



FSDM07

Sanctions Workbook for Decision Makers

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Topic	Topic title	Duration (Mins)
Intro	Workbook Aim and Sanctions Policy Overview	5
1	Sanction Levels	15
2	Good Reason	15
3	Higher Level Sanctions	60
4	Medium Level Sanctions	45
5	Low and Lowest Level Sanctions	25
Total duration of all topics		165 minutes

Job Role	Learning Required	Duration
Decision Maker	All Topics	165 minutes



It is recommended that after each of the topics that cover the different sanction levels (Topics 3, 4 and 5) you consolidate the learning.

You will consolidate your learning by attending the workshops for Higher Level Sanctions, Medium Level Sanctions and Low & Lowest Level Sanctions.

The workshops consist of illustrative examples for you to work through.



Information on sanctions can be found on the Universal Learning site for Universal Credit:

[Universal Learning site for Universal Credit](#)

Ensure that the learners have a shortcut to this site on their desktop, or can access it via the following pathway:

DWP Homepage > Social Intranet > Organisation > Universal Credit > Universal Learning

Aim

This workbook aims to give you the knowledge, skills and confidence to understand the sanctions process, and make reasoned and fair decisions by applying the appropriate legislation.

Topic 1 – Sanctions Overview

Objectives

By the end of this topic, with the aid of any reference material, you will be able to:

- list the different work-related groups and associated labour market regimes
- explain how the Conditionality Earnings Threshold and the Administrative Earnings Threshold affect a claimant's work-related requirements
- state the different sanction levels
- list the different sanctionable failures
- state the duration of each sanction

Sanctions Policy Overview

The core objective of Universal Credit is to support claimants to enter work, earn more or prepare for work in the future.

All Universal Credit claimants are required to take certain action in order to get Universal Credit and it is recognised that each claimant will be able to do more or less than other claimants.

This is supported by a sanctions regime that provides an appropriate consequence when claimants fail to meet their requirements without good reason.

Sanctions aim to act as a deterrent to non-compliance. Research shows that they play a vital role in encouraging claimants to comply with requirements that are designed to help them move into, or prepare for work, or increase their earnings if they are already in work.

The Universal Credit sanctions regime is designed to drive engagement with these requirements by providing clarity about the consequences of non-compliance, and tougher sanctions for repeated non-compliance.

Remember, it is a condition of entitlement to Universal Credit that a claimant must accept a Commitment.

Their commitment sets out clearly defined and sustained work-related requirements, and the consequences of non-compliance.



Once the claimant has accepted their commitments, they receive the 'About reduced payments (Sanctions)' To-do, which give details of sanctions and their effect on Universal Credit payments.

Work Related Groups and Labour Market Regimes



Refer to Handout 1: Work Related Groups and Labour Market Regimes.

A claimant's circumstances will place them in a particular work-related group and an associated Labour Market regime that defines the level of support they can expect to receive.

You have covered work-related groups and Labour Market regimes in previous learning. If you need to refresh your understanding, please look the Universal Learning site for Universal Credit.

The work-related group and Labour Market regime that a claimant is placed in affects which sanctions can be imposed on them.

Before you impose a sanction, you should always check that the claimant is in the correct work-related group and Labour Market regime.



Although Universal Credit legislation refers to work-related groups, claimants are defined by the Labour Market regime they are allocated to.

Earnings Thresholds

As you have previously learned, a Conditionality Earnings Threshold (CET) and an Administrative Earnings Threshold (AET) determine the labour market regime and requirements that can be placed on individuals who are in work and earning or are in a household with earnings.

The number of hours a claimant is expected to undertake work-related activities for the purpose of the CET is flexible and will be based on individual circumstances. As a result, a claimant could be required to spend less than the maximum 35 hours on work-related activities.

Any sanction action is dependent on how the CET and AET affect the claimant. For example, a claimant with earnings above their CET will be in the Working Enough regime (no work-related requirements group), so will not have any work-related requirements placed on them.

Some claimants in the all work-related requirements group may not be subject to some or all work-related requirements while in this group.

For example, a claimant with individual or household earnings above the AET, but which are not enough to take them above their individual or household CET will be in the all work-related requirements group (Light Touch regime).

Sanction Levels



Refer to Handout 2: Sanctionable Failures

To support the Universal Credit sanctions regime there are four sanction levels:

- Higher level sanctions
- Medium level sanctions
- Low level sanctions
- Lowest level sanctions

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.

If a claimant moves to a different work-related group, any sanctions that have already been imposed will continue to apply until the Total Outstanding Reduction Period (TORP) is reduced to zero.

The TORP is covered in more detail in **FSDM04 Calculating Sanction Duration**.

Higher Level Sanctions

Higher level sanctions apply to claimants who are in the all work-related requirements (AWRR) group.

Claimants in the AWRR group will be placed in the intensive work search regime or the light touch regime.

A higher level sanction will be imposed on claimants who:

- cease paid work or lose pay through misconduct, or voluntarily without good reason
- fail to apply for a particular vacancy without good reason
- fail to take up an offer of paid work without good reason

The fixed durations for higher level sanctions are 91 days, 182 days and 1095 days. The sanction duration increases in length with repeated non-compliance.

For eligible 16-17 year olds, the fixed durations are 14 days and 28 days.

Medium Level Sanctions

Medium level sanctions apply to claimants who are in the all work-related requirements (AWRR) group.

Claimants in the AWRR group will be placed in either the

intensive work search regime or the light touch regime.

A medium level sanction will be imposed on claimants who, without good reason, fail to:

- undertake all reasonable work search action as recorded on their Commitment
- be able and willing immediately to take up paid work (or more paid work, or better paid work)

The fixed durations for medium level sanctions are 28 days and 91 days.

For eligible 16-17 year olds, the fixed durations are 7 days and 14 days.



There are circumstances when a claimant will not be required to be able and willing immediately to take up paid work. These circumstances are covered later in this module.

Low Level Sanctions

Low level sanctions apply to claimants who are subject to all work-related requirements and work preparation and work-focused interview requirements.

This includes claimants in the Intensive Work Search Regime, the Light Touch Regime, and the Work Preparation Regime.

A low level sanction is imposed on claimants who, without good reason, fail to comply with specified work-related requirements.



The work-related requirements are covered in more detail later in this workbook.

There are two components to a low level sanction. The first component is an open-ended period, followed by a fixed period of 7, 14 or 28 days.

