

# **Universal Credit documents relating to vulnerable people**

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## WELFARE REFORM ACT 2012 (c. 5)

### Ss. 13-16

- (2) In this Part “work-related requirement” means—
- (a) a work-focused interview requirement (see section 15);
  - (b) a work preparation requirement (see section 16);
  - (c) a work search requirement (see section 17);
  - (d) a work availability requirement (see section 18).
- (3) The work-related requirements which may be imposed on a claimant depend on which of the following groups the claimant falls into—
- (a) no work-related requirements (see section 19);
  - (b) work-focused interview requirement only (see section 20);
  - (c) work-focused interview and work preparation requirements only (see section 21);
  - (d) all work-related requirements (see section 22).

#### **Claimant commitment**

**14.—**(1) A claimant commitment is a record of a claimant’s responsibilities in relation to an award of universal credit.

(2) A claimant commitment is to be prepared by the Secretary of State and may be reviewed and updated as the Secretary of State thinks fit.

(3) A claimant commitment is to be in such form as the Secretary of State thinks fit.

(4) A claimant commitment is to include—

- (a) a record of the requirements that the claimant must comply with under this Part (or such of them as the Secretary of State considers it appropriate to include),
- (b) any prescribed information, and
- (c) any other information the Secretary of State considers it appropriate to include.

(5) For the purposes of this Part a claimant accepts a claimant commitment if, and only if, the claimant accepts the most up-to-date version of it in such manner as may be prescribed.

#### *Work-related requirements*

#### **Work-focused interview requirement**

**15.—**(1) In this Part a “work-focused interview requirement” is a requirement that a claimant participate in one or more work-focused interviews as specified by the Secretary of State.

(2) A work-focused interview is an interview for prescribed purposes relating to work or work preparation.

(3) The purposes which may be prescribed under subsection (2) include in particular that of making it more likely in the opinion of the Secretary of State that the claimant will obtain paid work (or more paid work or better-paid work).

(4) The Secretary of State may specify how, when and where a work-focused interview is to take place.

#### **Work preparation requirement**

**16.—**(1) In this Part a “work preparation requirement” is a requirement that a claimant take particular action specified by the Secretary of State for the purpose of making it more likely in the opinion of the Secretary of State that the claimant will obtain paid work (or more paid work or better-paid work).

(2) The Secretary of State may under subsection (1) specify the time to be devoted to any particular action.

(3) Action which may be specified under subsection (1) includes in particular—

- (a) attending a skills assessment;
- (b) improving personal presentation;
- (c) participating in training;
- (d) participating in an employment programme;
- (e) undertaking work experience or a work placement;
- (f) developing a business plan;
- (g) any action prescribed for the purpose in subsection (1).

(4) In the case of a person with limited capability for work, the action which may be specified under subsection (1) includes taking part in a work-focused health-related assessment.

(5) In subsection (4) “work-focused health-related assessment” means an assessment by a health care professional approved by the Secretary of State which is carried out for the purpose of assessing—

- (a) the extent to which the person’s capability for work may be improved by taking steps in relation to their physical or mental condition, and
- (b) such other matters relating to their physical or mental condition and the likelihood of their obtaining or remaining in work or being able to do so as may be prescribed.

(6) In subsection (5) “health care professional” means—

- (a) a registered medical practitioner,
- (b) a registered nurse,
- (c) an occupational therapist or physiotherapist registered with a regulatory body established by an Order in Council under section 60 of the Health Act 1999, or
- (d) a member of such other profession regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002 as may be prescribed.

**Work search requirement**

**17.—**(1) In this Part a “work search requirement” is a requirement that a claimant take—

- (a) all reasonable action, and
- (b) any particular action specified by the Secretary of State,

for the purpose of obtaining paid work (or more paid work or better-paid work).

(2) The Secretary of State may under subsection (1)(b) specify the time to be devoted to any particular action.

(3) Action which may be specified under subsection (1)(b) includes in particular—

- (a) carrying out work searches;
- (b) making applications;
- (c) creating and maintaining an online profile;
- (d) registering with an employment agency;
- (e) seeking references;
- (f) any action prescribed for the purpose in subsection (1).

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### Ss. 17-19

(4) Regulations may impose limitations on a work search requirement by reference to the work to which it relates; and the Secretary of State may in any particular case specify further such limitations on such a requirement.

