 31(3)

CC035 A severely disabled person is

CC036 The conditions for entitlement to CA are that the claimant

1. is engaged in caring for a severely disabled person for any day¹ (see DMG 60035 to 60042) **and**
2. is regularly and substantially engaged in caring for that person² (see DMG 60035 to 60042) **and**
3. is not gainfully employed³ (see DMG 60051 to 60052) **and**
4. is aged 16 or over⁴ (see DMG 60058) **and**
5. is not in FTE⁵ (see DMG 60068 to 60077) **and**
6. satisfies prescribed conditions of residence or presence in GB⁶ (see DMG Chapter 07 Part 2).

Note The claimant does not have to be related to the severely disabled person⁷.

1 SS CB Act 92, s 70(1); 2 s 70(1)(a); 3 s 70(1)(b); 4 s 70(3); 5 s 70(3); 6 s 70(4); 7 SS (ICA) Regs, reg 6

CC037 A claimant who has caring responsibilities for a severely disabled person which are not regular and substantial should not have a work related requirement imposed on them if it would be unreasonable for that claimant to comply with a

1. work search requirement **and**
2. work availability requirement

including where those requirements have been limited¹.

1 UC Regs, reg 90(2)(b)

Caring for a child

CC038 Where the claimant is the responsible carer for a child under the age of one then no work related requirements should be imposed on them¹.

1 WR Act 12, s 19(2)(c)

CC039 A claimant is a responsible carer where¹ they are a

1. single person who is responsible for the child **or**
2. member of a couple where
 - 2.1 the claimant or the other member of the couple is responsible for the child **and**
 - 2.2 they have been nominated by the couple jointly as responsible for the child.

1 WR Act 12, s 19(6)

The earnings threshold

CC040 The work related requirements do not apply to a single claimant where their earnings exceed their individual threshold¹.

1 UC Regs, reg 91(1)

CC041 For joint claimants, the work related requirements do not apply if the joint combined earnings exceed their joint threshold¹.

Note The joint threshold for joint claimants is the sum of their individual thresholds.

1 UC Regs, reg 91(2)

CC043 For an individual the earnings threshold means¹ the hourly rate of the NMW appropriate to the claimant's age **multiplied by**

1. 16 hours per week for claimants subject to
 - 2.1 the work focused interview group only **or**
 - 2.2 work preparation requirement **or**

2. the expected number of hours of work per week for claimants who would normally be subject to all work related requirements.

1 UC Regs, reg 91(3)

Example

Jim is in receipt of UC and also has LCW. He is subject to a work preparation requirement. Jim is aged 20 and the appropriate NMW rate for him is £4.98 per hour.

Jim's individual earnings threshold is $£4.98 \times 16 = £79.68$ per week.

This means that if Jim has earnings below £79.68 per week then he is still subject to a work preparation requirement.

Expected hours of work

CC044 The expected hours of work for a claimant is 35 per week unless an exception applies¹.

1 UC Regs, reg 89(1)

Example

Russell has claimed UC. He works in a hotel, earns £150 per week and is 27 years old. Russell would normally fall into the all work related requirements group but the DM has to determine whether Russell's earnings exceed the individual earnings threshold. The calculation is as follows

$£6.08$ (NMW rate appropriate to Russell) \times 35 hours (the expected hours of work) = 212.80

Russell's earning's threshold is £212.80 pw.

His actual earnings are £150 and so are below the earnings threshold. Therefore, Russell may have work related requirements imposed on him because he is in the all work related requirements group.

Exceptions to the expected number of hours of work

CC045 The expected hours of work for a claimant

1. who is a
 - 1.1 relevant carer **or**
 - 1.2. responsible carer **or**
 - 1.3. responsible foster carer **and**

2. where the Secretary of State is satisfied that the claimant has reasonable prospects of finding paid work

are the number of hours that the Secretary of State considers is compatible with those caring responsibilities¹.

1 UC Regs, reg 89(2)(a)

CC046 The expected hours of work for a claimant who is a responsible carer for a child aged under the age of 13 is the lower number of hours that the Secretary of State considers is compatible with the child's normal school hours (including the normal time it takes the child to travel to and from school)¹.

1 UC Regs, reg 89(2)(b)

Example

Jermaine is the responsible carer for his son who is aged 12 years old. It has been agreed with Jermaine's advisor at the Jobcentre that Jermaine expected hours of work should be 28 hours a week because this fits in with his son's normal school hours.

When working out Jermaine's earnings threshold, the calculation is the NMW rate appropriate to Jermaine multiplied by 28.

CC047 The expected hours of work for a claimant

1. who has a long term

1.1 physical **or**

1.2 mental

impairment **and**

2. whose ability to work for 35 hours a week is affected by that impairment

are the lower number of hours that the Secretary of State considers is reasonable as a result of the impairment¹.

1 UC Regs, reg 89(2)(c)

Earnings thresholds and any temporary change of circumstances

CC048 Where the claimant's weekly amount of earnings

1. exceeds their earnings threshold **and**

2. is likely to exceed their earnings threshold for a sustained period of time apart from any temporary change of circumstances

then the DM has to treat that claimant as having earnings in excess of their earnings threshold¹.

1 UC Regs, reg 88(1)

Previous work related requirements

CC049 Where a claimant

1. falls into the no work related requirements group **and**
 2. was previously subject to any work related requirement
- then those work related requirements no longer apply¹.

1 WR Act, s 19(5)

Claimants subject to a work focused interview requirement only

CC050 A work focused interview requirement is a requirement that the claimant is required to participate in one or more work focused interviews¹.

1 WR Act 12, s 15(1)

What is a work focused interview

CC051 A work focused interview is an interview which the claimant is required to participate in which relates to work or work preparation¹. The Secretary of State may specify

1. how
2. when **and**
3. where

a work focused interview is to take place².

