

Diagnosis of claimant capability and circumstances

Summary

How to determine the things that affect the work a claimant is expected to look for and accept if offered

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Diagnosing work related requirements

During work search interviews, the work coach (WC) identifies issues that affect the work a claimant is expected to look for and accept if offered.

Claimants in the All Work Related Requirements (AWRR) are normally expected to look for any suitable employment, paying the relevant [National Minimum Wage](#), that is within 90 minutes travelling distance from their home. Claimants are usually expected to look for full time work. They will 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 will help the WC determine:

- a realistic job requirement
- availability requirements
- travel to work time
- work search requirements including mandatory job applications
- work preparation requirements including Mandatory Work Activity
- any other work related requirements

These should be reviewed and updated throughout the claim.

Claimants must understand:

- they will normally be expected to search for work for the number of hours they are available for work up to a maximum of 35 hours per week
- they need to take all reasonable steps to give themselves the best chance of finding work,

more work or better paid work as quickly as possible

- that their work related requirements have been set taking into account all of their relevant personal circumstances
- if they don't carry out their work related requirements without good reason, they will be sanctioned
- the date and time of their next intervention
- the consequences of failing to attend their Work Search Reviews
- where they have an unspent sanction from a previous claim, this will have an effect on the amount of UC they receive and any future failure to comply with requirements
- if they work and earn the required amount for 26 weeks, their sanction will be ended. If they have worked since the sanctionable failure, this could count towards their 26 weeks. The claimant should be asked their periods of work and earnings and this should be recorded in WSP in 'Employment History'. See [Initial Work Search Interview](#)

Caring responsibilities

When setting a claimant's individual work related requirements the WC considers any [caring responsibilities](#) they have.

Nominated responsible carers of a child under age 13 (or an older child where the child has exceptional care needs)

A [nominated responsible carer for a child](#) under the age of 13 is required to be available for paid work for as many hours as their caring responsibilities allow and which is compatible with these responsibilities. Where the child is at school, this is the child's normal school hours including the time it takes to travel to and from school.

Where the WC adjusts the claimant's work related requirements because they are the nominated responsible carer of a child under age 13 (or an older child where the child has exceptional care needs) the claimant does not have to have reasonable prospects of getting paid work. However, the adjustments must be reasonable and connected with their caring responsibilities for that child.

If a WC also adjusts the claimant's work related requirements for reasons not connected to the care of that child, they must be satisfied that the claimant has reasonable prospects of getting paid work in light of these adjustments.

Nominated responsible carer for a child aged 13 or over

A nominated responsible carer of a child aged 13 or over is required to be available for paid work for as many hours as their caring responsibilities allow. They may have their hours of availability adjusted at the WC's discretion taking into account the claimant's caring responsibilities. The claimant must have reasonable prospects of finding paid work, more work or better paid work.

Carers who have regular caring responsibilities for a person(s) who has a physical or mental impairment

Carers who have regular caring responsibilities for a person(s) who has a physical or mental impairment are required to be available for paid work for as many hours as their caring responsibilities allow. They may have their hours of availability adjusted at the WC's discretion taking into account the claimant's caring responsibilities. The claimant must have reasonable prospects of finding paid work, more work or better paid work.

Parents of a child who are not the nominated responsible carer, but have caring responsibilities for the child

A parent of a child who is not the nominated responsible carer, but has caring responsibilities for the child is required to be available for paid work for as many hours as their caring responsibilities allow. They may have their hours of availability adjusted at the WC's discretion taking into account the claimant's caring responsibilities. The claimant must have reasonable prospects of finding paid work, more work or better paid work.

Exercising discretion

In exercising discretion, the WC should consider:

- that a claimant is expected to do all that is reasonably possible to fit their caring responsibilities with the local labour market
- other care arrangements which may be available (including childcare)
- the impact of their caring responsibilities on the hours that they are able to work
- the care requirements of the individual being cared for

Health conditions

Where a claimant has a physical or mental impairment which substantially affects their ability to carry out paid work, they are required to be available for paid work for as many hours as their health condition allow.

