

JSA(CNS) Accepting the Claimant Commitment

Summary

How to create and accept a contribution-based Jobseeker's Allowance Claimant Commitment

Content

Universal Credit and contribution-based Jobseekers' Allowance (JSA) (C) are designed to ensure that for people who are able, work is still the best route out of poverty and an escape from benefit dependence.

A personalised approach to Labour Market activity together with appropriate sanctions, will encourage claimants to take responsibility for themselves when preparing for work, finding work and taking up more and better paid work.

Accepting a Claimant Commitment is a condition of entitlement and is at the heart of this personalised approach. Compliance with requirements such as active work search and work preparation increases the chances that claimants will get paid work more quickly than they would otherwise. The Claimant Commitment will set out all requirements and consequences in one place – ensuring claimants understand what is required.

The Claimant Commitment is a contract between DWP and the claimant:

- it details joint responsibilities
- it is a fundamental part of the claimants claim to JSA(C) or Universal Credit
- it helps the claimant to either get paid work or increase their earnings
- claimants cannot receive JSA(C) or Universal Credit if they do not have a current agreed/ signed claimant commitment

The Claimant Commitment must:

- detail the claimant's work preparation requirements
- detail the claimant's work search requirements
- detail the claimant's work availability requirements

- detail the claimant's other work-related activities
- explain the consequences of failing to comply with any of their work-related requirements
- be reviewed regularly and updated as required

Because accepting a Claimant Commitment is a condition of entitlement, in the case of joint claims for Universal Credit **both** eligible claimants within a household are required to accept an individual Claimant Commitment which will set out any work related requirements for each of them. If one member of the couple does not accept their Claimant Commitment, neither will be entitled to Universal Credit if they continue to apply as a couple.

The Claimant Commitment can be accepted by phone or in writing. In most cases the Claimant Commitment will be accepted in writing during a Work Search Interview.

For JSA (C) only claims All Work Related Requirements will apply and a Claimant Commitment must be created face to face

Creating a Claimant Commitment

The Work Services Platform (WSP) is not able to generate JSA(C) Claimant Commitments. The JSA(C) Claimant Commitment is a clerical template edited and personalised by the adviser.

To create a Claimant Commitment on WSP the adviser:

1. Selects 'General' from the 'Information' menu.
2. Selects 'Create Claimant Commitment' from the ribbon. This displays the 'Claimant Commitment sanction dialogue' field and the dialogue box is moved to make sure the 'Claimant group' field is visible.
3. Selects 'Look up' from the 'Sanction data' field. This produces a list of sanctions.
4. Selects the sanction regime relating to the claimant from the drop-down list. This information is obtained from the 'Claimant group' field.
5. Selects 'OK'. This returns the user to the 'Claimant Commitment sanction dialogue' field.

6. Selects 'Next'. This submits the data and the following message is displayed: 'This is the end of the dialogue. Click Finish to close it'.
7. Selects 'Finish'. This displays the 'Claimant Commitment' screen.
8. Selects 'Preview' from the ribbon which will generate a Word document.
9. Selects the Word document from the ribbon at the bottom of the page. This displays the Claimant Commitment as a Word document in a new window.
10. Selects 'File'.
11. Selects 'Print' from the menu on the left hand side of the page. This displays a 'Print preview' which must be reviewed with the claimant to ensure that it is correct before printing

The personalised elements of the Claimant Commitment will be populated by the content recorded in specific fields on WSP by the adviser.

Claimant Commitment is correct

If the Claimant Commitment is correct the adviser:

1. Selects the number of required copies for printing. This is done by using the arrows in the 'Copies' field.
2. Selects 'Print'. This will return the user to the Word document showing the Claimant Commitment.
3. Selects 'X/Close'. The completed Claimant Commitment will show in the 'Claimant Commitments' field.

The adviser must discuss the setting of a regime for Work Search Reviews with the claimant.

With clerical Claimant Commitments, the adviser must ask the claimant to agree the content of the Claimant Commitment together as it is created. When the claimant agrees that this is correct, the adviser prints two copies of the clerical Claimant Commitment.

The printed Claimant Commitment is presented to the claimant for them to accept.

Claimant Commitment is not correct

If the Claimant Commitment is not correct, this should be deleted and the appropriate fields amended or completed in WSP.

Claimant accepts Claimant Commitment

If the Claimant accepts the Claimant Commitment:

1. They are advised to sign both copies and keep one. This encourages the claimant to take ownership of their Claimant Commitment.
2. A record that the Claimant Commitment has been accepted is recorded in the Universal Credit Agent Portal. This step is vital because it triggers entitlement to Universal Credit without which the claimant will not be paid. This is done in Claim admin.
3. A copy of the Claimant Commitment is sent to the Mail Opening Unit (MOU) to be scanned into the Document Repository System. The document should be labelled 'No CAMLite action' so that no duplicate actions are taken.

