

Handling sanction referrals and notifications

Summary

What to do when there is reason to believe a claimant has not met a work related requirement

Content

When there is reason to believe a claimant has not met a work-related requirement, an agent should invite the claimant to show good reason.

There are no specified time constraints in law for a claimant to show good reason for a failure.

Claimants should be given sufficient time to comment and to provide evidence appropriate to the particular circumstances of the failure. This should be flexible to reflect an individual's circumstances.

In most cases the benchmark should continue to be 5 days where the information is to be by post. (Reference to days is working days excluding Saturdays, Sundays and bank holidays. Allowance must be made for posting where a notification is made by post.

Depending on the individuals circumstances the agent can set the date for less than 5 days where:

- the agent contacts the claimant by phone or face to face (and the agent is satisfied that the claimant is clear about what they are being asked to provide and do not need to collate and provide evidence)
- the claimant has agreed the preferred method of contact is by electronic means such as by text, email or their UC account. (If the claimant agrees to provide evidence face to face, by telephone or by electronic means the claimant must be informed of the consequences of not providing good reason by a certain time). Some of the methods by electronic means will not be available during Pathfinder, for example, their UC account.

The agent can set the date for longer than 5 days where the claimant, for example:

- needs to seek information or evidence from a third party
- has an agent or representative
- has complex needs/requirement for additional support – such as a health condition, life event, personal circumstances that may have prevented them from replying at this time (e.g. a pre existing health condition that is relevant or existing caring or parental responsibilities that may be relevant)

Note: Sanction referrals are not appropriate if a 2nd opinion of the Claimant Commitment results in changed requirements and the claimant fails to do something which on review is no longer relevant.

Recording on WSP that a claimant may have failed to meet a work related requirement

When the agent identifies that the claimant may not have met a requirement then this is recorded on the claimant's record on Work Services Platform (WSP). The agent:

1. Selects 'Doubt' from the 'Common' menu in the claimant's record – a history of previous doubts raised will be displayed.
2. Selects 'Add New Doubt' – this opens at the 'Doubt' screen.
3. Selects a 'Doubt Type' to open a new window.
4. Makes a selection from the 'Name' column (the 'AR code' field will automatically be populated once a 'Doubt Type' has been selected). A full list of AR codes and descriptions in WSP can be found in the table below.
5. Selects 'From date' and enters date of failure.
6. Selects 'To date' if relates to a low or lowest level sanction (for a work preparation or interview requirement) and claimant has met compliance condition (date should be the day before the claimant meets the compliance condition).
7. Records if evidence has been asked for by updating the 'Evidence Requested' radio button (this defaults to 'No') and sets to 'Yes' if evidence has been requested. (If this is set to 'Yes', the 'Review Date' field appears and sets a date 5 working days from today. This can be changed if appropriate). The agent should leave the radio button as 'No' if all the evidence has been received at the point of the doubt being raised on WSP.
8. Selects the 'Source' from the look up e.g. 'Provider'.

The agent identifies the correct good reason data gather notification letter relevant to the sanction level:

- High and Medium (LTR Good reason gather)
- Low (LTR Good reason gather low level sanction)
- Lowest (LTR Good reason gather lowest level sanction)

The agent copies the exact wording of the failed Work Related Requirement from the current Claimant Commitment and any compliance conditions stated including dates and times if appropriate. The agent issues the notification to the claimant by hand if they are in the office or by post if not, informing them we are not satisfied they have met one of their Work Related Requirements and to give them the opportunity to provide any evidence and the date the form must be returned to the Mail Opening Unit (MOU) by.

If issuing the notification by hand, the agent should encourage claimant to complete the questions on the good reason data gather notification whilst in the office and emphasise the importance and relevance of providing reasons. If the claimant does not need any supporting documentary evidence and completes the questions whilst in the office, the WSC sends the completed notification to the MOU for uploading in to the Document Repository Service (DRS).

If the claimant has a potential Low or Lowest sanctionable failure, their UC could be cut for every day until the claimant complies followed by fixed periods. This must be explained to the claimant. The agent must ensure the claimant understands what they need to do to meet the requirement and stop their potential Low or Lowest sanction period from building. The claimant's work search activity will be reviewed as part of the process if necessary.

The agent records the following in the 'Notes' section of the 'Doubt' screen:

- type of notification issued (see notification list above)
- the date of issue and when it has to be returned by
- method of notification
- for low and lowest level sanctions, include the compliance condition and the date of compliance if appropriate
- details of the failure. For example, claimant failed to attend a Work Search Interview
- any contact with the claimant since the failure
- any other relevant information

Reviewing the task where evidence has been requested

When a sanction referral has been raised, WSP automatically sets a task to review the evidence that has been requested. On receipt of the task the agent:

1. Selects the appropriate task from 'My Activities' and checks for notes held in the task, claimant record and the 'Doubt' screen for the information/evidence requested.
2. Checks if the evidence has been received.
3. Checks DRS for related post.
4. Adds a new note in the 'Doubt' screen to record any items of evidence received.
5. Records 'Mark Complete' to close the task and remove from 'My activities'.
6. Selects 'Save and Close'.

DRS takes 48hrs to upload information therefore this must be taken into account when determining whether the claimant has met the date set for the return of evidence.

Evidence not received and claimant identified as having complex needs and/or requires additional support

Where a claimant is identified as having complex needs and/or requires additional support, the agent should consider these and determine whether additional action is required.

When appropriate the agent calls the claimant to discuss if they are able to provide evidence and if they require any additional support to do this.

The claimant's contact details can be obtained from the 'Contact Details' section in their WSP record.

Where the call is successful, the agent asks the standard security questions to confirm the claimant's identity before continuing with the call.

Where the claimant's identity is confirmed, they explain to the claimant that there has been a request for evidence relating to a sanctionable failure and this evidence has not been received.

The agent explains to the claimant the importance of providing evidence as a decision will be made without their input if they do not provide the evidence.

If the agent is satisfied that the claimant can provide the evidence the agent asks the questions listed on the original notification held in WSP notes. The agent records the responses in a new note word for word. If the claimant intends to provide supporting documentary evidence the agent advises them to post this with the original notification to MOU.

If the agent decides during the call that the claimant requires further support, a referral to an intermediary should be considered. If this is the case, the agent determines a suitable return date based on the claimants circumstances and explains this to the claimant. The agent then sets a task to review receipt of evidence.

If the claimant is unable to get support from an intermediary, the agent refers them to DWP Visiting Service. See 'Considering claimants complex needs/requirement for additional support before taking sanction action'. The agent then sets a WSP task to review the outcome of the visit.

Where the call is unsuccessful or the claimant fails the security questions, the agent sends a further good reason data gather notification and re-sets the WSP task to review receipt of evidence.

When the task matures, the agent repeats the process (as explained above). Where the call is unsuccessful for a second time, the agent prepares for referral to a Decision Maker (DM).

Recording a decision for cases of failure to attend Work Related Interview/Work Search Review

In cases of failure to attend Work Related Interview/Work Search Review cases only: if the claimant provides information or evidence that complies with the list below then there is no need to refer the matter to a Decision Maker (DM).

The factors that count as good reason are:

- suffering a temporary period of sickness (for 2 periods of sickness in any 12 months. The 2 periods cannot run consecutively)
- a domestic emergency (life event) – including serious illness, death, funeral or emergency affecting a relative or close friend or death of someone the claimant is caring for
- claimant was detained in police custody for 96 hours or less then released
- claimant was required to attend court or tribunal

- claimant has attended a job interview and can provide sufficient evidence, for example, letter from employer/name of interviewer
- adverse weather conditions – consider are the local conditions such that the claimant could not reasonably be expected to attend
- claimant has accessed the domestic violence conditionality easement within the past 12 months
- the claimant was at work or travelling to work

The agent should be satisfied that the reasons given apply to the above list and can be treated as straight forward without a referral to the DM. However, if the reasons given meet the criteria above but the agent doubts validity, good reason cannot be accepted and the case must be referred to the DM.

To record the decision, with the claimant's WSP record open at the 'Doubt' screen, the agent:

1. Selects the relevant 'Doubt'.
2. Selects 'Close Doubt' icon from the tool bar menu.
3. Selects look up menu under 'Outcome'.
4. Selects 'Good Reason' from the list displayed then 'OK'.
5. Selects 'Date Calendar' from 'Decision Made On' field and selects relevant date.
6. Selects 'Decision Made By' field and records name of the agent who made decision and 'OK'.
7. Selects 'Save and Close'.

