

UCDMA001 Part A Sanctions  
Workbook  
Topic 05 – Good Reason  
May 2017

## Timing

It will take approximately 25 minutes to complete this topic.

## Learning Objectives

When you complete this topic you will be able to:

- state what is meant by good reason
- state when good reason may apply
- state when good reason does not apply
- give examples of circumstances that may count as good reason
- give examples of circumstances that do not count as good reason
- state what is meant by treat as straightforward; and
- state the circumstances where treat as straightforward can be applied

## Learning Points

This topic covers the following areas:

- good reason
- treat as straightforward

# Good Reason

## Introduction

If a claimant commits a sanctionable failure, in most cases their Universal Credit payments will be reduced if they do not show good reason for that failure.

If the claimant can show good reason, a sanction will not be imposed.

The claimant must be given every opportunity to provide good reason.

The decision maker considers good reason. All jobs roles that come into contact with a claimant gather the information so that the decision maker can make a sound decision.

That is why it is important for all job roles to have an understanding of what is meant by good reason and how it is applied when considering whether a claimant should be sanctioned.

Any doubts of non compliance should be referred to a decision maker. There will be occasions when you need to data gather from the claimant about their reasons for not complying, before making a referral to the decision maker.

There may also be occasions when you need to explain the outcome of a decision to a claimant and having an understanding of good reason will help you with this.

Decision makers will make the decision on whether the reasons provided by the claimant can be considered as good reason or not.

This topic clearly indicates what actions the decision maker will take and what needs to be taken into account when considering good reason.



More information on sanctionable failures can be found in Topic 04 – Reasons for Sanctions



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



Good reason can be defined as meaning some fact that, taking into account all of the 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.

The decision maker will need to establish the facts which would probably have caused a reasonable person to act as the claimant did.

In particular, the following points should be considered:

- 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 someone in work 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, a decision maker must be satisfied that the claimant has been given an adequate chance to explain why they have not complied with requirements.

## Time to show good reason

Unlike other benefits, there are no specified time limits in Universal Credit for a claimant to show good reason.

However, for consistency, where a claimant is asked to provide information by post, it would be reasonable to allow them 5 working days to provide that information.



If the request for information is notified in writing, consider when the claimant is likely to receive the notification. We should take into account weekends, any bank holidays and that the notification is sent out by second class post.



When might it be appropriate to give the claimant less than 5 days to reply? When might more than 5 days be appropriate?



It may be appropriate to give the claimant less than 5 days when:

- we have contacted the claimant face to face, or
- by phone, or
- they have agreed that their preferred method of contact is by electronic means such as by text, email or their Universal Credit account

It may be reasonable to allow the claimant longer than 5 days when:

- they need to seek information or evidence from a third party
- they have an agent or representative acting on their behalf
- they have a health condition that prevents them from replying, for example, a pre-existing health condition that is relevant
- they have existing caring responsibilities that may be relevant



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.

In all cases you should give the claimant sufficient time to comment and to provide evidence appropriate to the particular circumstances of the failure. This should be flexible to reflect their individual circumstances.



The following pathway leads to further information on Good Reason in Advice for Decision Making (ADM):

DWP Home Page >> A-Z >> A >> Advice for Decision Making >> Universal Credit (UC) Chapters >> K - Universal Credit: Sanctions >> K2: Good Reason, paragraphs K2011 to K2013: Time to show good reason.

## Evidence

When deciding if claimant has good reason the decision maker must take into account all the relevant facts and evidence.

The decision maker must consider all the evidence based on the balance of probabilities, and whether the evidence is inherently improbable.



This does not mean that the claimant can be given the benefit of the doubt.

Where necessary the decision maker should seek further evidence in order to clarify reasons, or as sufficient proof to justify good reason.

This could involve writing to, or telephoning the claimant, or obtaining evidence from a work coach.

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

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 the decision maker 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 start an employment programme on several occasions 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 exhaustive 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 those who:

- are victims of domestic violence
- have mental health conditions or disorders
- are victims of bullying or harassment
- are disadvantaged, e.g. the claimant:
  - is homeless
  - has a disability
  - has learning difficulties

- have domestic emergencies
- there will be:
  - a significant harm to health, or
  - unreasonable physical or mental stress, or
  - a risk to the health and safety of the claimant or that of others
- have a sincere religious or conscientious objection
- have caring responsibilities
- have certain temporary circumstances
- have certain circumstances particular to a failure to comply with a requirement to take up or apply for paid work
- have certain circumstance particular to leaving or losing paid work voluntarily
- have certain circumstances particular to failures to participate in an interview relating to a work-related requirement; or
- are subject to legal constraints that prevent them carrying out work search requirements, taking up or sustaining certain types or work

Each case should be considered on its individual circumstances and merits. Additionally, consider any other reason the claimant puts forward when applying the test of reasonableness.