The Claimant Commitment status in WSP cannot be amended if the Claimant Commitment itself has not been generated in WSP. The status will remain the same as it was before the clerical Claimant Commitment was issued. The adviser records details of a clerical Claimant Commitment status in WSP Notes.

Updating the Work Services Platform

To update WSP to show that the claimant has accepted their Claimant Commitment, the adviser:

1. Selects the relevant Claimant Commitment from the 'Claimant Commitments field'
2. Selects 'Look up' from the 'Commitment status' field. This displays a status list for the Claimant Commitment.

3. Selects the 'Accepted' status is selected from the list.
4. Selects 'Save & close'.
5. Selects 'Notes' from the 'Information' tab.
6. Enters a note in the free text box to include the channel by which the Claimant Commitment was accepted (for example, face to face, telephone, email, in writing) and if a Commitment Pack was issued. Confirmation of the claimant's acceptance is a legal requirement.
7. Selects 'Done'.

The consequences of not recording that the Claimant Commitment has been accepted on WSP may be that:

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- advisers involved with future contact with the claimant may incorrectly take action to ask them to accept their Claimant Commitment again
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- advisers may incorrectly identify that payments should be stopped
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The consequence of not recording the method of acceptance in the 'Notes' field in WSP may be that:

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- when a signature from the claimant is not required, an adviser may assume that the Claimant Commitment has been issued but is awaiting acceptance
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Claimant does not accept the Claimant Commitment

If the claimant does not accept the Claimant Commitment, the adviser inform them that they will not be entitled to Universal Credit or JSA (C) if they do not accept a Claimant Commitment.

The adviser informs the claimant that there is a 7 calendar day 'cooling-off' period and that if the Claimant Commitment is not accepted within the 7 days the claim will be closed.

The 7 day Claimant Commitment cooling-off period starts from the day the claimant refuses to accept their Claimant Commitment and includes weekends but not bank holidays. The length of the cooling-off period will be extended to reflect any bank holidays occurring in the 7 days following the creation of the Claimant Commitment.

It is the claimant's responsibility to make contact with the DWP adviser during this period if they want to accept or discuss their Claimant Commitment. If the claimant contacts DWP after the expiry of this period they will be advised that their claim is defective (claim not entitled/closed) and to make a new claim.

The adviser creates a WSP task to check the Claimant Commitment acceptance status on the eighth day.

The adviser also informs the claimant that they can also request a reconsideration of their work-related requirements and any limitations applied or not (second opinion) with another adviser.

The adviser must explain to the claimant that:

- they can only request one reconsideration (second opinion) from a different adviser per Claimant Commitment
- an appointment must be arranged so that the claimant can discuss their circumstances with another adviser (this will include a review of information previously provided)
- the adviser will make a decision as to whether the Claimant Commitment is reasonable or not and relay this decision back to the referring adviser
- the adviser will then notify the Claimant of their decision:
 - if the decision is not in the claimant's favour, the adviser will close the claim and a new claim will have to be made
 - if the decision is in the claimant's favour, they will accept the Claimant Commitment and the date of claim remains the same
- the claimant loses the right to a cooling-off period once a reconsideration interview has been booked (this means the claimant cannot sign the Claimant Commitment whilst waiting for their second opinion interview)
- a second opinion interview **must** be conducted within the 7 day cooling-off period

- the claimant has no right of appeal

The adviser also informs the claimant that:

- a reconsideration has to take place during the cooling-off period and cannot be requested after the cooling-off period has ended
- once a reconsideration has been requested it will take precedence over the cooling-off period and they cannot then decide to accept the Claimant Commitment until the reconsideration process is complete
- if the reconsideration is not found in the claimant's favour and they still will not accept the Claimant Commitment, they will need to make a new claim - any payment of JSA(C) arising from this new claim will start no earlier than the date of the new claim (the claimant must be told that there will be no further cooling-off period even if the original Claimant Commitment is amended following a second opinion)

The adviser must give the claimant a further opportunity to agree to the Claimant Commitment so that their claim can proceed and also advises that if they choose to sign the Claimant Commitment now, their claim to JSA(C) will proceed.

The adviser asks claimant if they want to proceed

If the claimant still does not want to sign the Claimant Commitment, the adviser:

1. Updates WSP notes with: 'JSA Claimant Commitment not accepted – claimant in cooling-off period'. The adviser **must** update WSP notes on the day of the interview.
2. Creates a WSP task on the day of the interview to follow up the 7 day cooling-off period.
3. Populates a claimant notification template regarding the 7 calendar days cooling-off period. The adviser **must** issue this letter on the day of the interview.

4. Updates WSP notes that the claimant notification has been issued. A copy of this notification is not saved because a note on WSP is sufficient.

Once a Claimant Commitment is signed, the adviser creates and issues a Commitment Pack.