

UCDMA001Part A - Sanctions
Workbook
Topic 01 – The Claimant
Commitment

May 2017

Timing

It will take approximately 20 minutes to complete this topic.

Learning Objectives

When you complete this topic you will be able to:

- explain the purpose of the Claimant Commitment
- explain the purpose of the Commitment Pack
- state what information is recorded on the Claimant Commitment; and

Learning Points

This topic covers the following areas:

- The Claimant Commitment
- The Commitment Pack

The Claimant Commitment

A claimant's circumstances will place them in a particular Conditionality Group and an associated Conditionality Regime. This will be determined by the Universal Credit Agent Portal.

The conditionality regime the claimant is placed within will determine what they need to do to find work if this is appropriate

- what is required of them in relation to their Universal Credit award
- the type of Claimant Commitment that is appropriate

The Claimant Commitment is a contractual concept between the individual and DWP. It is a tool/mechanism for setting out and getting the claimant to own what they need to do in return for receiving Universal Credit.

For the first time, a claimant's obligations will be recorded in one place, clarifying both what people are required to do in return for Universal Credit and support and exactly what will happen if they fail to comply.

Each claimant, regardless of which Conditionality Regime they have been allocated to, will be required to accept a Claimant Commitment.

The relevant sanction information appropriate to the claimant's Conditionality Regime will be included in the Claimant Commitment by WSP when the Claimant Commitment is produced.



Refer to Setting claimant conditionality in the Work Services Platform in About Universal Credit for further information

Changes to the Conditionality Regime

When a claimant transitions between Conditionality Regimes they will be required to accept a revised Claimant Commitment.

Partners and joint claims

If there is more than one adult in a household, both partners must accept their own individual Claimant Commitment for the household to remain entitled to Universal Credit.

Reviewing the Claimant Commitment

The Claimant Commitment should be reviewed and revised on a regular basis to ensure it is up to date and reflects the work-related requirements that are still appropriate to the claimant's individual circumstances.

If a claimant's Claimant Commitment requires tailoring, either face to face or over the telephone, these interviews should be arranged as soon as possible. The same principles apply when a claimant moves into a different Conditionality Regime following a change of circumstances.



What should the Claimant Commitment include?

Think about your answers and make a note of them, before comparing them to the suggested responses on the next page.



The Claimant Commitment must:

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

The work coach must explain to the claimant the consequences of failing to meet those requirements.

All of us, as appropriate, must ensure that the claimant is fully aware of their responsibilities and of the consequences of non-compliance.



The claimant should be in no doubt of what is expected of them.

It is a condition of entitlement for Universal Credit that claimants accept a Claimant Commitment. Joint claimants both have to accept a Claimant Commitment.

If a claimant refuses to accept a Claimant Commitment they will not be entitled to Universal Credit. If either member of a Joint claim refuses to accept a Claimant Commitment, then the couple are not entitled to Universal Credit.

Creating a Claimant Commitment

The claimant's Conditionality Regime in the Work Services Platform (WSP) will determine the Claimant Commitment for that claimant.

Variable wording on the Claimant Commitment will be automatically selected depending on the claimant's Conditionality Regime, whether they are single or have a partner, and any related earnings.

All Universal Credit Claimant Commitments should be created on WSP. There are exceptional circumstances where this is not the case:

- claimant transfers to a non-Universal Credit delivering office
- claimant participating in a Universal Credit trial
- non-Universal Credit Claimant Commitments - JSA(CNS)/ESA(C)



See the following links in About Universal Credit – Claimant Commitment Hub

Creating a Work Services Platform Claimant Commitment

Creating a Welsh language version of a Claimant Commitment

Removing a work related activity from WSP

Creating a non-Work Services Platform Claimant Commitment

The Claimant Commitment can be accepted electronically, by phone or in writing. It will be reviewed regularly, and can be updated at any time.

A new Claimant Commitment should be drawn up by work coach or account developer / telephony agent (as appropriate) when:

- there is a change of circumstances, or
- when old requirements on the claimant commitment expire and new ones are set, or
- when work-related activities need updating (for example if previous work search and specific actions have proved ineffective).

Each requirement will have the overall aim of helping the claimant to move into work, prepare for work or increase their earnings.

The Claimant Commitment Pack

The Claimant Commitment Pack is made up of the following 3 separate sections:

- Your meeting plan
- Your Work Search
- My Work Plan

They are issued to claimants during their initial Work Search Interview (WSI) and can be re-issued when requested depending on the claimant's Conditionality Regime and requirements

Your meeting plan

This should be issued to all claimants other than those in the No Work Related Requirements (NWRR) Conditionality Regime (as these claimants have no requirements for attendance, and are not subject to any sanctions).