If the agent is face-to-face with the claimant they inform them that good reason has been accepted and no further action will be taken. If the agent is not face-to-face with the claimant, the agent attempts to contact the claimant by telephone to inform them of the decision.

If the claimant can't be contacted by phone and the agent is not in face-to-face conversation with the claimant, the agent completes and sends a 'LTR Good Reason accepted' notification to the claimant. The agent also sends a copy of the notification to the MOU marked 'No CAMLite Action'.

If the evidence provided by the claimant is not accepted as good reason the agent refers the case to a DM.

Referring the case to a Decision Maker

When a case needs referring to a DM, the agent sends details of the failure to the Account Developer (AD) to be forwarded to the National Decision Making team.

For further information on the details to include in a referral see 'Gathering evidence for DM referrals'.

To record the referral on WSP, the agent:

1. Selects the 'Refer Doubt' icon on the toolbar. List of AR codes can be found in the table below.

2. Enters today's date in the 'Referred On' field.
3. Completes the 'Destination' field with 'National Decision Making'.
4. Records if evidence has been received by updating the 'Evidence Received' radio button, this defaults to 'No' and should be set to 'Yes' if evidence has been received. The agent updates 'Notes' with:
 - a list of any evidence provided by the claimant including the evidence held on DRS and the date it was sent to the MOU
 - any relevant contact with the claimant
 - where the claimant has failed to attend a Work Related Interview any interviews booked or conducted since the failure was identified
 - any details of compliance. For example, claimant attended with CV
5. Selects 'Save and Close'.

The agent sets an immediate generic clerical CAMLite task sub type 'Action Required' to the AD to refer the sanctionable failure for a decision. The task notes include "refer to DM, data gather letter sent on dd/mm/yy and sanction referral type". The AD reassigns the task to their team leader who reassigns the task to the DM.

Sanction referral from a Work Programme or Mandatory Work Activity provider

When a sanction referral on either a MWA1(UC) or WP08(UC) form is received from either the Work Programme (WP) or MWA provider, the Account Developer (AD) records the sanctionable failure onto the claimant's WSP record.

The MWA1(UC) or WP08(UC) form will be received by either:

- fax
- post
- e-mail

If the form is received by fax or post, the AD receives a CAMLite task from the specialist admin team to review the notification in Document Repository System (DRS).

If the form is received by email, the AD uploads the MWA1(UC) or the WP08(UC) to DRS.

To record the sanctionable failure on WSP, the AD:

1. Selects 'Doubt' from the 'Common' menu in the claimant's record – a history of previous doubts raised will be displayed.
2. Selects 'Add New Doubt' – this opens at the 'Doubt' screen.
3. Selects a 'Doubt Type' to open a new window.
4. Makes a selection from the 'Name' column (the 'AR code' field will automatically be populated once a 'Doubt Type' has been selected). A full list of AR codes and descriptions in WSP can be found in the table below.

5. Selects 'From date' and enters date of failure.
6. Selects the 'Source' from the look up e.g. 'Provider'.
7. Selects 'Save' on WSP.
8. Sets a WSP task for the Work Services Coach (WSC) to inform them that a potential sanctionable failure has been identified by the provider.
9. Sends the sanction referral to the DM. See 'Referring the case to a Decision Maker' above.

Work Services Platform AR Codes for sanction referrals

When recording a sanction referral on WSP, the agent will choose the relevant category from the table below.

Code	Name	Level	Conditionality Group	Work related requirement type and example of failure
UCH/001	Loss of employment through misconduct	High	All work-related requirements group	
UCH/002	Leaving employment voluntarily	High	All work-related requirements group	
UCH/003	Lose pay through misconduct	High	All work-related requirements group	
UCH/004	Lose pay voluntarily	High	All work-related requirements group	
UCH/005	Fail to apply for a job	High	All work-related requirements group	A work availability requirement
UCH/006	Failing to accept a job	High	All work-related requirements group	A work availability requirement
UCH/007	Fail to undertake Mandatory Work Activity	High	All work-related requirements group	A work preparation requirement, e.g. provider told claimant to take work based placement
UCH/008	Fail to undertake all reasonable work search action	Medium	All work-related requirements group	A work search requirement, for example look in newspapers, UJ account etc.
UCH/009	Fail to be available to take up work	Medium	All work-related requirements group	A work search requirement, for example on holiday, caring
UCH/010	Fail to comply with an interview requirement	Low	All work-related requirements group	A work related interview requirement, for example work search review, WSC interview

UCH/011	Fail to comply with an interview requirement (self employed)	Low	All work-related requirements group	A work-related interview requirement
UCH/012	Fail to attend a skills assessment	Low	All work-related requirements group	A work-preparation requirement, for example Maths and English
UCH/013	Fail to participate in an employment programme	Low	All work-related requirements group	A work-preparation requirement, for example work programme
UCH/014	Fail to undertake work experience or work placement	Low	All work-related requirements group	A work preparation requirement
UCH/015	Fail to develop a business plan	Low	All work-related requirements group	A work preparation requirement, Self employed
UCH/016	Fail to improvement personal presentation	Low	All work-related requirements group	A work preparation requirement, for example dress appropriately for interviews, have a wash, take studs out of nose
UCH/017	Fail to participate in training	Low	All work-related requirements group	A work preparation requirement, for example ESOL
UCH/018	Fail to prepare or maintain a CV	Low	All work-related requirements group	A work preparation requirement
UCH/019	Fail to comply with requirement to provide evidence or confirm compliance	Low	All work-related requirements group	For example print off of UJ access, as they are not compelled to give us access but have to show they have an account
UCH/020	Fail to comply with requirement to report specified change in circumstances relevant to work related requirements	Low	All work-related requirements group	For example reduced hours of volunteering but didn't inform of greater availability to job search, caring responsibilities end but they don't inform
UCH/021	Fail to undertake particular specific work search action	Low	All work-related requirements group	All Work Related Requirements Group, didn't upload CV to UJ or set up UJ
UCH/022	Fail to comply with work preparation requirement	Low	Work preparation group, (claimants have LCW but not	Requirements which help keep them motivated by

			LCWA) All work-related requirements group	preparing them to return to work as soon as they are able to, taking into account their capability, for example attend computer course
UCH/023	Fail to comply with a work focussed interview requirement	Lowest	Work-focused interview group, (e.g. LP's and carers), work preparation group (claimants have LCW but not LCWA)	Work Services Coach Work-focused interview only
UCH/024	Fail to comply with requirement to provide evidence of confirmation compliance	Lowest	Work-focused interview group, (e.g. LP's and carers), work preparation group (claimants have LCW but not LCWA)	For example - show they have enquired about college courses by bringing in prospectus
UCH/025	Fail to comply with requirement to report specified change in circumstances relevant to work related requirements	Lowest	Work-focused interview group, (e.g. LP's and carers), work preparation group (claimants have LCW but not LCWA)	

Overview of work-related requirement sanctions in Universal Credit

Summary

Information on the various sanction levels and the reasons and durations applicable to Universal Credit

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For Universal Credit we will focus on setting suitable work-related requirements, tailored to the claimant's circumstances. These requirements are important because claimants are more likely to enter full-time work if they meet them.

Work Related Requirement Sanctions (sometimes known as conditionality sanctions for Jobseeker's Allowance) should act as a deterrent for claimants against failing to meet these important requirements. Therefore we should ensure that claimants fully understand both the requirement and the sanction consequences of not meeting it.

Sanctions can only be effective in encouraging claimants to meet work-related requirements if the possible sanctions they may face are communicated to and understood by the claimant. Evidence shows that claimants are more likely to meet a requirement if they understand they will receive a sanction if they fail to do so.

Ensure sanctions are explained when requirements are set and be clear to claimants that if they fail to meet a requirement without a good reason they will receive a sanction. The agent must explain that a sanction means their Universal Credit payments will be cut. The more times that a claimant fails to meet requirements, the longer a sanction will be.

A sanction will cut a claimant's Universal Credit payment by a daily amount. That daily amount, and how long the cut could last for, is recorded on the Claimant Commitment. Further important information is in the Commitment Pack. This information should be drawn to the claimant's attention and explained to them.

Where a claimant is aware that a requirement is mandatory but nevertheless fails without a good reason to meet a suitable requirement that was clearly notified to them, then a sanction should be applied.

