

Claimant Commitment

Introduction

1. This guidance has been developed to support the phased national roll-out of the Claimant Commitment and other supporting products for Jobseeker's Allowance (JSA) claimants. Districts will start to phase in the JSA Claimant Commitment for new JSA Claimants and Work Programme completers from 28 October 2013.
2. Stock claimants and 16-17 year old JSA claimants have not been included in this phased roll-out.
3. For the purposes of section 1(2)(b) of the Jobseeker's Act 1995, the Claimant Commitment is the Jobseeker's Agreement.
4. Districts should continue to follow existing JSA guidance until their agreed scheduled roll-out date.

Purpose

5. The JSA Claimant Commitment is the primary document for agreeing and recording key information about the claimant's availability for work; the types of work they are most suited to do and the high level regular work search activities that the claimant will undertake.
6. The JSA Claimant Commitment is a key source of information used to ensure that claimants remain available for and are actively seeking work.
7. Failure to comply with the Claimant Commitment could result in the claimant's benefit being stopped and a benefit sanction being imposed.
8. The Claimant Commitment should be used in conjunction with the My Work Plan booklet and the My Jobseeker Profile which together forms a Commitment pack. The Commitment pack should be used alongside other information provided by the claimant and any Jobseeker's Directions, in order to agree, develop and monitor a personalised plan that, when followed, will give the claimant the best chance of finding and keeping a job.
9. The Claimant Commitment:
 - is agreed between the claimant and Work Coach at the Initial Work Search Interview;
 - must be a helpful and practical aid to work search, containing;
 - reasonable and achievable types(s) of work a claimant can do,
 - details of the claimant's availability for work; and
 - actions for getting into work that offers the best prospects of securing employment
 - should be reviewed and updated by a Work Coach at appropriate points, in the light of experience or changes in the claimant's circumstances, to ensure it remains relevant;
 - should clearly detail the consequences of not complying with any of the activities set out within the Claimant Commitment; and
 - must be signed and dated by both the claimant and the Work Coach.
10. The Claimant Commitment also provides important information about the claimant's rights and responsibilities and what they must do to remain entitled to Jobseeker's Allowance/National Insurance Credits.

Agreeing and Completing the Claimant Commitment

11. At the Initial Work Search Interview, the Work Coach must have an in depth conversation with a claimant to build an understanding of their capability and circumstances relating to work. Information gathered in this interview must be used to complete the Claimant Commitment.

12. It is important that the Claimant Commitment is completed at the end of the discussion and not during the discussion itself. In this way, it demonstrates to the claimant that:

- the coach has actively listened to the claimant;
- the coach has given the claimant full attention;
- all the claimant's circumstances have been taken into account when developing the Claimant Commitment, so it is personal to them; and
- the Claimant Commitment is reasonable and achievable.

13. The Work Coach will complete the Claimant Commitment electronically and print it out for the claimant to sign.

Completing the 'My Jobseeker Profile'

14. At the end of the work focused discussion the Work Coach should complete the 'My Jobseeker Profile' before going on to complete the Claimant Commitment. The 'My Jobseeker Profile' is a summary of the key information discussed in the Work Search Interview about the claimant's capabilities and circumstances relating to work. This will help the Coach to determine an appropriate and reasonable level of regular work actions for getting work.

15. It is crucial to ensure that the information is described in a positive light and states what the claimant can do. This can then help the claimant's self-belief and motivation and can be used by the claimant in applications and interviews.

16. The 'My Jobseeker Profile' includes the following headings:

The type(s) of work I am most likely to get:

17. The Work Coach and claimant should agree the types of work most suited to the claimant's skills, capabilities and experience. This will help the claimant focus and prioritise their jobsearch and move into work more quickly.

18. However, the claimant is still expected to look and apply for any work they are capable of doing.

19. The Type(s) of Work the claimant considers suitable must be realistic and achievable. When agreeing the Types of Work in question, the following should be explored:

- Capability for work. Does the claimant have the relevant qualifications, experience, skills etc. required for the job?;
- 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?;
- Restrictions. Is the claimant placing restrictions on the Type(s) of Work they aspire to? For example, wages, travel or others because of disability or caring responsibilities;
- Wage expectations. For example, do the Type(s) of Work pay the wages that the claimant expects?; and

- The local labour market. Careful consideration must be given to what jobs are available within that area. If the Type(s) of Work the claimant is looking for is not available within the area they are prepared to travel to, aspiring to these Type(s) of Work is not realistic.