The open-ended component is equal to the number of days from the date of the sanctionable 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 No Work Related Requirements Regime and the Working Enough Regime), or
- the day before the date the claimant is no longer required to undertake a particular action under the work-preparation requirement, or
- the date the award is terminated (other than by reason of the claimant ceasing to be or becoming a member of a couple)

For eligible 16 and 17 year olds, the fixed period will only ever be 7 days, but does not apply to the first failure.

Lowest Level Sanctions

Lowest level sanctions apply to claimants who are in the Work Focused Interview Only group (Work Focused Interview Only regime).

A lowest level sanction will be imposed on claimants who, without good reason, fail to participate in a work-focused interview.

A lowest level sanction is open ended until:

- the day before the date the claimant meets the compliance condition, that is attends, or agrees to attend, a work-focused interview, or
- the day before the date the claimant moves to the No Work-Related Requirements Group (the No Work Related Requirements Regime and the Working Enough Regime), or
- the day the award terminates

This applies equally to eligible 16-17 olds.

Topic Summary

In this topic you have learned about the:

- different work-related groups and associated labour market regimes
- Conditionality Earnings Threshold and the Administrative Earnings Threshold
- four sanction levels
- different sanctionable failures
- duration of each sanction level

Topic 2 – Good Reason



Good reason is not considered when a claimant ceases paid work or loses pay through their misconduct. This topic focuses on those sanctions where good reason is considered.

Objectives

By the end of this topic, with the aid of any reference material, you will be able to state:

- what is meant by good reason
- when good reason can and can't apply
- the evidence required to make a good reason decision

Introduction

You have previously learned that if a claimant commits a sanctionable failure, their Universal Credit payments are reduced if they do not show good reason for that failure. You, as the DM, consider good reason. If the claimant can show good reason, a sanction will not be imposed.



Think about good reason. How do you think it should be defined?

Compare it with the answer on the next page.



Good reason can be defined as meaning some fact(s) that, taking into account all of the relevant circumstances, would probably cause a reasonable person to act (or fail to act) as the claimant did.



Good reason is not defined in legislation. However "just cause" and "good cause" have previously been considered in case law. Many of the principles that have been established apply equally to good reason.

Role of the Decision Maker

Your role as the Decision Maker (DM) is to establish those facts that would probably have caused a reasonable person to act as the claimant did.

In particular, you should consider the following points:

- what would be reasonable to expect someone to do in the particular circumstances, for example, was the action or failure to act preventable
- how would you expect someone in work to react in a similar situation
- what did the claimant do or fail to do that was different to what was the required action; and
- what were the claimant's reasons for their action or failure to act as required

Before imposing a sanction, you must be satisfied that the claimant has been given an adequate chance to explain why they have not complied with requirements.

You must also check that, before imposing a sanction, the evidence in the referral is complete and correct, and that the claimant has been allocated to the correct Labour Market Regime.

Time to Show Good Reason

Unlike other benefits, Universal Credit does not have specified time limits for a claimant to show good reason.

However, claimants should be given a reasonable amount of time to provide good reason, taking into account their individual circumstances.

It may be appropriate to give the claimant a shorter period when:

- we have contacted them face to face, or
- by email
- by phone, or
- their Universal Credit account

It may be reasonable to allow the claimant a longer period when they:

- need to seek information or evidence from a third party
- have a representative acting on their behalf
- have a health condition that prevents them from replying
- have caring responsibilities that may be relevant
- have complex needs or are a vulnerable person

You must be satisfied that the claimant fully understands what they are being asked to provide, and the possible consequences of not showing good reason within the specified time.

Evidence

When deciding if claimant has good reason, you must take into account all the relevant facts and available evidence.

Consider all the evidence based on the balance of probabilities, and whether the evidence is contradictory or inherently improbable.

You should seek further evidence, where necessary, to clarify reasons, or as sufficient proof to justify good reason.

Good reason should not automatically be accepted even if the reason given for the failure would, on its own, give the claimant good reason.

This means that it would be reasonable to ask a claimant to provide written evidence to support their reasons for a failure. For example, asking the claimant to provide medical evidence from a doctor or an appointment letter as evidence of another appointment.

Previous failures

If the claimant has a history of previous failures, you should consider those failures as evidence of credibility of the evidence presented to support their reasons for a current failure.

For example, a claimant who fails to attend several consecutive appointments due to illness, but has no evidence of an underlying health condition, may not be able to show good reason.

However, good reason should not be considered on these grounds alone. The general rule of taking each failure on its own merits and considering all the facts and evidence must be applied.

Circumstances that may be Good Reason

There is no definitive list as to what circumstances may amount to good reason. However, examples of a claimant's circumstances which may be treated as contributing to good reason for a failure include:

- being a victim of domestic violence, bullying or harassment
- caring responsibilities
- has a mental health condition or disorder, disability, or learning difficulties
- is disadvantaged, for example the claimant is homeless
- has a domestic emergency
- there is, or there is a risk of, significant harm or unreasonable physical or mental stress to the well being of the claimant or others
- has a sincere religious or conscientious objection
- has certain temporary circumstances
- has certain circumstances particular to leaving or losing paid work voluntarily a failure to comply with a requirement to take up or apply for paid work
- has work commitments

This list is not exhaustive and each case should be considered on the individual circumstances and merits.

**Temporary circumstances include:**

- **attending court as a witness, juror or party to any proceedings, or**
- **arranging or attending the funeral of a close relative or close friend, or**
- **crewing or launching a lifeboat, or**
- **on duty as a P/T member of a fire brigade, or**
- **receiving and participating in a structured recovery-orientated course of alcohol or drug dependency treatment for less**

This list is not exhaustive.

A claimant is normally expected to travel for 90 minutes in each direction between their home and place of work, or for work search or work-related activity.

However, there may be circumstances when the time taken will be less than this and the claimant will have good reason.

Each case should be considered on its individual circumstances and merits. Additionally, consideration must be given to any other reason the claimant gives when applying the reasonableness test.

Circumstances that may not be Good Reason

A claimant may not have good reason if they refuse to apply for, or accept a job because:

- of the rate of pay offered, unless it is below the National Minimum Wage that applies to them
- they state they need a high wage because they have a large mortgage or an expensive lifestyle
- of their income or outgoings, or those of any member of their household



A claimant may have good reason if any expenses, for example, childcare costs, would be an unreasonably high proportion of their income.

There are no set rules for deciding whether such expenses are an unreasonably high proportion of pay, so each case must be decided on its own facts.

However, the greater the pay, the more reasonable it is for the expenses to be a higher proportion of it.



Take time to refer to Advice for Decision Making (ADM), Chapter K2 for full details of good reason.