A trained decision maker determines whether the claimant had good reason and if a sanction should apply.

Differences and similarities between legacy Jobseekers Allowance (JSA) and Employment and Support Allowance (ESA) sanctions regimes and the Universal Credit sanctions regime

For Universal Credit there will be four sanction levels – higher, medium, low and lowest.

JSA and Universal Credit

The higher level sanction periods are the same for JSA and Universal Credit, the only difference is that under Universal Credit the sanctions are expressed in days.

In JSA there is disentanglement for failure to be available for, or seeking work followed by an intermediate sanction. Under Universal Credit there is no disentanglement for these failures and a medium level sanction is applied instead (note also that the work search and availability requirements in Universal Credit are different to JSA).

In JSA the low level sanctions are for fixed periods. In Universal Credit the low level sanctions will have two elements – an open-ended period which will run for a period equal to the number of days from the date of failure until the day before the claimant meets a compliance condition, followed by a fixed period.

ESA and Universal Credit

The low level sanctions in ESA will work in the same way in Universal Credit, that is, an open ended period followed by a fixed period. The only difference is that they will be expressed in days.

In Universal Credit there will also be lowest level sanctions for claimants in the Work Focused Interview Only Group.

How sanctions will operate for Universal Credit

For higher, medium and low level sanctions, claimants will be sanctioned an amount broadly equivalent to 100% of their Standard Allowance. For lowest level sanctions they will be sanctioned an amount equivalent to 40% of their Standard Allowance.

For Universal Credit sanctions will run consecutively and the claimant's award amounts will therefore be reduced for the entire duration of all sanctions. So where a claimant is subject to one sanction and receives another, the period of the second sanction will be added to their Total Outstanding Reduction Period (TORP).

This is different to the current position in JSA whereby if a claimant is subject to one sanction and receives another, the sanctions run concurrently with one reduction suppressed so that for the period in which the two sanctions overlap the second sanction has no impact.

Once a DM decides that a sanction should apply, then that sanction period will be added to the claimant's TORP. The TORP is the total of all sanction days imposed on a claimant which has not yet resulted in a reduction to the award and is limited to 1095 days. A new sanction which would take the TORP over 1095 days must be reduced in length accordingly.

Daily sanction amounts

The daily sanction amount for claimants has been determined in accordance with a formula based on the Standard Allowance for each category of claimant.

For claimants receiving a high, medium or low level sanction the formula will be: Standard Allowance x 12 divided by 365, rounded down to the nearest 10p.

For lowest level sanctions it will be 40% of the Standard Allowance x 12 divided by 365, rounded down to the nearest 10p.

In cases where there are joint claimants the formula is based on half of the joint Standard Allowance paid to the couple.

A claimant's Standard Allowance is based on their age and whether they are single or part of a joint claim. For a list of daily sanction amounts for each category of claimant see Advice for Decision Makers (ADM).

Application of a reduction to the claimant's award in Universal Credit

The reduction for a particular assessment period is then calculated (based on the daily sanction amount on the last working day of that assessment period). In cases where the TORP is less than the number of days in the given assessment period, then the reduction will be calculated by multiplying the number of days in the TORP by the daily sanction amount for the claimant.

In cases where the TORP exceeds the number of days in the given assessment period, the reduction will be calculated by multiplying the number of days in the assessment period by the daily reduction amount. Any residual sanction days are carried forward and applied to future assessment periods.

If the reduction would exceed the Standard Allowance (or half the Standard Allowance for a joint claimant) the sum is reduced accordingly so it does not exceed these amounts.

16/17 year olds

16 and 17 year olds will be able to claim Universal Credit in their own right in some circumstances and could fall into any one of the four conditionality groups (All Work-Related Requirements, Work Preparation, Work-Focused Interview Only and No Work-Related Activity Requirements) depending on their capability and circumstances.

The sanctions regime for 16 and 17 year olds mirrors the adult regime but has lower sanction amounts and shorter durations. The durations are set out alongside the over 18 periods below.

16 and 17 year olds will be sanctioned 40% of the Standard Allowance.

Sanction levels

There are four levels of sanction: higher, medium, low and lowest. Sanction durations range from fixed higher level sanctions of up to three years for claimants who repeatedly fail to meet their responsibilities to lowest level

sanctions which are open-ended and build up, usually until the claimant meets a compliance condition.

Where a claimant has good reason for a failure, a sanction will not be applied.

Higher level sanctions

Higher level sanctions will be applied to claimants subject to All Work-Related Requirements who without good reason:

- fail to undertake Mandatory Work Activity
- fail to apply for a particular vacancy
- fail to take up an offer of paid work
- by reason of misconduct or voluntarily and without good reason (i) cease paid work or (ii) lose pay

For claimants aged 18+ high level sanctions will usually be for a fixed duration of:

- 91 days for a first failure
- 182 days if there has been a 91 day higher level sanction applied for a failure in the 365 days prior to the current failure date.
- 1095 days if there has been a 182 or 1095 day higher level sanction applied for a failure in the 365 days prior to the current failure date.

For claimants aged 16-17 higher level sanctions will usually be for a fixed duration of:

- 14 days for a first failure
- 28 days if there has been a 14 or 28 day higher level sanction applied for a failure in the 365 days prior to the date of the current failure.

Pre-claim failures –higher level sanctions

Where a claimant:

- leaves employment voluntarily
- loses pay voluntarily
- loses employment or pay because of misconduct&
- fails to take up an offer of employment

before applying for Universal Credit the applicable sanction period will be reduced by the length of time between that failure and the date of the UC claim.

Sanctions for pre-claim failures do not count for the purposes of escalation, so if a claimant fails to meet a higher level requirement any pre-claim higher level sanction in the preceding 365 days is ignored for the purposes of escalation.

If the pre-claim failure relates to employment which was expected to last for a limited period, the applicable sanction period will be the shorter of the standard duration or the length the employment was expected to last, minus the number of days between the failure and claim.

Medium level sanctions

Medium level sanctions will be applied to claimants subject to All Work-Related Requirements who without good reason:

- fail to undertake all reasonable work search action
- fail to be able and willing to immediately take up work

Medium level sanctions for claimants aged 18+ will be of a fixed duration of:

- 28 days for a first failure
- 91 days if there has already been one or more medium level sanctionable failures in the 365 days before the date of the current failure.

Medium level sanctions for claimants aged 16-17 will be of a fixed duration of:

- 7 days for a first failure
- 14 days if there has been one or more medium level sanction applied for a failure in the 365 days before the date of the current failure

Low level sanctions

Low level sanctions will be applied to claimants who are subject to All Work-Related Requirements or are in the Work Preparation Group (i.e. subject to work-preparation and Work Focused Interview requirements) and who fail without good reason to meet any work-related requirement (or connected requirement) that is not sanctionable at the higher or medium level.

There will be two components to a low level sanction for claimants aged 18+. An open ended component equal to the number of days from the date of failure until:

- the day before the date the claimant meets a compliance condition
- the day before the date the claimant moves to the No Work-Related Requirements Group
- the day before the date the claimant is no longer required to undertake a particular action under the work-preparation requirement
- the date the award is terminated (other than by reason of the claimant ceasing to be or becoming a member of a couple)

plus

- a fixed period of 7 days
- 14 days if there has been a lower level sanction with a fixed period of 7 days applied for a failure in the 365 days prior to the date of the current failure.
- 28 days if there has been a lower level sanction with a fixed period of 14 or 28 days applied for a failure in the 365 days prior to the date of the current failure

For claimants aged 16-17, low level sanctions will be for an open period which will run for a period equal to the number of days from the date of failure until:

- the day before the date the claimant meets a compliance condition
- the day before the date the claimant moves to the No Work-Related Requirements Group
- the day before the date the claimant is no longer required to undertake a particular action under the work-preparation requirement
- the date the award is terminated (other than by reason of the claimant ceasing to be or becoming a member of a couple)

plus

- for second and subsequent failures with a previous failure within the 365 days prior to the current failure, a fixed period of 7 days

Lowest level sanctions

Lowest level sanctions will be applied to those claimants subject to Work Focused Interview Requirements Only who fail to attend or participate in a Work Focused Interview without good reason.