My qualifications are:

20. This should include details of any educational, vocational or professional qualifications. It is also important to include other information such as licences / certificates that are required in certain occupations. For example, Driving Licences, food hygiene certificates etc.

My employment strengths and skills are:

21. This should include any skills the claimant has accrued, without having a formal qualification and should include transferable skills. For example, the skills a claimant may have gained in their own home. For example, managing the household expenses and ensuring utility bills are paid on time are all skills required for budget management.

My experience is:

22. This allows the claimant to record details of the different type of work experience they have gained; including any voluntary activities are recorded. For example;

- 2 years general household plumbing on a self-employed basis until September 2013; or
- 1 year local authority work, as a teaching assistant, between Jan 2012 and Feb 2013.

My circumstances are:

23. This section includes things about the claimant and their circumstances that are relevant to work and should be described in a positive, rather than negative way. It describes the circumstances which determine what is reasonable. This could also include personal qualities relating to work.

Example:

During her Initial Work Search Interview Sarah tells her Work Coach that she cannot work full-time because she has young children and has to do the school run. This should be reflected back to Sarah positively and recorded as "I have caring responsibilities for two children and I can work part-time between the hours of 9am and 3pm".

Content and completion of the Claimant Commitment

24. Legally, the Claimant Commitment is the Jobseeker's Agreement and therefore, it must contain everything that legislation says a Jobseeker's Agreement must contain.

25. The general overriding principal is that a claimant must take all reasonable steps to give them the best prospects of securing employment. The Claimant Commitment will outline what that is and will also provide further

specific detail about whether a claimant has permitted period or any other agreed restriction on their availability.

26. The form is designed to be completed electronically with drop down menus to aid completion. The text displayed on the final printed Claimant Commitment will therefore depend on which categories are selected within the drop down menus.

My Types of Work

27. This section allows the Work Coach to personalise the Claimant Commitment and record any restrictions on the type of work the claimant is expected to look for. They are recorded under the following drop down entries:

- No Restrictions;
- Permitted Period Agreed; and
- Other Restrictions Agreed

No restrictions agreed

28. Unless restrictions apply, this should be used for the majority of customers. Once selected the following text will be displayed on the Claimant Commitment:

I have agreed with my Coach that:

- I will be available for all types of work, and
- I will seek and apply for all types of work that give me the best prospects of securing employment.

Permitted Period agreed

29. From the start of a claim, a Work Coach can decide if it is appropriate to agree a Permitted Period. Providing this gives some one reasonable prospects of securing work the Permitted Period allows a claimant to restrict the Type of Work they are looking for to:

- employment in their usual occupation; or
- the usual rate of pay a claimant is willing to accept; or
- both employment in their usual occupation and at the same level of pay they were used to receiving.

30. Where appropriate, the Permitted Period is agreed at the Initial Work Search Interview and a Follow-Up Work Search Interview is arranged for the end of the agreed period, to broaden the types of work the claimant is required to look for.

31. The "Permitted Period Agreed" drop down is selected to reflect that a Permitted Period has been agreed. Both the dates and the type of work/salary are recorded in the rows below. The form allows for rows to be added and deleted as necessary. Once completed, the appropriate information will be displayed in the Claimant Commitment.

32. At the end of the Permitted Period, the Work Coach will need to update the Claimant Commitment to reflect whether the claimant no longer has any restrictions on the type(s) of work they are expected to look for.

Other restrictions agreed

33. This option should be selected to record information about any other acceptable restrictions the claimant may have. For example, for claimants with:

- sincerely held religious or conscientious beliefs; or
- a physical or mental condition.

Other agreed restrictions on 'My types of work' or 'My availability for work'

34. Claimants must be available to work a minimum of 40 hours a week and be prepared to take any job they are realistically capable of doing, **unless** their personal circumstances make these requirements unreasonable.

35. A claimant may reasonably restrict their availability for work due to:

- caring for a child or other caring responsibilities;
- being a lone parent with care of a child aged 12 or under; or
- engagement in treatment for drug and/or alcohol dependency.

36. Following an in depth review of the claimant's situation, consideration must be given as to whether restrictions on the claimant's availability can be agreed.

Where I will work:

37. Unless a restriction is agreed due to a health condition or disability, claimants must be willing to travel:

- 90 minutes to work in each direction; and
- by a route and means appropriate to their circumstances.

38. The entry on the Claimant Commitment in this section will default to 90 minutes. However, the number of minutes can be reduced to reflect any agreed restrictions for those with a health condition or disability.

Note: Even if a customer is willing to travel for longer than 90 minutes, the default setting must not be increased above 90 minutes.