DWP A to Z > A > Advice for Decision Making > Universal Credit Chapters > K2: Good Reason.

Topic Summary

In this topic you have learned about:

- good reason
- when good reason can and can't apply
- what evidence is required to make a good reason decision



The next topic will cover higher level sanctions in more detail.

At the end of the topic, it is recommended that you have the chance to consolidate your learning by attending the Higher Level Sanctions Workshop.

Topic 3 – Higher Level Sanctions

Objectives

By the end of this topic, with the aid of any reference material, you will be able to:

- state the different higher level sanctions
- establish when a claimant ceases paid work or loses pay
- establish when a claimant fails to take up an offer of paid work, or apply for a vacancy
- state when good reason may or may not apply
- state what evidence is required to make a good reason decision
- identify when a claimant ceases paid work or loses pay through their misconduct
- state examples where misconduct does and does not apply

Overview

A higher level sanction may be imposed on Universal Credit payments for the following sanctionable failures:

- The claimant ceases work, or loses pay through

misconduct, or

- For no good reason, the claimant voluntarily ceases paid work or loses pay
- For no good reason fails to take up an offer of paid work
- For no good reason fails to apply for a vacancy which has been specified by the Secretary of State

Only claimants who are subject to all work-related requirements can have a sanction imposed for these failures.

Pre-claim Failures and Reduction Period

Where a claimant ceases paid work or loses pay voluntarily or through misconduct, and that sanctionable failure occurs before the claimant applies for Universal Credit, it is known as a pre-claim failure.

The maximum reduction period for pre-claim failures is reduced by the number of days between the end of employment and the beginning of the claim.

For example, a 91 day sanction is appropriate but there are 15 days between the end of employment and the beginning of the claim. The actual reduction period is 76 days.

A sanction will not be imposed if the claimant ceases paid

work voluntarily or through misconduct and the sanction period is shorter than the period between the date of the sanctionable failure and the date of claim.

For example, a 91 day sanction is appropriate, but the period between the date of the sanctionable failure and the date of claim is 95 days.

The maximum reduction period will be reduced when the sanction relates to a job that was for a limited period, for example a short-term contract.

If a claimant's employment was due to end 28 days after they left that employment, the maximum reduction period that can be imposed is 28 days.

The actual reduction period will be the maximum period of reduction minus the number of days between the date of the pre-claim failure and the date of the claim for Universal Credit.



You will cover sanction length when you work through the module: FSDM04 Calculating Sanction Duration.

Zero Hours Contract

The term "zero hours contract" is not defined in legislation. However, it is generally understood to mean a contract of employment between an employer and an employee.

A claimant is expected to look for opportunities to increase

their hours but they should not be sanctioned because:

- an employer reduces hours under a zero hours contract simply because the individual works for a second employer to gain more hours, or
- where the hours offered restrict the claimant's flexibility to take opportunities to increase their earnings with other employers

A claimant can be sanctioned if they:

- refuse or fail to apply for, or accept if offered, a zero hours contract without good reason
- leave a zero hours contract voluntarily without good reason

are dismissed from a zero hours contract due to misconduct.

Exclusivity Clause

An exclusivity clause is where the employer prevents the employee from working for any other employer, business or self employment.

The Small Business, Enterprise and Employment Act 2015 that came into force on 26 May 2015 states that an exclusivity clause in a zero hours contract is unenforceable on the worker.

A claimant cannot be sanctioned for:

- leaving
- not applying for
- not accepting

a zero hours contract that has an exclusivity clause prior to this date.

Onus of Proof and Evidence

It is for you to show that the claimant has taken action that can be seen to be a sanctionable failure. In all cases apart from misconduct, the claimant has to show good reason for doing so.

Usually, the main body of evidence is the statement from the claimant. However you may have statements from:

- the employer; or
- a third party, for example, a witness statement, a trade union representative, or healthcare professional

Before imposing a sanction you should be satisfied that the claimant has been given an adequate chance to comment on any statements made against them. Even if the employer's statements are not complete, you can still arrange for the claimant to have a chance to comment.

However, there will be occasions when the employer will not or cannot provide any further information. If the available evidence is insufficient to establish that the claimant left voluntarily, you should not approach the claimant again in the hope that they may provide further evidence that would justify a sanction. In these instances, a sanction should not be imposed.



We will now look in detail at the most common examples of higher level sanctions.

Voluntarily Ceases Paid Work or Loses Pay

If a claimant voluntarily ceases paid work or loses pay without good reason, a sanction may be imposed on their Universal Credit payments.

A claimant will have ceased paid work voluntarily where they have left employment of their own accord.

A claimant will have lost pay if they have voluntarily reduced their pay or their hours of work and which results in a permanent loss of pay.

A sanction for loss of pay or paid work can be imposed if:

- the claimant permanently reduce their pay voluntarily and without good reason, and

- following the loss of pay, the claimant's earnings (and their partner where they are a couple) falls below the Conditionality Earnings Threshold

Before you can impose a sanction you must be satisfied that the claimant:

- was not in a trial period
- voluntarily ceased work or lost pay; and
- did so without good reason



Find out more in ADM.

DWP A to Z > A > Advice for Decision Making >

Universal Credit Chapters:

Home / Procedural Guidance / Sanctions, Suspensions and Disallowances / Sanctions

[Higher Level Sanctions](#)

Voluntarily ceased work or lost pay: K3: Higher Level Sanctions > Meaning of voluntarily > Paragraphs K3203 to K3204.

Good Reason: K2: Good Reason > Circumstances that may show good reason where a claimant leaves paid work or loses pay voluntarily > Paragraphs K2221 to K2303.

Armed Forces

If a claimant voluntarily ceases paid work or loses pay as a member of the regular or reserve forces, a sanction is not imposed.

However, serving members of the regular or reserve forces who are discharged, cashiered or otherwise dismissed because they have been convicted under relevant forces legislation or proceedings before a civil court should be treated as if they have lost their employment through misconduct.

Voluntary Redundancy

If a claimant is dismissed having volunteered or agreed to be made redundant, a sanction will not be imposed.

If the claimant was not dismissed but left on an agreed date following an agreement on voluntary redundancy, a sanction will not be imposed.

Offers of alternative employment when a claimant is made redundant

Employers may give employees the option of choosing between redundancy, or taking an alternative job. If the claimant declines the offer of alternative employment, sanction action can be considered.

Where there is evidence to suggest that the claimant may

have turned down an offer of alternative employment, the employer should be contacted to ensure the necessary information is gathered.