They may have their work related requirements adjusted at the WC's discretion taking into account the:

- claimant's health condition
- regular treatment regime related to the claimant's health condition
- hours their health condition allows them to work
- type of employment their health condition allows them to do
- environmental conditions their health allows them to work in for example lighting, background noise, dust
- impact of their health condition on their ability to travel

For example, where a claimant with a health condition states that they have limited capacity to stand and need to sit frequently, the WC would explore with them what they are able to do. Can they sit without a problem? Can they walk without a problem? What other skills do they have? How do they spend their day? An example statement for the commitment pack would be 'I am able to undertake work which does not involve maintaining one position for a prolonged period'.

Where the WC adjusts the claimant's work related requirements because of their health condition the claimant does not have to have reasonable prospects of getting paid work. However, the adjustments must be reasonable and connected with their health.

If a WC also adjusts the claimant's work related requirements for reasons not connected to their health condition, they must be satisfied that the claimant has reasonable prospects of getting paid work in light of these adjustments.

Other relevant circumstances

The WC must consider anything else (for example legal restrictions, drug or alcohol dependency, domestic violence etc) that could have an effect when setting the claimant's work related requirements.

Skills

Claimants who do not have the skills that are valued in the labour market will be required to start, participate in and complete appropriate skills assessments or training.

The WC will conduct a skills screening to fully understand the needs and capabilities of the claimant. This will help the WC determine if the claimant's goals are realistic and if they require any additional support. This can be conducted as part of an Initial Skills Screening, or an In-depth Skills Assessment.

The Initial Skills Screening determines if the claimant is lacking skills such as English language, literacy, maths or computer skills. Where the WC believes there may be a skills gap but confirmation is needed, they must be referred for an In Depth Skills Assessment, Careers Advice, to an initial interview with a provider or direct to training. All these referrals should be included as either Work Preparation (Mandatory) or Other Work Related Activities (for provision funded by the Devolved Administration in Wales and for Careers Advice in Scotland and Wales).

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Explaining a sanctionable failure and gathering good reason

Summary

How to explain the impact of a sanctionable failure and gather good reason from a claimant.

Content

When an agent identifies that a [claimant](#):

- may not have met a work-related requirement set out on their [Claimant Commitment](#)
- failed to attend (Work Focused Interview only or Work Preparation regimes)
- through their own actions have had a loss of pay or paid work (for example loss of employment/pay through misconduct, leave employment voluntarily, lose pay voluntarily, fail to apply for a job or failing to accept a job)

The agent:

- explains to the claimant that a sanctionable failure has occurred (if face to face or by telephone)

- gathers Good Reason for the sanctionable failure from the claimant
- records the sanctionable failure on the claimant's record on the [Work Services Platform](#) (WSP)

Claimants with complex needs

If the agent is not in conversation with a claimant who has complex needs the agent telephones the claimant to explain the sanctionable failure and gather good reason.

If the claimant is unable to understand, the agent asks if a member of the household is available to help or if they have other support from intermediaries such as Citizens Advice Bureau, support worker or Age UK. See 'Explaining a sanctionable failure to a claimant' below.

Explaining a sanctionable failure to a claimant

The agent needs to be aware that their role when explaining sanctionable failures is to help the claimant understand the sanctions process and provide a clear and concise explanation. The agent should be able to explain to the claimant:

- how the sanctionable failure occurred
- the importance of providing good reason
- what they need to do to avoid a further sanction
- what to expect and do if they receive a sanction
- what financial help may be available when a sanction reduces their Universal Credit

And if applicable:

- escalation of sanctions
- how to comply (for low and lowest level sanctions)