39. The 90 minute travelling time is over and above the period of time that the claimant is available for work.

40. However, when assessing whether a vacancy is suitable, everything about the claimant's circumstances must be taken into account to identify whether or not it is reasonable to expect the claimant to travel that length of time.

Examples

Sarah drops her children off at school at 8.45am and picks them back up again at 3pm. As a lone parent, she has restricted her availability for work to 6 ¼ hours each week day.

Example 1

Sarah's coach finds her a part-time job in a café just down the road from school. The hours are 9am until 2:30pm. As these hours fit in with Sarah's availability and there is no additional travelling required, it would be reasonable to expect her to apply for the job.

Example 2

Sarah finds a job in a Café in Leeds. Sarah lives in Sheffield so this means she will need to commute to work. It takes Sarah 15 minutes each way from the school to the railway station and from Leeds station to the café and the train journey is 40 minutes. Altogether, Sarah would be expected to travel to and from work for 70 minutes each way. The hours of the job are 10am – 1:30pm. It would therefore be reasonable to still expect Sarah to apply for this job.

Example 3

Sarah has found a retail job that she is capable of doing in Derby. The hours of the job are 9:30am – 2.45pm. However, after Sarah has considered the time it would take her to travel to and from the job, she doesn't apply for it. At her next review, Sarah explains that it would take her an hour to travel each way. Her Work Coach agrees that this would have been unreasonable and accepts her reason for not applying.

My availability for work

Availability for a job interview

41. Claimants must be willing and able to attend a job interview immediately, unless they have an agreed restriction in place.
42. How quickly the claimant is expected to attend a job interview, taking into account their circumstances, is recorded by selecting the appropriate drop down entry:
 - immediately;
 - within 48 hours; or
 - within 1 week.

Availability to start work

43. Claimants must be willing and able to start work immediately, unless they have an agreed restriction in place:
44. How quickly the claimant is expected to start work, taking into account their circumstances, is recorded by selecting the appropriate drop down entry:
 - immediately;
 - within 24 hours;
 - immediately after the end of my notice period;
 - after giving one week's notice; or
 - within 28 days.

Hours of availability

45. Claimants are required to be available for a minimum of 40 hours a week but this may be limited to less than 40 hours in certain circumstances.
46. If the claimant has no restrictions on the days and hours they are available for work the Coach should select '*No Restrictions on availability*' on the Claimant Commitment. Once completed, the appropriate information will be displayed in the Claimant Commitment.

47. If the Coach agrees that the claimant can restrict the days and/or hours they are available for work, '*Restricted Availability*' should be selected from the drop down menu. This will enable the coach to record details of the claimant's availability in the table provided.

Example

Jenny has caring responsibilities for a child of school age. She has the use of a breakfast club on two days a week and an after school club on one. Her partner also doesn't work on Wednesdays. She has agreed the following hours of availability with her Work Coach.

Day	Earliest start time	Latest finish time	Most hours I can work
Monday	9:00am	15:00pm	6
Tuesday	8:00am	15:00pm	7
Wednesday	7:00am	18:00pm	8
Thursday	8:00am	15:00pm	7
Friday	9:00am	18:00pm	8
Saturday	9:00am	17:00pm	8
Sunday			
Most hours I can work each week:			40

48. It should be noted that the number of hours recorded against each day, is the total number they are **available** to work on that day. Not how many days and hours they **can** work on that day.

49. It should also be noted that the most hours a claimant can work each week **is not** simply a total of the number of daily hours multiplied by the number of days.

50. For example, claimants may be available to work 6 hours each weekday but only able to work a total of 25 hours a week.

My actions for getting work

51. To meet the entitlement condition for Actively Seeking Employment each week, claimants must take all reasonable actions to give themselves the best prospects of securing employment.

52. During the Initial Work Search Interview, the claimant and the Work Coach will agree a set of high level activities the claimant can reasonably be expected to undertake. It is not intended to be a detailed plan, but rather high level categories of work search. When deciding what activities a claimant must do and how frequently they must do something the Work Coach must take the claimant's individual circumstances into account.

53. If set properly, these activities should cover the full breadth of effective work search activities which, when taken, give the claimant the best possible chance of getting paid work quickly.