Lowest level sanctions will be open-ended for a period equal to the number of days between the date of failure and:

- the day before the date the claimant meets a compliance condition
- the day before the date the claimant moves to the No Work-Related Requirements Group
- the date the award is terminated (other than by reason of the claimant ceasing to be or becoming a member of a couple)

Compliance condition

A compliance condition is the action a claimant must take to stop the open-ended element of the sanction building. It can be the original requirement imposed on the claimant or a new requirement where the original is no longer appropriate, for example if the original requirement is time-limited, such as a training course on a specific day.

Escalation of sanctions

Sanctions will only escalate when there is a previous sanction at the same level (higher, medium or low). Only previous sanctions with a date of failure in the 365 days prior to the current failure date are counted.

The date of failure is used to determine progression up the sanctions ladder.

A previous higher level sanctionable failure with a failure date prior to the date of UC claim (a pre-claim failure) is disregarded for escalation purposes.

A previous sanctionable failure at the same level is disregarded for the purposes of escalation if it occurred in the 14 days immediately preceding the current failure.

Escalation of sanctions does not apply to lowest level sanctions.

Sanctions in place until exhausted

Where a claimant's award is terminated and they subsequently reclaim and receive a new award of Universal Credit, any unexpired TORP will apply to the new award.

The reduction remains in place until exhausted. Therefore, the TORP is reduced by one day for each day a sanctioned individual does not have a Universal Credit award.

Termination of sanctions

Sanctions will remain in place until exhausted subject to three exceptions:

1. All unexpired sanctions will be terminated (i.e. the TORP is reduced to zero) if the claimant can prove they have been in employment earning at or above their earnings threshold for at least 26 weeks since their last sanctionable failure. The period in employment above the threshold need not be continuous.
2. The sanctionable amount will be reduced to zero whilst a claimant has been assessed as or treated as having both a Limited Capability for Work (LCW) and a Limited Capability for Work Related Activity (LCWRA). Sanctions will remain in place whilst claimants await the Work Capability Assessment (WCA) determination
3. The TORP will be reduced to zero where a claimant with a sanction dies.

Change to sanction amount when claimant moves conditionality group

For claimants who move into the No Work-Related Requirements group on the grounds of childcare responsibilities, the sanction amount will change to 40% of the Standard Allowance. This includes:

- a responsible carer for a child under 1
- a claimant who is pregnant and it is 11 weeks or less before her expected week of confinement
- claimants who adopt a child and it is 52 weeks or less since the date the child was placed with the claimant
- claimants who adopt a child and have elected that the 52 weeks should run from a date within 14 days before the child was expected to be placed, that date

General principle of sanctions

The daily reduction amount used to calculate the reduction for an assessment period should reflect the claimant's conditionality and circumstances on the last day of the assessment period for which the award is being reduced. This

approach is intended to avoid the situation whereby different daily reduction amounts apply in the same assessment period because claimants move between conditionality groups.

Failure to report change of circumstances

Claimants are required to report the loss of a job within 5 working days unless they fall into the No Work-Related Requirements Group for a reason other than earnings above the conditionality earnings threshold. However, in practice initially, a sanction will only be imposed if as a result of the loss of a job their pay has reduced so that they/their household are below the lower conditionality threshold (subject to full work search requirements).

The sanction starts from the 5th day after losing the job and stops building when the claimant notifies Universal Credit.

Similarly, loss of pay/paid work sanctions will also only apply if as a result of the loss their pay has reduced so that they/their household are below the lower conditionality threshold (subject to full worksearch requirements).

Fraud penalties

Work-related sanctions will be suspended when a fraud penalty is in effect. The work-related requirement sanction will resume once fraud penalty has expired. This approach will ensure that claimants will serve the full duration of both sanctions without both amounts being deducted at the same time.

A previous fraud/loss of Benefit penalty will not count towards escalation of conditionality sanctions.

The 1095 day cap on the TORP will only apply to work-related requirement sanctions. Fraud penalties may be over and above this.

Potential failure to meet work related requirements

Summary

Action to take where a claimant fails to meet work related requirements

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Agents may become aware of scenarios where possible sanctions apply through their normal contact with the claimant. Where an agent is not satisfied that a claimant has met all their work related requirements, a Decision Maker (DM) referral is required.

An agent may also receive feedback from a provider that the claimant is failing to meet their requirements whilst undertaking provision, or they have failed to attend a pre arranged interview or appointment. Again if identified a referral to the DM will be required.

High level sanctions

Losing pay or paid work voluntarily or through misconduct

Any questions arising around a claimant losing pay or paid work will usually be identified from the Initial Work Search Interview for new claimants or Real Time Information (RTI) feed/self reported earnings for existing claimants.

Where it has been identified that the claimant has lost paid work or lost pay, either voluntarily or through misconduct a form is issued to the claimant for them to give their reasons for leaving, reason for dismissal or loss of pay.

The two forms are:

- FM Loss of Paid Work
- FM Loss of Pay

The form is issued to the claimant either by post or face to face but it must be returned fully completed within 7 calendar days. The agent records in WSP that evidence has been requested. WSP sets a review date for 7 calendar days (See Handling Sanction Referrals and Notifications for when this can be changed)

The form will be issued by a UC agent, with the correspondence address so it can be returned to the correct office.

Failure to participate in Mandatory Work Activity

Referrals to Decision Making and Appeals Teams are usually made directly by the Mandatory Work Activity (MWA) provider. An agent may be required to take action where it is identified that a claimant behaves in such a way that they lose the chance of a place on the MWA programme. Examples of such conduct are where the claimant:

- arrives late or does not turn up for an interview
- arrives at the wrong place through their own negligence

If it appears that a claimant may be deliberately avoiding the chance of a place, submit the case to the Decision Maker on failure to participate.

Failure to apply for a particular vacancy & failure to take up the offer of paid work

A claimant can receive a sanction where they, without good reason, fail to apply for a particular vacancy for paid work.

It should be made clear to the claimant, at the time they are informed about a suitable vacancy, that refusal or failure to apply for the position, or subsequent non-acceptance of the job when offered without good reason, will result in a reduction of Universal Credit. This ensures that the claimant can make their decision in the full knowledge of the possible consequences.

Claimant's behaviour

Claimants may behave in such a way that they lose the chance of employment, for example they may arrive late for an interview or go to the wrong place through their own negligence. In these cases a DM referral is required.

Exempt Vacancies

There are some occasions when a vacancy has been notified to a claimant by an agent, where refusal and failure to apply for or accept employment, further action is not appropriate. These include:

- a job is vacant because of a Trade Dispute
- the job notified is self-employed work

This list is not exhaustive

Medium level sanctions

Failing to comply with a Work Search Requirement

The work search requirement is a requirement that a claimant take

- all reasonable action and
- any particular action that has been specified by the Secretary of State to get paid work, more paid work or better paid work.

When deciding if the work search "all reasonable action" requirement has been met, agents should have regard to the

- time spent by the claimant looking for work and
- quality of the claimant's work search including the range of actions that they have taken (for example, contacting employers, registering with employment agencies, investigating self-employment opportunities etc).

For full details see 'Work Search Review'

Failing to comply with a Work Availability requirement

To be available for work, a claimant must be able and willing immediately to take up paid work, more paid work or better-paid work.

To be available for work, claimants must be available in an active, positive sense and draw attention to their availability. Claimants will not be available for paid work if they are passive and merely wait for someone to find and offer them work.

In order to demonstrate that they are willing and able immediately to take up paid work, claimants should:

- be physically able to take up work within the appropriate timescale
- be contactable (through mail, e-mail or phone) for interviews or work
- be willing and able to give up any commitments which may interfere with their ability to start work (subject to agreed restrictions)
- attend all job interviews that have been arranged for them
- consider their appearance and behaviour to ensure this does not reduce their prospects of finding paid work

For full details see 'Work Search Review'

Low level sanctions

The agent must refer a case to the DM for consideration, where the claimant fails without good reason to comply with:

- a work focussed interview requirement
- a work preparation requirement
- a work search requirement – but only in relation to a requirement to take particular action specified by the Secretary of State

Or a requirement to:

- take part in an interview about the imposition of or compliance with a work-related requirement
- provide information or evidence of compliance with a work-related requirement
- report loss of employment within 5 working days

Employment Programmes

A claimant is deemed to have failed to comply with a requirement if they fail to take part in any activity which is specified by the Secretary of State in relation to;

- the specific placement with a provider
- any requirements imposed by the provider that is considered reasonable and acceptable.