It contains key information for the claimant including general information such as:

- contact information
- what they need to do to receive Universal Credit
- the consequences if they do not meet the requirements in their Claimant Commitment
- an appointment card section that should be used to record claimant's appointments

Your Work Search

This should be issued to all claimants who are seeking work at their initial WSI. It should build on the regular work search activities within their Claimant Commitment by turning these into individual, personalised plans and specific actions about what they are going to do to look for work and how, when and where they are going to do it.

My Work Plan

This will be issued at initial WSI and can be issued as and when required at on-going WSIs and regular Work Search Reviews. This template is designed to help claimants plan and record outcomes of activities to get them into work, more work, or better paid work including their specific work search. This is not mandatory for claimants to complete, and claimants can choose to provide evidence of their work search in other ways for example, digitally, copies of applications etc. This template is available for claimants who are not digital or require additional support to accurately maintain a record of their plans and activities and may benefit from an additional prompt on what to plan and record.

A claimant's Universal Credit payments may be affected if they fail to meet any work-related requirements specified on their Claimant Commitment without good reason.

The consequences for non-compliance and the sanctions applicable to their Conditionality Regime are clearly stated on the Claimant Commitment against each requirement.

It also states how much Universal Credit payments could be affected by, and for how long.



It is important that the consequences for non-compliance are explained to the claimant each time they are given a work related task.

Any doubts identified for non-compliance will be referred to a decision maker.

The decision maker. will determine if the claimant has good reason for non-compliance. If good reason is not shown the relevant sanction will be imposed.



Good reason is explained in Topic 05 of this workbook.

Accepting the Claimant Commitment

On completion of the Claimant Commitment the claimant will need to accept it.

Depending on the Conditionality Regime that the claimant is in the Claimant Commitment will either be accepted as part of the normal claims process, or drawn up during a face-to-face discussion with a work coach.

If the claimant accepts the Claimant Commitment on the date of the discussion without requesting a second opinion it will be treated as accepted from the date of claim.

There may be times when a gap occurs between the date of claim and the date the Claimant Commitment is accepted. If this occurs, the claimant can be treated as having accepted it, as long as it is actually accepted within a specified time.

Example

Trevor makes a claim for Universal Credit on 15 July 2015. The first available appointment to see a work coach is for 23 July 2015. Trevor attends the appointment on 23 July 2015 and accepts his Claimant Commitment.

He is treated as having accepted a Claimant Commitment from 15 July 2015.



Universal Credit payments cannot be made until the Claimant Commitment has been accepted.

Claimant does not accept their Claimant Commitment

If a claimant does not accept their Claimant Commitment but does not request a second opinion, or ends the interview without accepting the Claimant Commitment they will enter into a 'cooling off' period of up to 5 working days. This will start from the date they did not accept the Claimant Commitment.

The claimant must be advised that they can ask for second opinion during this period.

The work coach must explain the process and consequences of asking for a second opinion. Having a second opinion may involve the date of entitlement being moved to the date the claimant actually accepts their Claimant Commitment.

At the new claim stage, if the claimant accepts the Claimant Commitment during the cooling off period without having asked for a second opinion, it will be treated as accepted from the date of claim.

Where the second opinion is found in favour of the claimant and is amended, this will also be treated as accepted from the date of claim.

One cooling off period/second opinion will apply to each updated Claimant Commitment throughout the claimant's time on Universal Credit.



If a claimant has asked for a second opinion and Claimant Commitment requirements have been updated, a cooling off period and second opinion is not permitted for that updated Claimant Commitment.

The second opinion will be conducted by another work coach in a 'Second Opinion Interview'.

Decision makers are not required to make a decision when a claimant does not accept the Claimant Commitment. Decision makers will only make decisions when a claimant fails to meet a work-related requirement as set out in their Claimant Commitment.

Lacking capacity

There may be times where a claimant is not required to accept their Claimant Commitment due to exceptional circumstances. These circumstances could be temporary or permanent.

Permanent circumstances could include occasions where Universal Credit considers that a claimant lacks capacity to accept a Claimant Commitment.

In this context, 'lacking capacity' primarily means those claimants who have an appointee acting on their behalf.

However, a decision should be made based on the available evidence as to whether or not a claimant lacks the capacity to accept a Claimant Commitment.

To support claimants with complex needs, the requirement for them to accept a Claimant Commitment may be lifted so that this does not affect their entitlement.

The appointee will not be required to accept the Claimant Commitment on behalf of the claimant.

Let's consider two cases and whether the requirement to accept a Claimant Commitment should be lifted:

Example 1

Fiona has severe learning disabilities. She has made a claim for Universal Credit with an appointee completing the claim on Fiona's behalf.

Example 2

David makes a claim for Universal Credit with the help of his neighbour. The neighbour is not David's appointee but is helping him with the claiming process. During the new claim interview with his work coach, it becomes apparent that David does not understand what is required of him with regards to entitlement to Universal Credit.



