

Non Complex Decisions for Account Developers (AD)

Higher Level Sanctions

Losing Paid Work or Pay Voluntarily - Sanction appropriate when there is no evidence to consider.

Losing Paid Work or Pay through Misconduct– AD will not impose a sanction but AD can make the decision to ALLOW when there is no evidence to consider.

(Any evidence would need consideration so would be referred to Decision Maker).

Mandatory Work Activity leaving/failure – in most cases this will mean failing to participate but AD can make decision to ALLOW when there is no evidence to consider.

(Any evidence would need consideration so would be referred to Decision Maker)

Pre- Claim failure

Claimant loses paid work or pay, either voluntarily or through misconduct.

Re-Award of Universal Credit occurs when claimant returns to UC within six months and the award is re-instated.

It is not a re-claim for UC.

If UC is re-awarded then the reason why they gave up their work or reduced their pay can not lead to a sanction.

A sanction can only be imposed when another claim has been made.

Medium Level Sanctions

At the current time the AD will not impose sanctions at this level.

Low Level Sanctions

AD can impose sanctions at this level but if there is any element of consideration the case is referred to the DM as it becomes a complex decision.

Refer to ADM memos 2/14, 3/14/ and 7/14

Always Complex are the following circumstances if the claimant:

- has a mental health condition or disorder
- is a victim of bullying or harassment
- is disadvantaged, for example is homeless
- has a religious or conscientious objection
- has certain temporary circumstances
- has certain circumstances particular to a failure to comply with any work related requirement

Lowest Level Sanctions

The AD can impose all sanctions at this level providing there is no element of consideration.

ADM memos 2/14, 3/14, and 7/14 apply.

Other Issues

Escalation

The previous sanctionable failure must be the same level and occurred within 364 days but not within 13 days of the current sanctionable failure

Trial Periods

The trial period is 56 days which starts on the 29th day after the claimant takes up paid work or more paid work. The period ends on the 84th day. In effect the claimant has to work for more than 4 weeks and no more than 12 weeks.

During a trial period a claimant can cease paid work or reduce their pay without having to show good reason.

A sanction would not be imposed if:

- the claimant takes up work or more paid work in excess of the agreed work search and work availability limitations and then leaves that work or reduces their pay during the trial period

Zero Hours Contracts

If a claimant refuses to apply for or take up work involving a zero hours contract a sanction is not appropriate.

Treat As Straightforward (TaS)

This applies only in cases where the claimant *has failed to attend a work-related interview* with a work coach or assistant work coach. AD does not need to consider if it is a complex case or not, nor apply Good Reason.

TaS applies where the claimant:

- was suffering a temporary period of sickness
- had a domestic emergency (serious illness; death, funeral or emergency affecting close relative or friend; death of person claimant is caring for)
- was detained in custody for 96 hours or less and then released
- was required to attend court or tribunal
- was attending a job interview
- there were adverse weather conditions
- has accessed the domestic violence conditionality easement within the last 12 months
- was travelling to or from work or is at work