The agent accesses the claimant's doubt history in WSP to view any current or previous sanctions applied in the last 364 days as this information is needed to explain any escalation of sanctionable failures if this applies. See [Escalation of sanctionable failures](#)

The agent explains to the claimant that a sanctionable failure has been identified either because they:

- did not do what they were asked to do on their Claimant Commitment

- failed to attend (Work Focused Interview only or Work Preparation regimes)
- through their own actions, have had a loss of pay or paid work - for example:
 - loss of employment
 - loss of pay through misconduct
 - leaving employment voluntarily
 - loss of pay voluntary for example: reduced their hours
 - fail to apply for a job
 - failing to accept a job

If the sanctionable failure relates to a zero hour contract see [Zero hours contract](#)

The loss of pay or paid employment, or refusal of employment, may have occurred prior to the claim to Universal Credit. This is known as a pre-claim failure.

The agent needs to be aware of the sanction level that applies for potential escalation purposes. See [Work Services Platform AR Codes](#).

- Higher level sanctions are 91, 182 or 1095 days
- Medium level sanctions are 28 or 91 days
- Low level sanctions are (open ended until compliance plus 7, 14 or 28 days
- Lowest level sanctions are open ended until compliance

If a higher or medium level sanction is imposed, then a sanction with a fixed number of days is applied.

For higher level sanctions the length of the sanction depends on the length of any previous higher level sanction that applied to the claimant's Universal Credit award for a failure in the last 364 days preceding the latest failure (but not the 13 days preceding the latest failure) A sanction for the latest higher level sanction will not increase if the previous failure was a pre-claim failure.

For medium level sanctions, a 28 day fixed period sanction is applied for a first failure and 91 days for a second or any subsequent failures within 364 days of a previous medium level sanction (but not the 13 days immediately preceding the latest failure)

For Low or Lowest sanctions, the claimant's Universal Credit is reduced for the number of days from the date they haven't done what was expected of them as set out in their Claimant Commitment to the day before they meet the compliance requirement.

Low level sanctions are also followed by fixed period of 7 days for the first failure, 14 days for a second failure within the 364 days since the date of a first low level sanction and 28 days for a third or subsequent failures within the 364 days of the date of a previous low level sanctionable failure. The fixed period will not escalate if the previous failure occurred in the 13 days immediately preceding the latest failure. Lowest level sanctions do not escalate.

Compliance for low and lowest level sanctions

This should be explained to the claimant so the claimant understands what they need to do to meet the requirement and stop the potential Low or Lowest level sanction period from building. Any compliance activity is recorded on the claimant's current Claimant Commitment and undertaking this activity will stop the open ended part of the sanction.

The agent explains that the open ended part of the sanction will be from the date of the failure until the claimant has done what they were told to do.

If the claimant needs to inform Universal Credit that they have complied. The agent asks the claimant to contact Universal Credit as soon as they have done what they were told to do.

Where the sanctionable failure is Failed to Attend the date of compliance is the date the claimant contacts Universal Credit to arrange a new appointment, providing the claimant attends.

The claimant must be able to comply with the original compliance activity, agents must offer an alternative if the original compliance activity is no longer reasonable or possible.

If there are multiple sanctionable failures, the agent explains each one of the compliance conditions to the claimant and what they must do to comply.

If the claimant has provided evidence of compliance the agent records the details of the compliance activity and the date of compliance in the notes on the doubt within WSP. The date of compliance is the day before the claimant has done what they were told to do.

If the agent is in conversation with a claimant who states they have complied or need their work related requirements reviewing, the agent books a Work Related Interview. See Booking Appointments

The agent reminds the claimant that to avoid further sanctions on their Universal Credit they should do what they have been asked to on their Claimant Commitment.

Gathering good reason from the claimant

An agent gathers good reason from the claimant whilst in conversation with them and gets them to answer the questions on the Good Reason Gather notification/template - explaining the importance of providing good reason. The agent makes every effort to gather this information at the point the sanctionable failure is identified to help speed up the decision making process.