What do you think the work coach will decide for Fiona and David?

Make a note of your answers before comparing them to those overleaf.



Example 1

After a discussion with the appointee, Fiona's work coach at the Jobcentre decides that Fiona is not required to accept a Claimant Commitment due to her learning disabilities.

Fiona's disability means she cannot understand the expectations or requirements in connection with a claim to Universal Credit.

Example 2

The work coach decides that David should be referred for appointee action.

If an appointee is later authorised to act on David's behalf, David will not be required to accept a Claimant Commitment.

Exceptions to the requirement for accepting Claimant Commitment

In exceptional circumstances where it would be unreasonable for a claimant to accept their Claimant Commitment the requirement to accept it may be lifted.

For example:

- where the claimant is incapacitated in hospital and is likely to be there for some time
- where the Jobcentre is closed due to an emergency such as fire or flood; or
- the claimant is experiencing a domestic emergency.

Once the exceptional circumstance ceases to exist, the claimant will be required to accept their Claimant Commitment.

It will be down to the work coach 's discretion to decide if there are exceptional circumstances which prevent the Claimant Commitment being accepted within a reasonable time.

There are no time limits and it will be a judgment call, for example, when a situation can longer be considered a domestic emergency.

When determining whether or not exceptional circumstances apply, “exceptional” should be given its normal everyday meaning of “unusual, and not typical”.

Claimants eligible for a re-award of Universal Credit

Re-awards may occur where a claimant has earnings and due to this or other circumstances, their entitlement to Universal Credit reduces to zero. Although the claim is closed, the claim is monitored for earnings for 6 months and if at any point during the six month period the claimant becomes entitled to Universal Credit because of a reduction in earnings, or other change in their circumstances, the system will automatically re-open the claim and pay award.

Where there is a re-award, Universal Credit checks if there has been any changes to the claimant’s circumstances as soon as possible and arranges for the claimant to sign a Claimant Commitment subject to conditionality.

Where a claimant becomes eligible for a re-award of Universal Credit, they will be treated as having accepted their Claimant Commitment for one assessment period only. After that, the normal Universal Credit rules apply. In other words, the claimant will need to accept an updated Claimant Commitment in order for Universal Credit payments to continue.

Claimants in the all work-related requirements group will be expected, as a minimum, to engage in work search and work preparation activities for at least the number of hours they are available for work.



What is the expected number of hours for claimants in the all work-related requirement group?

What might be deducted from that total number of hours?

If the claimant has taken less time than expected, but in that time they have done all that could reasonably be expected, will a sanction apply?

Make a note of your answers before comparing them to those overleaf.



35 hours per week, unless an exception applies.

Claimants will be required to take work search activities for their expected hours, less the total amount of time spent undertaking:

- agreed Work Preparation activities
- Voluntary Work; or
- Paid Work.

Where a claimant has done all that could reasonably be expected of them, for example they have applied for all suitable jobs and undertaken all the activities set out in their Claimant Commitment it will be considered sufficient even if the time taken was less than their expected hours.

Claimants must take the work search actions that give them the best prospects of securing work.

It will not be enough just to spend time looking for a job; they must be doing so in an effective manner.



A week is defined as any 7 day period and is not aligned to their intervention day.

Agreed Limitations

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

These circumstances could include:

- a claimant who has caring responsibilities
- a claimant that has previously carried out work of a particular nature or been paid at a particular level (but limited for no more than three months); or
- a claimant that has a physical or mental health impairment.

Example

Rebecca has multiple sclerosis, which affects her stamina and causes fatigue on a daily basis. Her work coach agrees that, in view of Rebecca's condition, her work search and work availability requirements are limited to 20 hours a week.

Any agreed limitations will be recorded on to the claimant record.

Permitted Periods

A work coach can allow a claimant with a strong work history to limit their Work Related Requirements to look for work in a particular type of job and salary. They must have recent experience in the job for this to be agreed.

This limitation can apply for any period up to a maximum of three months from the date they claimed Universal Credit or 3 months from the date they ceased work which paid above the conditionality earnings threshold, whichever is the later. This period is known as a permitted period.

The work coach must be satisfied that the claimant has reasonable prospects of getting a job that fits this limitation before agreeing to it. After this period the claimant will be required to look for full time work at the national minimum wage.



For further information on the Claimant Commitment, you can read Advice for Decision Making (ADM):

DWP Home Page >> A - Z >> A >> Advice for Decision Making >> Universal Credit (UC) Chapters >> J - Universal Credit: Claimant Responsibilities >> J1 – The Claimant Commitment

Summary

In this topic you have learned about:

- the purpose of the Claimant Commitment
- the information recorded on the Claimant Commitment

End of Topic