If the terms and conditions of the employment offered are less favourable than those which the claimant had in their previous job with the employer, the claimant may have good reason, but this is not automatic.

However, if the terms are not less favourable than those which the claimant had in their previous job with the employer, the claimant will have to show good reason in order to avoid a sanction.

Laid off/Short Time working

If a claimant had been laid off or on short-time for four weeks or six weeks out of 13 and asked the employer for a redundancy payment a sanction will not be imposed.

Self-employed claimants

Claimants who are gainfully self-employed will not have a sanction imposed for giving up paid work or losing pay. However, they will lose their self-employed status.

Note: This is not explicitly stated in Regulations, but Universal Credit Policy is that it would count as good reason.

Loss of Pay

Claimants who are in work and have earnings above the conditionality earnings threshold are placed the no work-related requirements group. So long as this remains the case, they are not subject to any sanction action.

There may be occasions where a claimant permanently reduces their pay voluntarily without good reason. However, if their earnings remain above the Conditionality Earnings Threshold, a sanction should not be imposed.

Industrial Action/Trade Dispute

When somebody is involved in a trade dispute they are treated as having the amount of earnings they received before the dispute. Therefore, even if there was a temporary reduction in their earnings, the amount of their Universal Credit would not be affected by the trade dispute.

Claimants who cease paid work or lose pay because of a strike arising from a trade dispute will not be sanctioned.

Ceases Paid Work or Loses Pay through Misconduct

If a claimant ceases work, or loses pay through misconduct, a sanction may be imposed on their Universal Credit payments.

Where a claimant has lost pay through misconduct, a sanction can only be imposed if the loss of pay is permanent and, following the loss of pay, the claimant's earnings fall below the Conditionality Earnings Threshold.

A sanction can only be imposed if:

- the claimant acted or failed to act as alleged, and
- those actions amount to misconduct, and
- the claimant ceased work or lost pay as a result of that misconduct

If you cannot determine that the claimant ceased work, or lost pay through misconduct, a sanction cannot be imposed.



If the claimant is a member of a couple, a sanction can be imposed if their joint earnings fall below their CET level. However, if the claimant's partner's has earnings equal to at least their CET level, no sanction will be imposed.

Meaning of Misconduct

Misconduct is not defined in Universal Credit legislation. However, it has been considered in previous case law. The principles that have been established apply equally to Universal Credit.

In ordinary every day language, the term misconduct usually

implies an act done wilfully and conveys the idea of wrongful intention.

It suggests an element of blame on the part of the claimant. However, this does not mean that you have to establish that the claimant did anything dishonest or deliberately did something wrong. Serious carelessness or negligence may be enough to amount to misconduct.

Whether a particular course of conduct will be regarded as misconduct is determined from the nature of the conduct and not from its consequences.

For example, theft could be seen to be misconduct, whether it is theft of a sandwich from a shared fridge or thousands of pounds from a customer account.

How the Employment Ended

The exact way in which the employment ended is not relevant. The claimant may:

- be summarily dismissed
- be dismissed with notice
- leave voluntarily; or
- resign as an alternative to possible dismissal

In any of these circumstances, a claimant can be considered to have lost their employment through misconduct. This can

also be the case if they choose to resign but their employer might not have dismissed them for the misconduct.

It does not matter that the employer has not described the claimant's actions or behaviour as misconduct. It is for you to determine if the claimant's actions or behaviour are misconduct.

Misconduct Before the Employment Began

A sanction cannot be imposed if the claimant's behaviour or actions which led to their dismissal took place before the employment began.

For example, if a claimant gives information on a CV when applying for a job, which the employer later finds to be false, the employer may have grounds for dismissal. However, it does not count as misconduct for Universal Credit purposes.

Whether misconduct caused the loss of paid work or pay

For a sanction to be imposed it must be proved that the claimant lost pay or paid work because of misconduct

It makes no difference that the claimant was allowed to continue working for some time after the act of misconduct (or the last such act) if there is an adequate explanation.

Examples of this are:

- the misconduct was being investigated

- awaiting results of criminal proceedings
- the employer had not heard of the misconduct
- the employer was awaiting a report

However, if there is no adequate explanation for the delay it may be reasonable to assume that it was decided at the time not to dismiss the claimant and that the eventual loss of employment was due to some other reason.

Misconduct Outside of Employment

A claimant's behaviour or actions do not have to take place during working hours for it to count as misconduct. However, there has to be some connection between the misconduct and the claimant's employment.

For example, a driver loses their driving licence as a result of being convicted of a drink driving offence that happened after work. They are dismissed for misconduct because they can no longer carry out their duties.

A claimant may need a car to get to their place of work, but not to carry out their duties. For example, they live in a remote area with no local transport. If such a claimant loses their driving licence as a result of being convicted of a drink driving offence, this would not be misconduct.

Some behaviour will always be misconduct, whether or not it

is connected with a person's work, if it causes the employer to dismiss them because they no longer trust them. For example, acts of dishonesty.

More than One Reason for Dismissal

The claimant's misconduct need not be the only cause, or even the main cause, for the loss of employment, provided it is an immediate and substantial reason for the loss at that particular time. It is irrelevant that there are other contributory factors.

For example, a claimant is dismissed for trouble-making and for drunkenness on a customer's premises. He is dismissed when the customer informs his employer about his drunkenness. The claimant has lost his employment through his own misconduct.

Evidence

Questions of fact are usually decided on the balance of probability. However, in misconduct cases the probability should be high because of the potential effect on the claimant.

Before imposing a sanction you should be substantially satisfied that the allegations that are made are well founded.

In misconduct cases you may have statements from the:

- employer describing the claimant's alleged acts or

behaviour

- claimant replying to the employer's allegations

It may also be useful to have statements by any witnesses.

If an employer indicates that they are not prepared to, or cannot provide further information, you should decide the case on the available evidence.

Giving the Claimant a Chance to Comment

If a clear allegation of misconduct has been made, the evidence must be put to the claimant for comment before a sanction can be imposed.

However, if there is not enough evidence to prove misconduct, you must not ask the claimant to give further evidence that would help justify a sanction.

Misconduct Examples



The ADM gives a number of examples of circumstances that may be misconduct. These are based on Case Law. Please take some time to refer to the ADM:

**DWP A to Z > A > Advice for Decision Making >
Universal Credit Chapters > K3: Higher Level Sanctions
> Whether the claimant's conduct was misconduct >
Paragraphs K3101 to K3182.**

Failure to Take up an Offer of Paid Work or Apply for a Vacancy

If a claimant fails to take up paid work or apply for a vacancy, which has been notified to them by the Secretary of State, a sanction may be imposed on their Universal Credit payments if they do not show good reason for the failure.

