

# **Switching-off work availability and work-related activities**

## **Compulsory switch-off of requirements, easements**

Work search and availability requirements must be switched off for the period the claimant is:

- in the first 14 days of a health condition or disability evidenced by self-certification and/or medical evidence, for the first 2 periods in one year
- Treated as Limited capability for work or Treated as Limited Capability for work and work-related activities, or terminally ill
- receiving or accompanying their child for medical treatment abroad
- suffering bereavement following the death of partner, child or qualifying young person
- receiving treatment for Drug and Alcohol Dependency
- a victim of Domestic Violence or abuse
- the main carers of a child in considerable distress
- in witness protection – arrangements have been made for them under section 82 of the Serious Organised Crime and Police Act (link is external) 2005 for a period of up to 3-months
- attending court or a tribunal as a party to any court proceedings or as a witness
- accepted as being engaged in an approved public duty, where necessary
- a prisoner

## **Switching-off for a health condition or disability**

For short periods of ill health or disability, claimants have their work availability and work search requirements switched-off, when they first declare that they are unfit for work for:

- up to the first 14 days of a period of sickness, refer to health conditions and disabilities day 1 to day 29, the first 14 days
- the first two periods that the claimant reports they are unfit for work in a rolling 12-month period in receipt of Universal Credit

If the claimant reports three or more periods of sickness in a rolling 12-month period or the sickness continues beyond 14 days, Work Focused Interview, work preparation and work search requirements can be applied, if this it is considered reasonable to do so based on the claimant's health condition or disability. There is no automatic switch-off after 14 days.

A claimant is not required to be immediately available to take up work while they have a valid fit note. The claimant can have a Work Focused Interview and / or work preparation requirements applied at any time. Refer to 'Discretion to switch off'. Any work-related requirements will be tailored to reflect the claimant's capabilities. For more information, refer to Health conditions and disabilities - day 1 to day 29 and Switch-off tailoring table.

## **Discretion to switch-off of requirements, easements**

Work search and availability requirements must be reasonable and can be switched-off for a short, temporary period if the claimant has an emergency or temporary circumstance making it unreasonable for the claimant to comply with the requirements.

Circumstances, which might result in a discretionary switch-off requirements, are not defined in legislation allowing a flexible and appropriate response on a case by case basis. Circumstances may include:

- temporary childcare responsibilities including the usual carer being unavailable, paternity leave or a legal order to provide care for a child
- a domestic emergency, including:
  - a claimant becoming homeless or at risk of homelessness
  - a claimant having suffered domestic violence or abuse but is still living with the abuser
  - where a claimant's child is not in school – either excluded or awaiting a school place, and the claimant cannot reasonably be expected to make childcare arrangements
  - where a close relative of the claimant is ill in hospital
  - a claimant attending the funeral of a relative or close friend
- a claimant organising funeral arrangements
- a claimant undertaking an agreed or voluntary work preparation requirement, where it would be unreasonable to impose work search/availability requirements (this is likely to apply only in exceptional circumstances)
- other temporary circumstances where staff are satisfied that it would be unreasonable to require the claimant to comply with those requirements

Work search and availability requirements are only switched off for as long as is considered essential for the claimant to deal with what has happened.

The decision to switch-off requirements must be reviewed regularly to determine if it is still appropriate or that the claimant is taking steps to resolve the issue.

There is no maximum time limit for temporarily switching off requirements but the guideline is one month.