54. The Claimant Commitment will display a table of pre-populated commonly used generic actions that most claimants will be expected to do. They should provide the right starting point for someone to do effective work search, but will need to be tailored to ensure they are realistic and achievable for individual claimants. The pre-populated generic actions are:

- I will use jobsites and employer websites to find and apply for jobs I can do;
- I will log in to my Universal Jobmatch account to find and apply for jobs I can do;
- I will contact employers directly to ask about and apply for jobs I can do;
- I will check newspaper job vacancy sections and apply to those jobs I can do;
- I will ask family, friends and former colleagues about vacancies and apply to those I can do;
- I will respond promptly to contacts and notifications from employers and jobsites;
- I will consider what I need to do to make effective applications to the jobs I find;
- I will ensure I have an up to date CV that I can tailor for jobs I apply for; and
- I will register with and maintain contact with recruitment agencies.

55. Although these activities have been pre-populated in the Claimant Commitment they can be re-ordered, amended and/or deleted to reflect individual need. Coaches will need to set more specific actions where claimants are not using the 'My Work Plan' document to set more specific actions for getting work. However, the maximum number of characters is set to 100 in these fields.

Example

If a claimant is expected to log in to and use Universal Jobmatch (UJ) to look for work, the Work Coach will need to establish whether the claimant already has a UJ account. If the claimant hasn't already got an account then it would not be reasonable to expect the claimant to do this without first considering whether it is reasonable to expect the claimant to have an account.

56. Chapter 3 of the Universal Jobmatch Toolkit includes further information about the considerations that need to be taken into account before requiring any claimants to create a profile and public CV in Universal Jobmatch (UJ).

57. For claimants who do have an account, before agreeing how often the claimant needs to log in to their account, the Work Coach will need to establish if the claimant has regular access to a computer and is willing to use their own computer to look for work. If they do, then they could reasonably be expected to log in every day. However, if the claimant is using a DWP Internet Access Device to do this, it may only be reasonable to expect them to use this method to look for work once or twice a week.

58. In addition to these pre-populated activities, the drop down menu includes other activities that a claimant may be expected to do; These are:

- I will use trade journals to find vacancies and apply for all suitable jobs found;
- I will practise and improve my interview skills;
- I will investigate and apply for work experience opportunities;
- I will investigate and apply for voluntary work; and
- I will research opportunities to improve my skills.

59. Work Coaches also have the facility to include other personalised actions that they think would be appropriate for a claimant to do. This will add free text rows to the table which have no character limitations and can be populated with details of the other relevant activities.

60. When agreeing the actions for getting work, the Work Coach should explain that meeting this requirement is challenging and requires detailed planning and by undertaking this detailed level of activity using the 'My Work Plan' booklet they will be able to demonstrate that they are meeting the requirement to take all reasonable steps to find work. Claimants not using the 'My Work Plan' booklet are still required to do the same level of planning.

61. Activities should be reviewed regularly, to ensure that they remain appropriate to each claimant, in light of the claimant's experience of work search and subsequent any enhancement of their work search skills.

62. On agreeing the regular work search activities, the Work Coach explains how the claimant needs to turn these into realistic and challenging commitments in their My Work Plan booklet.

Setting Actions for getting into work

63. To ensure that it is reasonable for the claimant to undertake each action, they must be personalised and specifically tailored to each claimant's circumstances.

64. Therefore, the following must be considered when assessing the activities it is reasonable for each claimant to undertake:

- The type(s) of work the claimant is capable of doing;
- The skills of the claimant;
- The means required to undertake the activity; and
- Any restrictions to the claimant's period of availability, either because of a health condition, or caring responsibilities.

65. Once the actions have been agreed, each one is recorded on the Claimant Commitment.

Type(s) of work

66. Each activity must reflect the type(s) of work each claimant is capable of doing.

67. For example, expecting a claimant who is looking for work as a bricklayer to look and apply for hairdressing post would be unreasonable.

Claimant skills

68. Claimants must have the skills to be able to undertake the activities expected of them, for those activities to be reasonable.

69. For example, it is unreasonable to expect a claimant with no IT skills to browse employment-related websites or contact employers by email.

70. However, accessing local newspapers and contacting employers by telephone, in writing or face to face would be.

71. Any lack of skills must be addressed before a claimant is expected to undertake a particular activity.

Means to undertake the activity

72. The activities must reflect the availability of the tools required to undertake an activity, giving regard to the claimant's circumstances.

73. For example, expecting a claimant without immediate access to the Internet to use that means as regularly as someone with access at home would be unreasonable.

Restrictions

74. Claimants are only required to look for work during their hours of availability. Once any restrictions are agreed, claimants must not be expected to undertake any activities outside of these, as it is unreasonable for them to do so.