Notified by the Secretary of State

Where the failure is to take up an offer, or apply for paid work as part of a work search requirement, the work must have been notified by someone acting on behalf of the Secretary of State.

This will usually be the Work Coach. However, specified Third Party Providers are authorised to act on behalf of the Secretary of State to mandate claimants to apply for or accept if offered a job vacancy.

The Secretary of State may notify the claimant of a vacancy:

- face to face
- by letter
- by phone
- electronically, for example via their journal, by SMS,

To-do or email

A claimant who finds a vacancy or a job on their own, but fails to apply for it or take up the offer, will not be subject to a higher level sanction. This is because the vacancy or job offer was not notified to them by the Secretary of State.

However, they may be sanctioned for not taking all reasonable action to find work, or because they failed to comply with a work availability requirement by not taking up the job offer.

Trade Dispute

A sanction will not be imposed if the claimant failed to take up paid work or apply for a vacancy and the job was vacant because of a stoppage of work due to a Trade Dispute.

Claimant given Incorrect Details of the Employment

Claimants may refuse or fail to apply for or accept a vacancy, and it may later be found that they have been given incorrect details about the vacancy.

If the actual terms of the job would have been more favourable to the claimant than the wrongly notified terms, the onus is on them to show good reason for their refusal.

You should not impose a sanction if the claimant can show good reason for refusing a job on the terms they were

wrongly notified.

You do not need to consider whether the claimant could have shown good reason for refusing the job had the actual terms been known.

Claimant's Actions and Behaviour

There may be occasions where a claimant will take steps to find paid work or apply for a vacancy but their actions or behaviour result in them not being offered the job.

For example, they may:

- not arrive on time for interview or go to the wrong place through their own negligence, or
- impose unreasonable conditions, so that the employer withdraws the job offer, or
- make statements which, although reasonable in themselves, are intended to put the prospective employer off

These actions will amount to failures unless the claimant can show good reason for their actions or behaviour.

However, if any statement was reasonable in the circumstances, and was not made only to put the employer off, the claimant has not failed to accept the vacancy.

Example 1

John is looking for work as supervisor in a bank, and has been getting Universal Credit for six months. He is offered a job as a bank clerk at an interview. He tells the person interviewing him that he will take the job, but will only stay until he finds a job as a supervisor. The employer decides not to give him the job. The DM decides that John has not failed to apply for the vacancy.

Example 2

Paul is offered a job. He says that he wants three weeks holiday within a month of starting. The employer withdraws the offer of a job.

In this case his attitude is unreasonable, and Paul has failed to take up an offer of a job without good reason.

Example 3

George refuses to complete a form before he is interviewed for a vacancy. Because of this, the employer will not interview him. George has failed to apply for a vacancy without good reason.



A claimant will have failed to accept a vacancy if they accept a job when it is offered, but then fail to start it.

Circumstances which may be Good Reason

There is no exhaustive list as to what circumstances may amount to good reason.

Topic 2 Good Reason provides examples of a claimant's circumstances which can be treated as contributing to good reason for a failure.



Refer to the ADM, Chapter K2: Good Reason for more information:

DWP A to Z > A > Advice for Decision Making > Universal Credit Chapters > K2: Good Reason > Circumstances that may show good reason for a failure to comply with a requirement to take up or apply for paid work > Paragraphs K2151 to K2172.

Circumstances where Claimants might not have Good Reason

A claimant may not have good reason for failing to take up an offer of paid work or apply for a vacancy because:

- of the rate of pay offered, unless it is below the National Minimum Wage that applies to them
- of their income or outgoings or those of any member of their household
- they argue they need a high wage because they have

a large mortgage or an expensive lifestyle

A claimant will have good reason failing to take up an offer of paid work or apply for a vacancy because the National Minimum Wage applies to them and the employment does not pay at least that wage.



The term "Outgoings" is not defined in legislation, so should be given its every day meaning. For example, amounts of money that regularly have to be spent on rent, food or heating would be classed as outgoings.

Outgoings excludes expenses (for example, childcare) taken into account that would be an unreasonably high proportion of the claimant's income.

Travelling Time

A work search requirement and a work availability requirement must be limited to work that is in a location which would normally take the claimant a maximum of 90 minutes each way to travel from home to the location and location to the home.

Travelling time includes the time spent waiting for transport connections once the journey has started.

Claimants who Work and have to Give Notice

If a claimant is required to give notice to terminate their employment either contractually or by employment

legislation, they may not be able to immediately attend either a job interview or to take up paid work.

The claimant will have good reason if they are able and willing to attend an interview on being given 48 hours notice or take up paid work once the notice period has expired.

Claimant Changes their Mind

Claimants who have refused or failed to apply for or accept a vacancy may change their minds and apply for or accept it:

- before it has been filled and
- before the job was due to start and
- their application is accepted for consideration by the employer

In such cases claimants have not failed to apply.

If a claimant changes their mind, as above, and a sanction has been imposed without you being aware that they have changed their mind, you should consider revising or superseding the original decision in the claimant's favour.



For guidance on failure to comply with a requirement to take up or apply for paid work, refer to the ADM:

ADM > Universal Credit Chapters > K3: Higher Level Sanctions > Paragraph K3051 to K3059.

Topic Summary

In this topic you have learned about:

- the different higher level sanctions
- establishing when a claimant ceases paid work or loses pay voluntarily or through their misconduct
- establishing when a claimant fails to take up paid work or apply for a vacancy
- when good reason may or may not apply
- what evidence is required to make a good reason decision
- when misconduct does and does not apply



You should now attend the Higher Level Sanctions workshop, where you will have the opportunity to consolidate your learning.

Topic 4 – Medium Level Sanctions

Objectives

By the end of this topic, with the aid of any reference material, you will be able to:

- explain what a work availability requirement is
- state when a claimant can be treated as having complied with a work availability requirement
- explain what a work search requirement is
- understand what are a claimant's expected number of hours
- explain what is meant by all reasonable action when looking for work
- state what limitations there are on work availability and work search requirements
- state when work availability and work search requirements must not be imposed or must be switched off

Background to Medium Level Sanctions

As you have previously learned, Universal Credit legislation sets out which types of work-related requirements can be applied to claimants.

The work-related group and labour market regime a claimant is in determine which work-related requirements they are expected to meet.