Individual programmes are not defined in UC legislation, but relevant employment programmes include:

- Day One Support for Young People
- The Derbyshire Mandatory Youth Activity Programme
- Full-time training or education in England and Scotland
- Part-time training or education in England and Scotland
- Part-time or full-time training in Wales funded by DWP
- An in depth skills assessment delivered by the National Careers Service or by a training provider in England and by Skills Development Scotland or a training provider in Scotland
- Careers Advice in England
- New Enterprise Allowance
- A sector-based work academy
- Prince's Trust programmes
- Traineeships (currently being developed)
- A skills programme
- The Work Programme

All these employment programmes aim to support UC claimants towards or into paid work, more paid work or better paid work, and address various issues such as a lack of experience of work and the associated skills needed within the work place which can have a significant effect on the chances of unemployed people.

Work experience placements in Work Programme or sector-based work academies

Participation in a work experience opportunity is voluntary, and claimants who leave or lose a place on such a placement are treated as having good reason for the failure to comply, unless they lose the place through gross misconduct.

Gross misconduct is not defined in legislation but suggests misconduct that is

1. 'blatantly wrong' or
2. 'unacceptable'.

It is conduct that is so serious that only one instance of such behaviour will warrant the employer's immediate termination of the work experience opportunity.

Lowest Level Sanctions

When does a lowest-level sanction apply

A lowest-level sanction is a reduction of UC for a sanctionable failure by a claimant who:

- falls within the work-focused interview (WFI) requirement only group and
- fails without good reason to take part in a WFI

Failure to comply with this requirement will be identified when the claimant fails to take part in a work focused interview.

Notifying the claimant that a Work Related Requirement may not have been met

The agent notifies the claimant by letter. The letter explains that we are not satisfied they have met a work related requirement and that they will have the opportunity to provide further evidence. To ensure consistency, the letter is populated by copying and pasting the relevant Claimant Commitment requirement(s) from Work Services Platform.

If it's a low or lowest level sanction the letter must remind the claimant of their compliance condition.

Setting work related requirements

Summary

How to set work related requirements for a claimant during interview

Content

During every work search interview, the Work Services Coach (WSC) identifies the things that affect the type of work a claimant is expected to look for and accept if offered. The WSC establishes the type, location, hours and pattern of work a claimant is expected to look for and be available for. Claimants are normally expected to look for any work that they are capable of doing that pays the national minimum wage(or above) and that is within 90 minutes travelling distance from their home. Claimants are normally expected to look for full time work.

Claimants in the all work related requirements group must normally be available to attend an interview and take up a job immediately.

Claimant's particular personal circumstances will determine the actual requirements set.

A full diagnosis of the claimant's circumstances and capacity for work helps determine:

- realistic job requirements
- required hours of availability
- availability for interview / to start work
- travel to work time
- work search requirements
- work preparation requirements
- any other work related activities

These should be reviewed and updated throughout the claim.

Claimants must understand:

- their goal will be to get paid work, more work or better paid work as quickly as possible
- they will be expected to take up a full time job. We will not require any claimant to take employment which requires them to work for more hours than the European Working Time Directive which is up to 48 hours per week
- they should undertake work search and work preparation activity for up to a maximum of 35 hours a week or the same number of hours they would normally be available for work.
- the work search and work preparation activities must give them the best prospects of finding work quickly
- if without good reason they have not carried out their work related requirements, their UC payments will be cut. These cuts are known as sanctions. The information about sanctions in the Claimant Commitment

and the Commitment Pack should be shown to the claimant and explained to them

Job requirements

Where the claimant does not have a permitted period they are required to look for and take any job that they are capable of doing that pays the National Minimum Wage or above. However it can be helpful to focus effective work search for the claimant to identify a job or jobs that they are most suited to or most capable of doing.

Looking for any job and accepting the first job offered, will help the claimant back into work as quickly as possible. Once the claimant is in paid work they can continue to look for their preferred job.

All elements of the claimant's job requirement must be realistic and achievable for each type of work the following should be explored:

- Capability for work. Does the claimant have the relevant qualifications, experience, skills, etc
- Capacity for work. For example are there any health or social issues or caring responsibilities that might make it difficult to find, obtain and retain the job in question
- Wage expectations. For example, does the job requirement pay the wages that the claimant is looking for and does the claimant understand how much the National Minimum Wage is
- The local labour market. Consideration must be given to what jobs are available within that area. If the work the claimant is looking for is not available within the claimant's travel to work area, the job requirement is not realistic

Recording job requirement

The claimant's agreed job requirement(s) are recorded on the 'Job Goals' section of the claimant's record.

To input job goals for the claimant, the 'Active Job Goals' box is selected on the footer bar, then 'Add New Job Goal' is selected from the toolbar menu this opens the 'Job Goal' screen. The following fields are selected and completed:

- Job Title or Type (mandatory free text box)
- Claimant (already populated with claimant's name)
- Rate of Pay
- Payment Frequency
- Minimum Hours Per Week
- Applies to Claimant Commitment during Permitted Period

The entry is saved by selecting 'Save & Close' from the toolbar menu. The job goal(s) will then show in the 'Active Job Goals' box.

Permitted period

Where a claimant has a strong work history the WSC can allow a claimant to limit their work related requirements to look for work relating to a particular type of job and salary that they have recent experience of. This limitation can apply for any period up to a maximum of 3 months from the date they claimed Universal Credit or 3 months from the date they ceased work which paid above the conditionality earnings threshold, whichever is the later. This is known as a 'permitted period'. The WSC must be satisfied that the claimant has reasonable prospects of getting a job that fits this limitation before agreeing it. After this period, they will be required to look for full time work at the national minimum wage.

- Recording a Permitted Period
- To record a Permitted Period:
- Select Job Goals
- Select 'Yes' for Permitted Period
- Input the Job Title or Type
- Select the Job Title or Type to get the pay rate

Availability

After gathering all the relevant information regarding the claimant's circumstances, the number of hours the claimant is required to be available for work is determined.

Consideration must be given to the claimant's circumstances, to identify whether any limitations on their hours or pattern of availability should be applied.

A limitation on hours or pattern of availability may apply where a claimant:

- has a health condition(see Diagnosing Claimant Capability and Circumstances)
- has caring responsibilities (see Diagnosing Claimant Capability and Circumstances)
- is engaging in treatment for drug and/or alcohol dependency
- has sincerely held religious beliefs
- is participating in agreed work preparation activities

provided that the claimant is available for paid work for as many hours as the limitation allows.

The claimant's hours of availability are set by the WSC, taking into account their circumstances. The claimant must usually have reasonable prospects of finding paid work, more work or better paid work.

Recording availability

The claimant's availability for work and any agreed restrictions are recorded on the 'Availability' section of the claimant's record.

When recording the claimant's availability the following fields will be presented:

- Available For Work
- Work Search Hours Per Week
- Currently Undertaking Part Time Work

If the claimant is available for work 'Yes' is selected from the 'Available For Work' drop-down menu.

The 'Active Availability For Work' box on the footer bar is selected, and then the 'Add New Availability For Work' is selected from the toolbar menu. This opens the 'Availability For Work' screen. The following fields are selected and completed:

- Day (Monday to Sunday)
- Start Time (30 minute time slots from 00:00 to 23:30)
- End Time (30 minute time slots from 00:00 to 23:30)

The entry is saved by selecting 'Save & Close' from the toolbar menu.

The 'Total available Hours Per Week' field must be completed showing the claimant's hours of availability.

The 'Restrict Claimant's Availability' field is completed to show if the claimant is restricting their availability.

If the claimant is restricting their availability the reason(s) are recorded in the 'Notes On Availability For Work' field.

Availability to start work and attend a job interview

Claimants in the All Work-related Requirement Conditionality Group must be willing and able to start work and attend a job interview immediately unless one of the following circumstances apply.

For claimants where the WSC is satisfied that they need a longer period because they:

Are undertaking voluntary work

Where the WSC is satisfied that the claimant needs a longer period because they are undertaking voluntary work, WSCs can agree that the claimant is able to take up employment on being given up to one week's notice and / or attend a job interview with up to 48 hours notice.

Have caring responsibilities

Where the WSC is satisfied that the claimant needs a longer period because they are a nominated responsible carer or relevant carer for a child or disabled person, WSCs can agree that the claimant is able to take up employment on being given up to one month's notice and / or attend a job interview with 48 hours notice.