75. For example, it is unreasonable to expect a claimant to attend an ESOL training course between the hours of 9am and 5pm if they have exercised their right to restrict their availability for work to their child's school hours of between 9am and 3pm.

76. However, it may be reasonable for that same person to attend an event to up-skill their CV knowledge, between 10am and 1pm on a day their child is at school.

My Rights

77. This makes it clear to the claimant that if there is a disagreement about their Claimant Commitment, they can ask for it to be referred to a Decision Maker. It also makes clear that if there is a dispute about the claimant's benefit, their benefit could be removed. However all claimants have the right to ask for an explanation or revision of their decision. If they are still not happy with the outcome, they can then appeal to the First-tier Tribunal.

Changes in my circumstances

78. Claimants are required by law to inform Jobcentre Plus of any change in their circumstances which could affect their entitlement to Jobseeker's Allowance. Failure to report a change in circumstances could result in prosecution.

My Claimant Statement

79. When the Claimant Commitment has been agreed by both the claimant and Work Coach, two copies of the Claimant Commitment must be printed out and signed and dated by both parties.

80. The claimant is given a copy of their signed Claimant Commitment and the other signed copy is stored in the claimant's Labour Market Unit.

Claimants with problems that may affect their understanding of the Claimant Commitment

81. Claimants with problems that may affect their understanding of the Claimant Commitment, for example those with learning difficulties and/or literacy problems must fully understand both their obligations in the Claimant Commitment and the consequences of not doing something outlined in their Claimant Commitment before agreeing to it. They must understand the

actions they will be required to take in order to find a job and what they must do to remain entitled to Jobseeker's Allowance.

82. Asking the claimant if they understand, does not guarantee that the claimant has understood their Claimant Commitment. The Work Coach should ask the claimant to explain what they are going to do to confirm they have understood. For example, "Which agency are you going to register with?" or "Which website are you going to look at daily?" before asking them to sign the Claimant Commitment. It may also be beneficial to ask the claimant if they understand what will happen if they do not undertake the actions.

Claimant Commitment DMA Referrals

83. Where a realistic Claimant Commitment cannot be agreed between the claimant and the Work Services Coach, every effort should be made to resolve any issues locally, before making a referral to the Labour Market Decision Maker.

Storage and Retention

83. In preparation for rolling out the Claimant Commitment, all jobcentres have been asked to create a secure Claimant Commitment folder in their shared drive and saved this on users' desktops.

84. We also recommend that within this folder a sub folder is set up for each individual claimant in a common format, so that the current version of the claimant commitment and any accompanying documents such as the 'My Jobseeker Profile' can be saved. For example, [SURNAME] [INITIAL] [LAST 3 DIGITS OF THE NINO])

85. All signed copies of the Claimant Commitment must be retained in the claimant's Labour Market Unit until 14 months after a claim has been closed.

Claimant Transfers to a Different Local Office

86. In instances where a claimant transfers to a different location, if the receiving office has already rolled out the Claimant Commitment, they will need to contact the previous owning office to obtain both the claimant's Labour Market Unit and an electronic version of the current Claimant Commitment. When transferring restricted personal data, DWP Security standards must be followed.

87. However, if the claimant moves to a location which hasn't yet rolled-out the Claimant Commitment, the receiving office will need to ensure that the information stored in the latest copy of the Claimant Commitment is converted into a Jobseeker's Agreement.

Split Initial Work Search Interviews

88. Districts that are still operating a Split Initial Work Search Interview will need to complete a Claimant Commitment during the Conditionality Interview. Further information about each element of the Split Initial Work Search Interview can be found [here](#).

Rapid Reclaim

89. Claimants who make a new claim within 26 weeks of their last claim to Jobseeker's Allowance are treated as a Rapid Reclaim. Further information about Rapid Reclaims can be found [here](#).

16 and 17 year olds

90. Young people aged under 18 are not in scope for the new Claimant Commitment. Therefore, claimants will continue to agree a Jobseeker's Agreement. See the JSA for 16 and 17 year olds guidance for further information.

Prison Leavers

Claims made before release

91. Prisoners have the option of making a claim to JSA before they leave prison. In this instance, the Employment and Benefit Adviser (EBA) will conduct the Initial Work Search Interview and arrange for the claimant to complete a clerical Claimant Commitment. The content of the interview can be found in the Employment and Benefit Advisers in Prisons guidance.

Setting the JSA Claimant Commitment Marker on LMS

92. The JSA Claimant Commitment Marker is to be set, confirming whether a Claimant Commitment is:

- CC Agreed;
- CC Disputed;
- CC Closed; or
- CC Set in error.