Claimants in the All Work-Related Requirements group are subject to a:

- work availability requirement, and
- work search requirement

Claimants with earnings below the AET may have work-related requirements placed on them. However, the work-related requirements expected of them will generally depend on the level of their earnings.

Where the claimant's level of earnings are below a level at which Jobseeker's Allowance is paid then it will normally be the case that these claimants will be required to comply with work search and work availability requirements.

Claimants will usually be required to look for, and be available for any work:

- regardless of type and salary, as long as it pays at least the National Minimum Wage
- within 90 minutes of their home

Where a claimant fails to meet either or both of these requirements without good reason, a medium level sanction

can be imposed on their Universal Credit payments.

Medium level sanctions are of 28 and 91 days' duration.



In certain circumstances a work availability requirement and a work search requirement must not be imposed on a claimant, or must be switched off. These circumstances are covered later In this topic.

Work Availability Requirement

A work availability requirement is a requirement that a claimant be immediately willing and able to take up:

- paid work
- more work; or
- better paid work

In certain circumstances a claimant may not be able to immediately take up paid work. These circumstances are covered later in this topic.

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

It should generally be accepted that claimants are available for work if:

- they say they are available, and
- they do all that is required of them to prove their availability, and
- they give the promises that are normally accepted as proving availability; and
- there is nothing in their statements or actions to suggest they are not available

The claimant has to demonstrate through their actions and behaviour that they are willing and able to take up work.



Take a few minutes to think about the following question:

How would a claimant be able to demonstrate that they are willing and able immediately to take up paid work?

Make a note of your answers and compare with those give on the next page.



To show that they are willing and able immediately to take up paid work, the claimant must:

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

Treated as Having Complied with a Work Availability Requirement

In certain circumstances, a claimant may not actually be able to immediately take up an offer of paid work.

In these circumstances, providing the claimant meets certain conditions, they are treated as having complied with a work availability requirement. The requirements will not actually be switched off.

The circumstances are where the claimant is:

- a responsible or relevant carer
- engaged in voluntary work
- employed under a contract of service and required to give notice

Responsible and Relevant Carers

A claimant is a responsible carer where they are a:

- single person who is responsible for the child or
- member of a couple where:
 - the claimant or the other member of the couple is responsible for the child and
 - the claimant has been nominated by the couple jointly as responsible for the child.

Relevant carer means:

- a parent of a child who is not the responsible carer, but has caring responsibilities for the child; or
- a person who has caring responsibilities for a person who has a physical or mental impairment



"Responsible or relevant carer" is a legal term. You may come across the term "main carer" in other learning or guidance. They have the same meaning.



Advice for Decision Making (ADM) gives full details of the conditions that must apply for the claimant to be treated as having complied with a work availability requirement.

DWP Homepage > A to Z > A > Advice for Decision Making > Universal Credit (UC) Chapters > J3: Work-related requirements > Treated as having complied with a work availability requirement: Paragraphs J3142 to J3150.

Forbidden by Law to Take Paid Work

A claimant may be able to show that they are willing and able to take up paid work. However, they must also be able to take up employment in accordance with UK law.

For example, a person who is subject to immigration control to live in the UK may be required to obtain a work permit from the Home Office so that they can work.

Without a work permit, such a person is not immediately available for work, so cannot comply with a work availability requirement.

Job Interviews

A claimant has to be treated as having not complied with a work availability requirement if they are not willing and able immediately to attend an interview in connection with getting paid work.

In this context 'immediately' means now.

Example

Gerard is in the intensive work regime and has no limitations on his Commitment. To improve his prospects of finding work as a software developer, Gerard enrolled onto a four week training course at his own expense. He did not discuss this in advance with his Work Coach.

The training course has cost Gerard a significant amount of money in course fees and he will get a recognised qualification at the end of it.

Because of this, he is not willing to take time off from the course, or give it up to attend any job interviews.



Has Gerard complied with a work availability requirement?

Consider your decision before checking the answer overleaf.



No. In this example, the DM should determine that Gerard has not complied with his work availability requirement.

He has clearly stated that he is not prepared to give up the course or take time off it to attend job interviews. The fact that he has spent a significant amount of money on the course is not a relevant factor.

It is reasonable to assume that the course will improve Gerard's prospect of finding work. However, if he had discussed this in advance with his Work Coach, he would have been advised that he would still need to be available and willing to attend job interviews while on the course.

Work Search Requirement

The work search requirement is a requirement that a claimant take all reasonable action to find:

- paid work
- more paid work; or
- better paid work

Subject to any agreed limitations, the expected number of hours for claimants in the all work-related requirements group is normally 35 hours per week.

The exact requirement is recorded on the Commitment.

Exceptions to the Expected Number of Hours

Exceptions to the expected number of hours include where the claimant:

- is a relevant carer
- is a responsible carer
- is a responsible foster parent
- has a physical or mental impairment
- is in employment

In these cases, the Work Coach can limit the expected number of hours to what they consider is compatible with the claimant's particular circumstances.



Look at the Universal Credit Regulations to find out more.

DWP Homepage > A-Z > L > Law volumes and guides: Law relating to Social Security (blue volumes) > Law Relating to Social Security > List of Statutory instruments > (menu on the left hand side) 2013 > select + to expand the menu > 2013/376NA > Table of Contents tab > Part 8 Claimant Responsibilities > 88 – Expected Hours.

You can see that the law allows us to reduce the number of hours. The hours should be compatible with the claimant's caring responsibilities, providing the Work Coach is satisfied that the claimant has reasonable prospects of obtaining paid work.



Claimants with a physical or mental impairment do not have to show that they have reasonable prospects of obtaining paid work.

Limitations on Work Search and Work Availability Requirements

In certain circumstances limitations can be imposed on a claimant's work availability requirement and work search requirement.

These limitations must be stated on the Commitment.

Expected hours of work

If a claimant has limited their expected hours of work, as allowed by UC Reg 88 which you have just read, their work availability and work search requirements must be limited to the same number of hours per week.

Limitations also apply to location and may apply when the claimant has previously been in paid work.



Refer to the ADM to find out more:

DWP Homepage > A to Z > A > Advice for Decision Making > Universal Credit (UC) Chapters > J3: Work-related requirements > Limitations on the work search and work availability requirement: Paragraphs J3160 to J3165.

All Reasonable Action

When a Work Coach refers a work search failure, you must consider if the claimant took all reasonable action to find work during the period in question.

To meet this requirement, the claimant must:

- take action to get paid work for their expected hours of work per week minus any relevant deductions or
- satisfy the Secretary of State that they have taken all reasonable action despite the time spent doing this being less than their expected hours of work.