Are employed under a contract of service

Claimants who are required to give notice must be willing and able to take up employment immediately following the statutory or contracted period of notice they are required to give their employer to end the contract of employment and attend a job interview with 48 hours notice.

Recording Availability to start work and attend a job interview

The claimant's availability to start work and attend a job interview is recorded on the 'Availability' section of the claimant's record.

The claimant's availability to attend an interview is recorded by selecting the drop-down menu in the 'Availability For Interview' field and selecting either:

- Immediately
- Within 48 hours

The claimant's availability to start work is recorded by selecting the drop-down menu in the 'Available To Start Work' and selecting either:

- Immediately
- Within 7 days
- Within one month
- From

If 'From' is selected, the 'Available To Start Work Date' field will appear. The earliest possible date by which the claimant can start work is recorded from information provided by the claimant. This option is used when the claimant is not available to start work within one month. & For example, if the claimant has broken a limb and the cast is to be removed on a specific date. Where 'From' is used a specific task should be set to review this or a Work Search Interview booked to discuss further and consider the effect in the Claimant Commitment.

Travel to work time

Claimants must be willing to travel 90 minutes each way to work, by a route and means of transport appropriate to their circumstances (for example, car for some, public transport for others, walking etc). Limitations can be agreed due to health conditions or caring responsibilities where it means that a shorter distance is necessary.

The claimant's travel to work time is recorded on the 'Availability' section of the claimant's record.

The claimant's travel to work time is recorded by selecting the drop-down menu in the 'Travel Time In Minutes' field and selecting the appropriate time. This will default to 90 minutes but can be changed if limitations have been agreed.

Setting work preparation and work search requirements to give claimants the best prospects of finding work

In setting requirements, the WSC will set out a detailed plan of action, articulating the steps a claimant must take to give themselves the best prospects of getting paid work quickly.

It is important the claimant understands that if they fail without good reason complete a work preparation, work search or interview requirement then their Universal Credit payments will be cut. These cuts are known as sanctions. The WSC should ask the claimant to read the sanctions information in their claimant commitment and commitment pack and explain it to them. The WSC should explain the length and amount of the sanction that may apply in relation to each requirement and that sanctions may be longer for each successive failure.

A claimant will be expected to undertake the same number of hours of work search and work preparation activity as they are available for work up to a maximum of 35 hours a week).

A WSC will mandate any work preparation activity that the WSC thinks will make it more likely that the claimant will obtain paid work (or more paid work or better-paid work.

Claimants must take all reasonable actions to get paid work. They must usually engage in work search and work preparation activity for the same number of hours as they are available for work up to a maximum of 35 hours a week. For example, if they are expected to be available to work for 30 hours per week, they must spend at least 30 hours each week on their work search and work preparation requirements.

WSCs must set work search and work preparation requirements that meet this expectation, taking into account the claimant's personal circumstances. These should be the most effective activities which, when undertaken, give the claimant the best possible chance of getting paid work quickly.

Looking for work often and in the right way is critical in terms of securing employment quickly. Claimants who undertake work search actively, effectively and persistently usually get work more quickly than would otherwise be the case. It is important when setting work search and work preparation requirements, to consider the following 10 factors:

- **Self Perception** – the claimant believes that they can work, find specific jobs, has the capability to do those jobs, and is confident of being able to gain and keep employment
- **Specific Job Requirement** – the claimant knows their job requirements
- **Local Labour Market** – that specific work is available in the local market
- **Knowledge Skills and Experience** – the claimant has the knowledge, skills and experience that match their job requirements
- **Commitment to undertake Work Search** – the claimant is committed to carry out effective and sustained work search
- **Resources for Work Search** – the claimant knows how to access the resources required to undertake sustained work search
- **Demonstrating Capability for a Specific Job** – the claimant is able to demonstrate their capability effectively to employers

- **Presenting themselves to an Employer** – the claimant is able to present themselves effectively to potential employers
- **Managing Personal Circumstances** – the claimant is able to successfully manage, anything that makes it harder to get and keep paid work
- **Keeping a job** – the claimant could keep a job offered by an employer

And ensure that steps are taken to address anything that makes it harder for the claimant to get and keep paid work.

The claimant's work search requirements and work preparation requirements must be **SMART**. That is:

- **Specific** – it must state the claimant's precise job requirements and the specific activity they will take to give them the best chance of finding and securing a job. For example, generic job descriptions such as 'Driver' should be avoided and more specific terms such as 'bus driver', 'HGV driver' or 'van driver' used
- **Measurable** – for work search activities to be undertaken regularly, how many and how often must be specified
- **Achievable** – any activities set must be achievable. Activities that are clearly beyond the claimant's capabilities or that are simply unreasonable should not be included
- **Realistic** – job requirements and work related requirements must be realistic, taking into account the claimant's skills, experience, capabilities, etc. and the local labour market
- **Time bound** – activities should be time bound and will be reviewed at appropriate points. Activities may be regular (weekly) and reviewed within Work Search Reviews, or be one-off, time bound and reviewed within Work Search Interviews or Work Search Reviews

Work preparation requirements

Work preparation requirements are those specific activities that a claimant must take for the purpose of making it more likely in the opinion of the WSC that the claimant will obtain paid work (or more paid work or better-paid work).

These may include, for example:

- attending a skills assessment
- improving personal presentation
- taking part in training
- taking part in programmes or provision
- undertaking work experience or a work placement
- developing a business plan

This is not an exhaustive list. These requirements must be SMART.

Although the requirement to register and use Universal Jobmatch is entered in the Work Preparation Requirements, it is a work search requirement.

If a claimant fails to comply with a Work Preparation activity this attracts a low level sanction. A low level sanction has two elements :

- an open-ended period equal to the number of days from the date of failure until the day before the requirement or alternative requirement is met or lifted, followed by
- a fixed period of between 7 and 28 days (dependent on whether there are any previous failures in the 365 days before the current failure)

When setting a work preparation requirement the WSC must explain that if the claimant fails to do that activity Universal Credit will be cut for a period equal to the number of days between the date of failure until they do so or until they undertake an alternative activity decided by the WSC. Their payments will then be cut for a further fixed period of up to 28 days (depending on how many requirements they failed to meet and when).

When setting the Work Preparation requirement the WSC must tell the claimant and record what the claimant must do if they fail to meet the requirement on time. Where the requirement is an on-going task for example, create a CV by a set date and if the claimant does not do this, their UC payments may be cut for the number of days from the failure date until they meet the requirement (ie they create a CV).

Where the requirement set is time-limited e.g. attend a forklift truck driving course on 8th March, once 8th March has passed the claimant cannot meet the requirement.

When setting a requirement the WSC must consider and tell the claimant what they must do if they fail to undertake the original requirement. This (alternative requirement) must also be recorded on the claimant record so that it is noted on the Claimant Commitment.

Work preparation requirements (and specific work search requirements) should be recorded on the claimant commitment as follows:

Section 2: Specific actions I will take	By	Review
Fully take part in a forklift truck training course	15th June	
If without good reason I don't do this, my Universal Credit payments will be cut by (amount) for each day until (I call my WSC to arrange a new course) My payments will then be cut by (amount) a day for a further period of up to 28 days.	As soon as possible after 15th June	17th June
I will create a profile and public CV within Universal Jobmatch by the 15th June.	15th June	
If without good reason I don't do this, my Universal Credit payments will be cut by (amount) for each day until I have done so. My payments will then be cut by (amount) a day for a further period of up to 28 days.	As soon as possible after 15th June	17th June
Bring my CV to my appointment on 17th June	17th June	17th

June

If without good reason I don't do this, my Universal Credit payments will be cut by (amount) for each day until I bring my CV to this office. My payments will then be cut by (amount) a day for a further period of up to 28 days.

As soon
as
possible
after 17th
June

In some circumstances the WSC may also agree that the claimant should undertake a voluntary Work Preparation activity. There is no sanction if the claimant does not do this activity. However, if a claimant fails to do the voluntary activity they must make up the extra time in their work search. For example, if the claimant agrees to do 5 hours of voluntary work preparation activity (such as attending their local Work Club for 5 hours a week), this may be deducted from the amount of time they are expected to undertake Work Search (see Setting Work Search Activities below). If the claimant does not do their voluntary activity in a particular week they need to make up their Expected Hours of work search. The WSC must explain this to the claimant.