The agent identifies the correct good reason gather notification relevant to the sanction level and completes with the details of the work-related requirement and date of failure:

- Higher or Medium – [UC71](#)
- Low – [UC72](#)
- Lowest – [UC70](#)
- Loss of pay – [UC84](#)
- Loss of paid work – [UC84a](#)

Agents should complete the relevant good reason gather template if the identified sanctionable failure relates to:

- failure to attend
- failure to participate
- failure to undertake all reasonable work search action

See [Sanctions Hub](#)

If there are multiple sanctionable failures the agent gathers Good Reason for each sanctionable failure and completes a good reason notification for each failure.

The agent gathers the claimant's reasons for not meeting their requirements on the good reason gather notification/template, the reasons are typed on to the notification/template so that the agent can copy and paste this directly into the relevant 'doubt' record on WSP.

For loss of pay or paid employment sanctionable failures, the agent gets the claimant to sign the UC84/UC84a so information can be gathered from their previous employer.

If the agent has telephoned the claimant they complete the UC84/UC84a and posts to the claimant so a signature can be obtained. See 'Providing good reason by post' below.

If the claimant refuses to give consent, the agent informs the claimant that the decision maker will make the sanctionable failure decision based on the reasons provided.

The completed Good Reason Gather notification/template is uploaded to the [Document Repository System](#) (DRS):

- Universal Credit outlet agents must print a copy of the notification and send it to the Mail Opening Unit (MOU) for upload to DRS marked 'No CAMLite action required'
- Service Centre agents upload the notification to DRS

The agent records the sanctionable failure on WSP. See Recording a sanctionable failure on the Work Services Platform.

Providing good reason by post

If the agent is not in conversation with the claimant (or in exceptional circumstances the claimant cannot provide the reasons whilst in conversation) the claimant should be given sufficient time to comment and to provide evidence appropriate to the particular circumstances of the failure.

The agent issues a copy of the good reason gather notification to the claimant by hand if they are in the office or by post if not and uploads a copy of the good reason gather notification to [DRS](#).

The good reason gather notification must be returned to the MOU within 7 calendar days from date of issue to allow the claimant to provide evidence.

If there are multiple sanctionable failures the agent will issue a good reason gather notification for each sanctionable failure.

The agent can set the date for longer than 7 days where the claimant:

- needs to seek information or evidence from a third party
- has an agent or representative
- has complex needs, for example a health condition, life event, personal circumstances that may have prevented them from replying at this

time (these may include a pre-existing health condition or existing caring or parental responsibilities that may be relevant)

The agent creates a CAMLite task see [CAMLite and Work Service Platform notes](#) to follow up the return of good reason gather notification from the claimant.

- Task Type: Generic Clerical
- Sub Type: Action Required
- Start Task From: this will be 10 days after the 'Good reason gather letter was issued
- SLA: 3 days
- Notes: Sanctionable failure evidence received? AR code, brief description of failure, include details of complex needs if applicable, multiple sanctionable failure referral
- Assigned To: UC – Work Services

If there are multiple sanctionable failures the agent creates a case in CAMLite, then creates a separate task for each sanctionable failure to follow up the return of the good reason gather notifications so the tasks can be put in one case.

The agent records the doubt on WSP. See [Recording a sanctionable failure on the Work Services Platform](#)

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Making a decision on a sanctionable failure

Summary

How a decision maker decides if a sanctionable failure has occurred

Content

A [decision maker](#) (DM) receives the following CAMLite task to make a decision on a sanctionable failure:

- Task Type: Decision Maker Complex
- Sub Type: Sanction Decision
- SLA: 3 days

- Notes: AR code, date of sanctionable failure dd/mm/yyyy and brief description. If the claimant has complex needs, record that this has been considered by the agent. Also record if the claimant has provided further evidence. Multiple referral dd/mm/yyyy (if applicable)

Or

- Notes: AR code, date of sanctionable failure dd/mm/yyyy Awaiting further good reason gather

Or

- Notes: AR code, date of sanctionable failure dd/mm/yyyy, Awaiting UC101 from employer

If a claimant has been asked to provide evidence on multiple sanctionable failures the DM checks the claimant's case within CAMLite to view any other multiple CAMLite evidence tasks. If these exist, the DM is required to 'pull' these in and action accordingly.