The claimant's action must be action which gives them the best prospects of obtaining work.

A claimant who has not taken all reasonable action to obtain paid work without good reason is treated as not having complied with a work search requirement.

What is reasonable depends on such things as:

- the claimant's personal circumstances
- what sort of work they are looking for
- their employment history
- if they have a "permitted period".

The better the quality of the activity, the more likely that the action that the claimant has taken has given them their best prospects of obtaining paid work.

The claimant's actions must give them the best prospects of obtaining work. Any action they take that does not offer them any chance of getting an offer of paid work cannot help them satisfy the work search requirement.



The work search test is not solely to check that all the requirements on the Commitment have been satisfied. The test is for the Decision Maker to be satisfied that the claimant has taken all reasonable action in accordance with UC Regs.



ADM gives full details and examples of what can be classed as a relevant deduction, for example paid work or voluntary work. Please take time to read that now:

DWP Homepage > A to Z > A > Advice for Decision Making > Universal Credit (UC) Chapters > J3: Work-

related requirements > Limitations on the work search and work availability requirement: Paragraphs J3160-J3165.



Take a few minutes to think about the activities that the claimant can take, which would be considered as reasonable action.

Make a note of them, and then compare them with the answers listed on the next page.



Examples of reasonable action that the claimant would be expected to take include:

- making verbal, written or online job applications
- registering with an employment agency
- seeking specialist advice which will help the claimant to get employment, taking into account the claimant's needs and mental or physical impairments
- drawing up or updating a CV
- asking family and friends
- getting a reference from a previous employer
- drawing up a list of employers who may be able to offer employment
- making speculative approaches to employers

- asking current employer for more hours

This list is not exhaustive, and it is up to you to determine if the action the claimant has taken is reasonable or not.

It is important to understand that, where a claimant has done all that could be reasonably be expected of them, this will normally be sufficient even where the time taken is less than their expected hours of work.

Evidence and Proof of Work Search Activity

When a Work Coach considers that the claimant has not complied with their work search requirement, they will usually refer this to the DM.

The Work Coach should provide you with:

- evidence of what action the claimant took to seek work during the week(s) in question
- evidence of what action the claimant took in previous weeks
- evidence of any advice about searching for work that had previously been given the claimant
- details of any other action to seek work that they have suggested to the claimant

Evidence of work search could include:

- evidence from employers or employment agencies that the claimant has contacted
- the claimant's online work search activity on Universal Jobmatch, or other online work search activity
- copies of letters or applications that the claimant has sent to employers online, by post or in person
- the claimant's uncorroborated written evidence (for example, listed in their Journal)
- the claimant's own verbal evidence, recorded by the Work Coach

Corroboration of the claimant's evidence is not essential. They may not always be able to obtain proof of action they have taken. For example, if they have asked around.

If you have reason to doubt that a claimant has contacted certain employers or agencies, you can contact them to see if they keep a record of enquiries by jobseekers, and are able to confirm that a particular person approached them for employment.

However, you should only do this if you consider that the evidence provided by the claimant is contradictory or inherently improbable.

Action Taken in Previous Weeks

The action that a claimant has taken in previous weeks to search for work often affects what they can reasonably be expected to do in the week in question.

For example, the claimant may have already written to employers enquiring about vacancies. If they are waiting for a reply or been told that no work is available, they cannot reasonably be expected to write to that employer again until a reasonable time has passed.

If the claimant has already registered with an employment agency and they have promised to let them know of any suitable vacancies, it is reasonable for the claimant to give the agency the opportunity to contact them.

Circumstances when a Work Search Requirement and a Work Availability Requirement must not be Imposed

In certain circumstances a work search requirement and a work availability requirement must not be imposed, or must be switched off.

In most cases the Work Coach uses their discretion to decide either not to impose these requirements or to switch them off.

However, you need to be aware of these circumstances in

case you need to take them into account when determining good reason.

Examples of these circumstances include:

- the claimant is attending a court or tribunal as a party to any proceedings, or as a witness
- the claimant is temporarily absent from Great Britain and receiving medical treatment, care or convalescence related to a physical or mental impairment
- at certain times when the claimant has declared that they are unfit for work
- the claimant is homeless



Please take time to refer to ADM for full details of the circumstances where requirements must not be imposed or must be switched off, and the conditions that must apply.

DWP Homepage A to Z > A > Advice for Decision Making > Universal Credit Chapters > J3: Work-related requirements > Circumstances in which requirements must not be imposed, paragraphs J3192 to J3222.

Claimants with a Health Condition

Claimants who have a health condition and have not yet gone through the Work Capability Assessment, do not have work search or work availability requirements placed on them for the first 14 days. In addition, they are not required to attend regular fortnightly work focused interviews.

Therefore, a medium level sanction could be not imposed for a failure during that period.

Claimants with health conditions is covered in more detail in UCFS18 Claimant Journey – Health Conditions.

Victims of Domestic Violence

In certain circumstances a claimant who has been a recent victim of domestic violence cannot have any work-related requirements imposed on them and any existing requirement ceases.

A recent victim of domestic violence means a person who has had domestic violence threatened or Inflicted upon them in the last six months.

Where a claimant has recently been a victim of domestic violence:

- any work-related requirement imposed on them ceases to have effect for a period of 13 consecutive

weeks and

- any other work-related requirement must not be imposed on that claimant during that 13 week period

The 13 week period begins on the date that the claimant notified the Secretary of State of the threatened or inflicted domestic violence.



Please take time to refer to ADM for full details of the circumstances where requirements must not be imposed or must be switched off for victims of domestic violence, and the conditions that must apply.

DWP Homepage A to Z > A > Advice for Decision Making > Universal Credit Chapters > J3: Work-related requirements > Claimants with no requirements imposed on them: domestic violence, paragraphs J3180 to J3191.

Topic Summary

In this topic you have learned about:

- the work availability requirement
- when a claimant can be treated as having complied with a work availability requirement
- the work search requirement
- a claimant's expected number of hours
- all reasonable action to look for work
- limitations on work availability and work search requirements
- when work availability and work search requirements must not be imposed or must be switched off



You should now attend the Medium Level Sanctions workshop, where you will have the opportunity to consolidate your learning.