Recording Work Preparation Activities

The claimant's Work Preparation requirements are recorded on the 'Work Preparation Activities' section of the claimant's record.

To input a new Work Preparation Action, the 'Add New Work Preparation Action' is selected from the toolbar.

The WSC completes the 'Specific Action' field and selects 'Yes' or 'No' for 'Mandatory Work Activity'. This field by default is set to 'No' and must only be used when referring to the provision called 'Mandatory Work Activity', this is provider led with its own sanctions. It must not be checked when specifying any other Work Preparation Activity. Failure to comply will result in the Claimant Commitment incorrect in law and linking of incorrect sanctions.

The WSC inputs the dates the activity is to be completed and reviewed by.

If there are more work preparation activities to be considered, the WSC selects 'Save & New' and adds a new activity.

If the Work Preparation Activity is to be completed before the next Work Search Review, set a task to follow up the agreed action. See 'Setting a task on the Work Services Platform'.

The details of the Work Preparation Action are recorded and the entry is saved by selecting 'Save & Close' from the toolbar menu. The Work Preparation Action will then show in the 'Work Preparation Actions' box.

Voluntary Work Preparation activities are recorded on the 'Other Work Related Activities' section of the claimant's record.

Requiring a claimant to apply for a specific vacancy

A WSC can require a claimant to apply for a specific vacancy that they are capable of doing by recording this as Work Preparation activity. The WSC will need to include all of the information that the claimant will require to identify the vacancy. Although this is recorded in the Work Preparation Activities section of the claimant record it attracts a high level sanction.

If a WSC requires the claimant to apply for a specific vacancy on Universal Jobmatch, the following wording must be included in the Claimant Commitment: I will apply for any jobs that my adviser tells me to apply for, including any saved by my adviser in the 'Saved Jobs' section of my Universal Jobmatch account.

Setting regular Work Search Activities

Work Search Activities are those that the claimant is expected to undertake regularly. The claimant must take all reasonable action for the purpose of obtaining paid work. The WSC will set work search activities such that the claimant will conduct work search for their Expected Hours. This is the number of hours that the claimant is available for work or 35 hours whichever is the lower figure less the total amount of time spent undertaking agreed Work Preparation activities, Voluntary Work and Paid Work.

Any paid work, including part time or casual self-employment the claimant undertakes can be considered by the WSC to reduce the usual requirement for looking and preparing for work. This is at the discretion of the WSC and should be recorded on the Claimant Commitment.

The claimant must be prepared to give up the paid work, including part time/casual self-employment to take up employment to move them over their individual threshold. This could also include combining their part time/casual self-employment with another job or increasing the hours of their part time/casual self-employment to move them over their individual threshold.

Accounting for self-employment

A reduction to the claimant's expected work search hours is most likely to be identified at a WSI following a Gateway Interview

When considering the appropriate number of hours to apply as a relevant deduction in the case of self-employment, the WSC must take account of the following:

- the self employed activity has not been deemed gainful self-employment during the gateway interview and therefore should not be regarded as such
- the relevant deduction must be appropriate for the work undertaken and the payment received

The WSC checks Work Services Platform (WSP) notes and looks at the reason for the decision that the claimant is not gainfully self-employed. This may help to decide how the self-employed activity should be treated at the WSI.

When deciding how much time to deduct, the WSC considers, the amount the claimant earns from self-employment divided by the National Minimum Wage (NMW) for the claimant's age group. This gives an approximate number of hours to use as a guide for making a relevant deduction from the claimant's expected hours of work.

For example, a small amount of self-employed work is considered useful to keep a claimant's skills current by the WSC. This could provide a return to work route if they have a long period of absence. The WSC may also consider whether earnings from self-employment were lower than usual in a month because of normal business patterns rather than because the claimant was spending less time on it, and whether earnings are likely to increase in the near future. In these cases the WSC considers allowing a greater hours deduction than suggested to reflect the self-employed activity by dividing the claimant's self-employed earnings by NMW.

The WSC may consider that a reduction in hours is not appropriate as the self-employment is not significant enough to change the claimant commitment.

If the reason for the original 'not gainfully self-employed' decision no longer applies and the WSC considers that a new gateway interview will lead to a different result, the WSC considers booking another gateway interview. For example, if the claimant was deemed 'not gainfully self-employed' because they were unable to provide significant development plans for their business but have since produced a credible business plan and carried out significant marketing activity, a repeat gateway interview would be appropriate.

If the WSC considers that further support will develop the claimant's self-employment further giving a better chance of being deemed gainfully self-employed in the future the WSC considers referring or signposting the claimant to the appropriate support.

When considering Voluntary Work, the WSC will deduct the hours the claimant spends undertaking agreed Voluntary Work, up to a maximum of 50% of the Claimant's Expected Hours:

For example, Mary's Claimant Commitment requires her to be available for work for 28 hours per week. These are her Expected Hours. She does voluntary work for a local charity for 18 hours per week. Mary's WSC can deduct 14 hours (being 50% of the 28 hours that she is available for work) from the hours that she is available for work when determining the amount of time she must spend on Work Search activities. Mary can still do more hours at the charity but these will not count as work search or preparation activities.

The work search activities set should be the most effective activities which, when undertaken, give the claimant the best possible chance of getting paid work quickly.

How long any particular activity will take will vary from claimant to claimant and the WSC must judge this in line with the claimant's circumstances and abilities.

Work Search activities will differ for each claimant based on their job requirement(s) and circumstances and may include for example:

- using Universal Jobmatch
- registering with and using other job search websites
- carrying out other activities to look for work
- making applications
- registering with an employment agency
- seeking references

This list is not exhaustive. All Work Search Activities must be SMART.

Having set all the reasonable and effective actions that the claimant could do, the claimant will have met their work search requirement if they undertake all these actions.

If the claimant does not undertake these actions the WSC will consider whether they have done all that can be reasonably expected of them. (See Work Search Reviews).

Recording Work Search Activities

The claimant's Work Search Activities are recorded on the 'Work Search Activities' section of the claimant's record.

To input a new Work Search Activity, the 'Add New Work Search Activity' is selected from the toolbar. The details of the Work Search Activity are recorded and the entry is saved by selecting 'Save & Close' from the toolbar menu. The Work Search Activity will then show in the 'Work Search Activities' box.

Temporarily switching off requirements

There will be some circumstances, where WSCs will identify claimant circumstances that mean work search and availability requirements will be temporarily switched off.

Regulations give a list of the particular circumstances where this is appropriate. This applies to claimants:

- with a self certificate/medical evidence of illness of up to 14 days
- receiving medical treatment outside of Great Britain (for up to 6 months)
- on jury service or attending court or a tribunal as a witness
- whose partner, child or qualifying young person has died (for up to 6 months from the date of death)
- participating in structured recovery orientated course of alcohol or drugs dependency treatment (for up to 6 months)
- who are prisoners (detained in custody pending trial or sentence or on temporary release.)
- who have arrangements made by a protection provider for up to 3 months. (This can be extended in exceptional circumstances)
- engaged in a public duty– e.g. volunteer Fire-fighter, Lifeboat crew member

WSCs can, at their discretion also temporarily switch off work search and work availability requirements where it would be unreasonable to require the claimant to comply with a work search or work availability requirement:

- if the claimant is carrying out work preparation or voluntary work preparation
- if the claimant has a fit note beyond the first 14 days of sickness. Nevertheless, the WSC may decide that the claimant should be subject to other work related requirements, such as work preparation and/or work focused interview requirements

Where a claimant has a temporary emergency or temporary responsibilities such as:

- temporary child care responsibilities(for example, where there is no appropriate childcare available during the school holidays and no other arrangements can be made or where the child is temporarily excluded from school)
- they are dealing with a domestic emergency
- they are having to make funeral arrangements
- other temporary circumstances

Where requirements have been temporarily switched off, WSCs should ensure that appropriate dates are set to review these arrangements.

Victims of Domestic violence

If a claimant notifies us that they have been a victim of domestic violence in the past six months, they are not living at the same address as the perpetrator, and they have not had access to this easement in the last 12 months, they must have an exemption from all work-related requirements for one month. During this time the claimant has the opportunity to provide relevant evidence from a person acting in an official capacity and, if they do so, will have this exemption extended to 13 weeks in total.