The DM makes a decision on each sanctionable failure following the process below. If the claimant has only provided evidence for one of the sanctionable failures in the case the DM should consider this evidence when making each of the decisions.

The DM uses the [Advice for Decision Making](#) (ADM) guidance to determine whether a sanction applies.

The DM make a decision by considering all the evidence and applying the law, including any relevant case law, to the facts of each case. Where the legislation specifies or implies discretion, the DM's judgement must be reasonable and made with unbiased discretion.

If the DM decides they need further evidence before making a decision see [Gathering additional evidence on a sanctionable failure](#).

Decision maker decides a sanction applies

If a [sanction](#) is to be applied, a DM decides:

- the date of the sanctionable failure
- the level of the sanction
- the length of the sanction

- the indicative daily sanction amount
- consider if there is any compliance activity

When the DM enters the sanction into Universal Credit Agent Portal, the length of the sanction may need to be adjusted to keep the Total Outstanding Reduction period (TORP) within the 1095 day limit.

The DM accesses the Decision Making and Appeals Case Recorder (DMACR) and populates an LT54 with the following information. If there are multiple sanction referrals the DM will complete an LT54 for each referral:

- name
- [National Insurance number](#) (NINO)
- date of sanctionable failure
- nature of failure
- reasons for decision
- level of failure
- AR Code
- legislation details
- duration of sanction
- indicative daily sanction amount
- name of decision maker and office
- date decision made
- any compliance activity (including date of compliance)

Where the DM determines that the Claimant Commitment needs to be reviewed because of the sanction decision (for example because the claimant is persistently incurring sanctionable failures or a sanction is to be imposed and the requirements on the Claimant Commitment are no longer achievable) the DM creates a Work Services Platform (WSP) task see [CAMlite and Work Service Platform notes](#) to inform the owning work coach). The task notes are: 'Please consider review of Claimant Commitment following sanction decision'. See 'Next steps' below

Decision maker decides a sanction doesn't apply

If a sanction is not to be applied, the DM accesses DMACR and populates an LT54 with the following reasons for the decision:

- claimant's name

- [National Insurance number \(NINO\)](#)
- date of sanctionable failure
- reasons for decision
- name of decision maker and office
- date decision made

Where the DM determines that the Claimant Commitment needs to be reviewed because of the sanction decision (for example because the claimant is persistently incurring sanctionable failures or a sanction has not been imposed because the requirements are not reasonable) the DM creates a task WSP see [CAMLite and Work Service Platform notes](#) to inform the owning work coach. The task notes are: Please consider review of Claimant Commitment following sanction decision'. See 'Next steps' below

Next steps

In all cases the DM updates WSP and the Universal Credit Agent Portal with the outcome of the decision. See [Entering a sanctionable failure decision on the Work Services Platform](#) and [Entering a sanctionable failure decision on the Universal Credit Agent Portal](#)

Claimant has complex needs

If the decision is to impose a sanction and the claimant has complex needs the DM creates the following CAMLite task and sets the SLA to 1 day see [CAMLite and Work Service Platform notes](#). This is for the account developer to book an appointment for a WC to explain the decision outcome:

- Task Type: Generic Clerical
- Sub Type: Action Required
- Start Task From: Todays date
- SLA: 1 day
- Notes: 'Complex needs outcome decision LT54 uploaded to DRS dd/mm/yyyy. Book 'Explanation of decision (DMA) interview'
- Assigned to: UC – Work Services)