Topic 5 – Low and Lowest Level Sanctions

Objectives

By the end of this topic, with the aid of any reference material, you will be able to:

- state when low and lowest levels sanctions can be imposed
- which work-related groups low and lowest levels sanctions affect
- identify when the Treat as Straightforward provisions can be applied in Fail to Attend cases
- understand what is meant by a compliance condition
- explain what is meant by failing to comply
- explain what is meant by failing to participate



The term Work-Focused Interview is used this topic. This is in line with legislation and the guidance in Advice for Decision Making.

However, these interviews are also referred to as Work-Related Interviews or Work Search Interviews (for example, interviews for claimants in the All Work-Related Requirements Group).

Low Level Sanctions

As you have previously learned, low level sanctions apply to claimants in the all work-related requirements group and the work-focused interview requirement and work preparation requirement group:

A sanction is imposed when a claimant fails to comply with specified work-related requirements without good reason.

The work-related requirements are:

- undertake specified work search action
- comply with a work preparation requirement
- comply with a work-focused/work search interview requirement
- comply with a requirement to provide evidence or confirm compliance
- comply with a connected requirement relating to interviews and verification compliance including the provision of information and evidence
- comply with a requirement to report a specified change of circumstance (failure to report the loss of a job)



Remember that there are two components to a low level sanction. The first component is an open-ended period, followed by a fixed period of 7, 14 or 28 days.

Lowest Level Sanctions

Lowest Level sanctions apply to claimants in the Work-Focused Interview Requirement only regime.

A lowest level sanction will be imposed on claimants who, without good reason, fail to participate in a work-focused interview.

Compliance Condition

A compliance condition is the action a claimant must take to stop the open-ended period of a 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.



When the claimant is advised of a specific work-related requirement, they should also be advised of the risk of a sanction should they not comply and the compliance condition they will need to meet.

Fail to Attend Work-Focused Interviews

Universal Credit legislation states that a Work-Focused Interview is an interview which the claimant is required to participate in, and which relates to work or work preparation.

The most common cause of Low and Lowest level sanctions

is failure to attend a Work-Focused Interview.

Claimants should not be sanctioned for failing to attend other types of interview, such as Hardship Interviews or Work Capability Assessments

Fail to Attend Decisions made by the Work Coach/Case Manager

In some circumstances, a claimant who fails to attend a mandatory Jobcentre interview can be treated as having good reason, without a referral to the DM.

These circumstances are listed in the 'Failure to Attend' ALP.

If the claimant declares one of the circumstances listed in the ALP, and they haven't already had three locally allowed good reasons, the Work Coach/Case Manager can make the decision without referring the failure to the DM.

A referral to the DM must be made where there is an element of doubt and a straightforward allowance decision cannot be made.

If a claimant fails to attend the Initial Evidence Interview, Initial commitment or HRT Interview, the Work Coach/Case Manager must consider closing the claim. This process has not changed.

Failing to Comply

Failing to comply is not defined in legislation. Therefore, you should give it its everyday meaning of failing "to meet a specific requirement".

For employment programmes, this includes a failure to take part in any activity that the provider expects, and what is considered reasonable and acceptable.

It can be any reasonable specified activity which, in the opinion of the Secretary of State, will improve a claimant's chances of obtaining paid work, more paid work or better paid work.



What activities can you think of that will improve a claimant's chance of obtaining work, more work or better paid work?

Make a note of them before checking them against the answer on the next page.



This may include:

- turning up for an interview
- writing a CV
- displaying interpersonal skills
- taking part in skills training

- developing a business plan
- improving personal presentation
- attending a skills assessment

This list is not exhaustive.

Failing to Participate in an Employment Programme

A low level sanction can be imposed where the claimant fails to comply with a work preparation requirement which, in the opinion of the Secretary of State, makes it more likely that the claimant will obtain paid work, more paid work or better paid work.

This includes participating in an employment programme.

Individual programmes are not defined in Universal Credit legislation but includes:

- The sector-based work academy
- Skills Conditionality
- The Work Programme

Inappropriate behaviour

If a claimant uses inappropriate behaviour once on an employment programme, this may be regarded as a failure to comply with a specified work preparation requirement.

Inappropriate behaviour can be any unreasonable act or omission shown towards the employer, other employees or customers, or a refusal to do a specific task, or where a claimant is particularly obstructive.

Example

Hayley starts her Work Programme placement as required in a charity shop. However, she is sent home on her first day because of her attitude and rude behaviour towards the other staff and customers. She continually uses obscene language.

The DM determines that a low level sanction is appropriate, as Hayley's actions are not considered to be acceptable behaviour by a reasonable person in a working situation.

Hayley's loss of the placement due to her behaviour is a failure to comply with a work preparation requirement.

Work Experience - Gross Misconduct

Gross misconduct is not defined in legislation but suggests misconduct that is 'blatantly wrong or '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.

When making a decision to sanction for gross misconduct

you should establish all the relevant facts and evidence and take into account the claimant's individual circumstances.

Examples of gross misconduct which would normally justify the imposition of a sanction include:

- dishonesty or theft from the employer or co-workers
- fighting with or assault on another person in the workplace
- abusive behaviour towards co-workers or customers
- deliberately damaging the employer's property
- a serious act of insubordination towards a person in a position of authority in the workplace
- endangering the safety of self or others by some deliberate act or omission
- serious incapability through the use of alcohol or illegal drugs

This list is not exhaustive and each case should be considered on its own merits.

Example 1

Jamal is constantly late for his work experience opportunity. He says he finds it hard to get up in the mornings. Although his actions are minor misconduct and he is dismissed from

his work experience opportunity, they do not amount to gross misconduct and a sanction would not be imposed.

Example 2

Heidi has an argument with her supervisor regarding her standard of work. She storms off and deliberately punches and smashes a glass door panel. She says she needed to let off steam.

She is dismissed from her work experience placement. Her actions were deliberate and damaged the employer's property and could have endangered her safety or the safety of others. Her conduct can be regarded as gross misconduct and a sanction imposed



Repeated instances of minor misconduct such as lack of punctuality or carelessness in performing tasks will not amount to gross misconduct.



Take time to refer to the ADM, Chapter K5 and K6 for further details on Low and Lowest Level Sanctions.

DWP A to Z > A > Advice for Decision Making > Universal Credit Chapters > K5: Low Level sanctions and K6: Lowest Level sanctions.

Topic Summary

In this topic you have learned:

- when low and lowest levels sanctions can be imposed
- which work-related groups low and lowest levels sanctions affect
- when the Treat as Straightforward provisions can be applied in Fail to Attend cases
- what is meant by a compliance condition
- what is meant by failing to comply
- what is meant by failing to participate



You will now have the opportunity to consolidate your learning by working through some examples.