If claimants feel, before this 1 month or 13 week easement is over, that they wish to reconnect with their work search or preparation activities, they should be able to do so on a voluntary basis until the end of the easement period at which point the claimant's appropriate work-related requirements will be re-applied. If a claimant does wish to begin to carry out work-related activities before their exemption period is over, it should be explained to the claimant that they will not be able to 'bank' this time and access it later on after the easement period has ended.

However, claimants who have been a victim of domestic violence but are outside of this specific easement period may need to access a temporary lifting of work search and availability requirements as a result of temporary circumstances which are directly or indirectly related to their experience of domestic violence. For example if a claimant was obliged to move accommodation in order to ensure their safety or the safety of their children, work search and availability requirements can be temporary lifted to accommodate this if necessary.

If the claimant is not available for work or work search activity

If the claimant is not available for work, 'No' is selected from the 'Available For Work' drop-down menu and the reason(s) recorded in the 'Reason For Unavailability' field. This is used in cases such as a condition that affects the claimant meaning they are temporarily not available for any work, work preparation or work search activities. For example, a claimant participating in a recognised drugs rehabilitation treatment programme, or incapable of work due to a mental or physical condition.

If the claimant is available for work from a specific date, the date is recorded in the 'Available From Date' field. The date that this will be reviewed is recorded in the 'Review Date' field.

The claimant's required weekly work search hours are recorded in the 'Work Search Hours Per Week' field. This defaults to 35 but can be changed if required.

Work Search Reviews

Summary

Preparing for and conducting Work Search Reviews

Content

Universal Credit aims for claimant's to get as much work as they reasonably can do as quickly as possible. Advisers will take account of individual circumstances and set requirements that, if complied with, give the claimant the best possible prospects of finding paid work quickly. All such requirements will be recorded on the Claimant Commitment.

Compliance with the work related requirements set out in the Claimant Commitment, actively searching work and engagement with advisers, increases the chances that claimants find work more quickly than would otherwise be the case.

The claimant must take all reasonable action for the purpose of obtaining paid work and will be expected to devote the same number of hours to work search and work preparation activity each week as the number of hours they are available for work (up to a maximum of 35 hours a week).

This means that the claimant must conduct work search for their Expected Hours (This is the number of hours that the claimant is available for work or 35 hours, whichever is the lower figure) less the total amount of time they spend undertaking agreed Work Preparation activities, Voluntary Work and Paid Work.

Work Search activities and the time it takes to undertake these will differ for each claimant, based on their job requirement(s) and individual circumstances.

Where a claimant has done all that could reasonably be expected of them – for example they have applied for all suitable jobs and undertaken all the activities set out in their Claimant Commitment - this will be considered sufficient even if the time taken was less than their expected hours.

Work Search Reviews are a key component of the Universal Credit conditionality approach. Evidence shows that regular face-to-face reviews can help people move into work more quickly than would otherwise be the case.

The primary purpose of Work Search Reviews is to check that the claimant has complied with their work-related requirements. They also provide an opportunity to identify anything that makes it harder for the claimant to get paid work and determine appropriate support.

It is very important that advisers and agents work closely together to deliver a consistent approach. This means understanding what has been agreed previously and making sure each Work Search Review adds value, building upon previous contacts.

Timing of Work Search Reviews

Unless the claimant is not required to attend, or has been granted Postal Status, Work Search Reviews must be conducted face to face and carried out at least fortnightly.

Previewing Work Search Reviews

The agent should confirm if the claimant has any special arrangements, see 'Special arrangements for claimant attendance'.

The claimant record notes should also be checked to see if anything was agreed previously which needs to be discussed or followed up.

Conducting the Work Search Review

An in-depth, probing discussion with the claimant must take place to find out what they have done to look for paid work since their last Work Search Review. The core elements of the Work Search Review are:

- explanation of the purpose of the Work Search Review
- check outstanding actions from the Claimant Record
- review of Work Search activity and Work Preparation actions set out on the Claimant Commitment
- review of the claimant's Universal Jobmatch Activity
- consideration of other Work Search and Work Preparation evidence presented by the claimant
- determination of whether the claimant has done all that can be reasonably expected of them to find paid work
- explanation of the sanction consequences of failing to attend their Work Search Reviews and failing to comply with the actions detailed on their Claimant Commitment
- where a claimant has not complied with a work-related requirement, consideration of whether there should be a referral to a decision maker for a sanction decision
- confirming the claimant's next intervention date and time with them

The Work Search Review should start with introductions, confirmation of identity and explaining the purpose of the Work Search Review. If the claimant reports that they have a change of circumstances the agent advises them to report this by telephone.

Review of Work Preparation activity

Work Preparation activities should be reviewed by viewing the Claimant Commitment. If any are at / past their review date, check if the claimant has completed them. If they have, update the claimant record.

If they have not (once the claimant has been given the opportunity to provide evidence of good reason and the importance of providing good reason has been explained to them), agents with correct permissions should refer to a Decision Maker for consideration of whether a sanction should be applied. Where appropriate, the claimant should be reminded that Universal Credit may be cut for every day until they undertake the required action or until they

undertake an alternative activity they have been notified of by their adviser. See 'Handling sanction referrals and notifications'.

If any new Work Preparation activities have been identified, agents with correct permissions should update the claimant record

Other Work Related Activities should be reviewed. If any are past their review date, check if the claimant has completed them. If they have completed them, update the claimant record. If they have not completed them, see if there are any 'Other Work Related Activities' to add, delete or edit, agents with correct permissions can update the claimant record. If there are any 'Other Work Related Activities' to add, delete or edit, agents with correct permissions can update the claimant record.

Review of Work Search activities

Both Universal Jobmatch Work Search and Work Preparation activities and non- Universal Jobmatch Work Search and Work Preparation activities should be reviewed. See 'Universal Jobmatch and WSP'.

All available Work Search evidence should be considered, including the claimant's Universal Jobmatch account, any Claimant Commitment Pack or diary / record the claimant has kept of their activities, print outs of jobs they have applied for, letters from employers and copies of updated CVs.

If the claimant has completed all activities set out in their Claimant Commitment, they have met their requirements and their claimant record should be updated.

Consideration should be given as to whether their work preparation and work search activity fell below the claimant's required Expected Hours for Work Search. If it did, agents with correct permissions should be asked to review these requirements and consider whether the Claimant Commitment should be reviewed.

If claimant has not completed all work search activities, consider whether the claimant has nonetheless done all that they reasonably could to find paid work in that week (taking into account time spent undertaking work preparation or other agreed activities). If they have, then the claimant has met their work search requirements.

Consideration should also be given as to whether an agent with correct permissions should be asked to review whether the requirements set out on the Claimant Commitment should be reviewed in light of experience.

If the claimant has not done all that they reasonably could to search for work in that week a referral should be made to a Decision Maker for consideration of whether a sanction should be applied. Referrals should not be made where a claimant does not undertake an individual work search activity (such as a claimant not checking Universal Jobmatch the required number of times), instead referrals should be made where a claimant has failed overall to do their required hours of work search activity and has not taken all reasonable action to find work in that week.

If there are any work search activities to add, delete or edit, agents with correct permissions can update the claimant record.

The agent must follow up any outstanding actions recorded on the claimant record notes, and identify any additional support that the claimant needs.

There may be circumstances where the agent needs to refer the claimant to a suitably authorised agent. For example where:

- any additional work search support is needed (CV writing, Interview Techniques, Work Club)
- the Claimant Commitment needs amending, for example where the claimant can no longer carry out a work related requirement
- the Intervention Regime needs changing
- the claimant has questions that cannot be responded to within the confines of the Work Search Review
- referrals to provision need to be made
- in-work financial advice given – general information may be provided during the Work Search Review but only an Adviser should provide more in-depth advice

Review of Intervention Regime

The claimant's Intervention Regime should be reviewed. The current Claimant Commitment will hold the claimant's Intervention Regime that was previously agreed. The agent will also be able to view future interventions on WSP by selecting 'View Interventions' within the 'General' menu on the 'Claimant' home screen. If the agent identifies that the intervention regime needs changing, an ongoing Work Search Interview will need to be booked. See 'Booking Appointments'.

Referrals to a Decision Maker

Where an agent is not satisfied that the claimant has carried out the required work search or work preparation activities, a referral should be made to a decision maker. See 'Handling sanction referrals and notifications'.

If doubt is raised due to non attendance, see 'Handling sanction referrals and notifications'.

Updating Work Services Platform

The outcome of the intervention is recorded on WSP; see the 'Work Search Review action on WSP' guidance.