1 WR Act 12, s 15(2); 2 s 15(4)

CC052 The purposes¹ of a work focused interview for a claimant are any or all of the following

1. assessing the claimant's prospects for remaining in or obtaining work
2. assisting or encouraging the claimant to remain in or obtain work
3. identifying activities that will make remaining in or obtaining work more likely
4. identifying
 - 4.1 training **or**
 - 4.2 educational **or**
 - 4.3 rehabilitationopportunities that may make it more likely to remain in or obtain work or be able to do so
5. identifying current or future work opportunities that are relevant to the claimant's needs and abilities.

1 WR Act 12, s 15(3); UC Regs, reg 94

Who is subject to a work focused interview requirement only

CC053 Claimants who

1. are the responsible carer for a child aged at
 - 1.1 least one **and**

- 1.2 under five¹ **or**
 - 2. are the responsible foster carer of a child² **or**
 - 3. are the responsible foster carer of a qualifying young person and are not subject to a
 - 3.1 work search requirement **or**
 - 3.2 work availability requirement
 because that young person has care needs³ **or**
 - 4. are a foster parent (but not the responsible foster carer) of a child or qualifying young person and are not subject to a
 - 4.1 work search requirement **or**
 - 4.2 work availability requirement
 because that child or young person has care needs⁴ **or**
 - 5. are a foster parent who
 - 5.1 do not have a child or qualifying young person placed with them but intend to **and**
 - 5.2 are within eight weeks of having fallen within 2., 3. or 4.⁵ **or**
 - 6. have become a friend or family carer in relation to a child
 - 6.1 within the last 12 months **and**
 - 6.2 are the responsible carer for that child⁶
- are subject to a work focused interview only.

Note In 3. and 4. this includes where the work search and work availability requirement would be limited⁷.

1 WR Act 12, s 20(1)(a); UC Regs, reg 92(1); 2 reg 92(2)(a); 3 WR Act 12, s 17(4) and 18(3); UC Regs, reg 92(2)(b); 4WR Act 12, s 17(4) and 18(3); UC Regs, reg 92(2)(c); 5 reg 92(2)(d); 6 reg 92(2)(e); 7 reg 92(2)(b) and (c)

Example

Julia was in the no work related requirements group because she was the responsible carer for a child aged under 1. Her child has since had his first birthday. Julia is now in the work focused interview requirement only group. Julia's claimant commitment has been amended to reflect this.

CC054 A friend or family carer in CC053 6. means a person caring for a child who

- 1. is responsible for the child but is not the child's parent or step parent **and**
- 2. has undertaken to look after the child because otherwise it would be likely that the LA would look after the child due to

2.1 the child having no parents or having parents who are unable to care **or**

2.2 there have been concerns about the child's welfare¹.

1 UC Regs, reg 92(3)

CC055 Where a claimant falls into one or more of the categories in CC053 then no other work related requirement should be imposed on them. Any previous work related requirement ceases to have effect if the claimant is subject to a work focused interview requirement only¹.

1 WR Act 12, s 20(3)

CC056 – CC059

Claimant subject to the work focused interview and work preparation requirements

CC060 Claimants who

1. do not fall into the
 - 1.1 no work related requirements group **or**
 - 1.2 fall into the work focused interview requirement only group **and**
2. have
 - 2.1 LCW **or**
 - 2.2 are of a prescribed description

are subject to a work preparation requirement¹.

1 WR Act 12, s 21(1)

CC061 A claimant in this group may have a work preparation requirement imposed on them by the Secretary of State¹. They may also have a work focused interview requirement imposed on them too².

1 WR Act 12, s 21(2); 2 s 21(3)

CC062 Where the claimant falls within the work preparation requirement group then they cannot have any other work related requirement imposed on them (other than a work focused interview requirement). Also, any other work related requirement imposed before the claimant was in this group ceases to have effect once a claimant is in the work preparation requirement group¹.

1 WR Act 12, s 21(4)

Example

Harry is in receipt of UC. When he first claimed UC, he was subject to a work search and work availability requirement. On 1.11.13, the DM determined that following a WCA, Harry has LCW. Harry is now in the work preparation group and from 1.11.13, he is no longer subject to a work search or work availability requirement.

Claimants subject to all work related requirements

CC063 A claimant who does **not** fall into the

1. no work related requirements group **or**
2. work focused interview requirements only group **or**
3. work focused interview and work preparation group

falls into the all work related requirements group¹.

1 WR Act 12, s 22(1)

CC064 Unless an exception applies, a claimant in the all work related group must have a

1. work search requirement **and**
2. work availability requirement

imposed on them¹.

1 WR Act 12, s 22(2)

CC065 In addition, a claimant in the all work related group may also have a

1. work focused interview requirement **and or**
2. work preparation requirement

imposed on them¹.

1 WR Act 12, s 22(3)

EEA jobseekers

CC066 Claimants who are

1. EEA jobseekers **or**
2. family members of an EEA jobseeker

have to be treated as subject to all work related requirements even if they would fall into another work group¹.

Note Family member means a family member as referred to in relevant legislation².

1 UC Regs, reg 93(1); 2 reg 93(2) and Imm (EEA) Regs, reg 7

Example

Juan has just arrived in GB from Spain and has claimed UC. He is single and is the responsible carer for a child aged 6 months old. The DM determines that Juan is in the all work related requirements group even though he would have otherwise be subject to no work related requirements.

CC067 An EEA jobseeker means¹.

1. a person mentioned in relevant legislation² or

2. a person who is treated as a worker under relevant legislation³.

1 UC Regs, reg 93(2); 2 Imm (EEA) Regs, reg 6(1)(a); 3 reg 6(2)(b)