## Travel time

A claimant will normally be expected to travel for 1½ hours in each direction between their home and place of work, or for work search or work related activity.

However, there will be circumstances when, although the time taken would be less than this, the claimant may have good reason for failing to do so.

For example, they have caring responsibilities that clash with the hours of travel, the time/cost of travel is disproportionate to the remuneration, or there is poor public transport availability where they live.

### Example 1

Diane is a lone parent with one son, aged 12. She has been notified of a job for 25 hours per week. She will need after school care for 2 hours each day. She has been referred to the Children's Information Services to get details of available childcare schemes and has been told of the financial help available.

Diane refuses the job as she states that childminders in the area have no vacancies for the times she needs, the after school club is full and there are no friends or family who can look after her son. Diane has good reason for refusing the job.

### **Example 2**

Pankaj leaves his job as a trainee transport manager after six weeks of a trial period of three months. He believes that the work is too difficult for him and he would never be able to do the work, and considers it is unfair to his employer to continue with his training.

He has provided evidence to show that, prior to leaving, he started to apply for other jobs. Pankaj has acted responsibly and has shown good reason.

## Circumstances where good reason may not be shown

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.

## Examples where good reason is not shown

### Example 1

Joely is given details of a vacancy for a nursery nurse. The job is described as ‘an experienced nursery nurse for a children’s day nursery’. Joely fails to apply for the vacancy, believing that she had no chance of obtaining the job as she had only recently qualified. Although she may have genuinely believed she would not get the job, it was not reasonable to assume this without making further enquiries.

### Example 2

Nick has been given a work search requirement to attend a skills assessment to determine his literacy and numeracy levels. He does not attend the assessment. When asked why he failed to attend, Nick states that he forgot.



## Explanation

Once a decision has been received, claimants can ask for an explanation of the decision. In the majority of cases, these will be given over the telephone but may be face to face if circumstances warrant it, for example, if the claimant has complex needs.

## Reconsideration

If a claimant is not satisfied with the explanation or provides information or evidence for good reason after a decision has been made to impose a sanction, they can request a reconsideration of the decision.

The normal rules on revision will apply to any new facts and evidence which would alter the original decision, and which are received within the normal time limits for revision.



The following pathway leads to further information on Revision in Advice for Decision Making (ADM):

DWP Home Page >> A-Z >> A >> Advice for Decision Making >> Common subjects to all benefits >> A: Decision Making and Appeals >> A3: Revision.

## Treat as Straightforward

Any job roles that come into contact with a claimant in the All Work Related Requirements conditionality regime who has Failed to Attend (FTA) an Initial Work Search Interview (WSI) or Work Search Review (WSR) can consider if the doubt can be treated as straightforward.

The job roles include:

- Work Services Manager
- Work Coach
- Assistant Work Coach
- Personal and Account Team Leader
- Personal and Account Support Agent
- Personal and Account Support Manager
- Telephony Agent
- Account Developer
- Account Developer Team Leader
- Decision Maker
- Decision Maker Team Leader

Examples of the circumstances that can be considered as treat as straightforward are the claimant:

- incurred a temporary period of sickness
- had a domestic emergency
- has temporary child care responsibilities
- was detained in police custody
- was required to attend court or a tribunal
- was attending a job interview
- state there were adverse weather conditions
- has accessed the domestic violence conditionality easement within the last 12 months
- claimant is travelling to/from work, or is at work

Domestic Emergency – includes serious illness, death, funeral or emergency affecting a relative, close friend, or death of someone the claimant is caring for.

Police Custody – means if the claimant was detained in police custody for 96 hours or less then released.

Job Interview – the claimant must provide sufficient evidence. For example, letter from employer/details of interview.

Adverse Weather Conditions – consider the local conditions such that the claimant could not reasonably be expected to attend.

Treat as straightforward can be accepted if the claimant provides information that fits into one of the above categories.

Occasions where the claimants' evidence cannot be accepted as treated as straightforward will need to be referred to a decision maker.

## Summary

In this topic you have learned about:

- principles of good reason
- examples of good reason shown
- examples of good reason not shown
- treat as straightforward

End of Workbook