(5) A limitation under subsection (4) may in particular be by reference to—

- (a) work of a particular nature,
- (b) work with a particular level of remuneration,
- (c) work in particular locations, or
- (d) work available for a certain number of hours per week or at particular times,

and may be indefinite or for a particular period.

#### **Work availability requirement**

**18.—**(1) In this Part a “work availability requirement” is a requirement that a claimant be available for work.

(2) For the purposes of this section “available for work” means able and willing immediately to take up paid work (or more paid work or better-paid work).

(3) Regulations may impose limitations on a work availability requirement by reference to the work to which it relates; and the Secretary of State may in any particular case specify further such limitations on such a requirement.

(4) A limitation under subsection (3) may in particular be by reference to—

- (a) work of a particular nature,
- (b) work with a particular level of remuneration,
- (c) work in particular locations, or
- (d) work available for a certain number of hours per week or at particular times,

and may be indefinite or for a particular period.

(5) Regulations may for the purposes of subsection (2) define what is meant by a person being able and willing immediately to take up work.

#### *Application of work-related requirements*

#### **Claimants subject to no work-related requirements**

**19.—**(1) The Secretary of State may not impose any work-related requirement on a claimant falling within this section.

(2) A claimant falls within this section if—

- (a) the claimant has limited capability for work and work-related activity,
- (b) the claimant has regular and substantial caring responsibilities for a severely disabled person,
- (c) the claimant is the responsible carer for a child under the age of 1, or
- (d) the claimant is of a prescribed description.

(3) Regulations under subsection (2)(d) may in particular make provision by reference to one or more of the following—

- (a) hours worked;
- (b) earnings or income;
- (c) the amount of universal credit payable.

(4) Regulations under subsection (3) may—

- (a) in the case of a claimant who is a member of the couple, make provision by reference to the claimant alone or by reference to the members of the couple together;
- (b) make provision for estimating or calculating any matter for the purpose of the regulations.

(5) Where a claimant falls within this section, any work-related requirement previously applying to the claimant ceases to have effect.

(6) In this Part “responsible carer”, in relation to a child means—

- (a) a single person who is responsible for the child, or
- (b) a person who is a member of a couple where—
  - (i) the person or the other member of the couple is responsible for the child, and
  - (ii) the person has been nominated by the couple jointly as responsible for the child.

#### **Claimants subject to work-focused interview requirement only**

**20.—**(1) A claimant falls within this section if—

- (a) the claimant is the responsible carer for a child who is aged [...]<sup>1</sup>, or
- (b) the claimant is of a prescribed description.

(2) The Secretary of State may, subject to this Part, impose a work-focused interview requirement on a claimant falling within this section.

(3) The Secretary of State may not impose any other work-related requirement on a claimant falling within this section (and, where a claimant falls within this section, any other work-related requirement previously applying to the claimant ceases to have effect).

#### **Claimants subject to work preparation requirement**

**21.—**(1) A claimant falls within this section if the claimant does not fall within section 19 or 20 and—

- (a) the claimant has limited capability for work;
- [<sup>1</sup>(aa) the claimant is the responsible carer for a child who is aged 2,] or
- (b) the claimant is of a prescribed description.

(2) The Secretary of State may, subject to this Part, impose a work preparation requirement on a claimant falling within this section.

(3) The Secretary of State may also, subject to this Part, impose a work-focused interview requirement on a claimant falling within this section.

(4) The Secretary of State may not impose any other work-related requirement on a claimant falling within this section (and, where a claimant falls within this section, any other work-related requirement previously applying to the claimant ceases to have effect).

(5) [...]<sup>1</sup>.

#### **Claimants subject to all work-related requirements**

**22.—**(1) A claimant not falling within any of sections 19 to 21 falls within this section.

<sup>1</sup> Words in ss. 20(1)(a) words omitted & para. 21(1)(aa) inserted (3.4.17) & para. 21(5) omitted by s. 17(1)(a)-(c) of the Welfare Reform and Work Act 2016 (c. 7).

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(2) The Secretary of State must, except in prescribed circumstances, impose on a claimant falling within this section—

- (a) a work search requirement, and
- (b) a work availability requirement.

(3) The Secretary of State may, subject to this Part, impose either or both of the following on a claimant falling within this section—

- (a) a work-focused interview requirement;
- (b) a work preparation requirement.

Work-related requirements: supplementary

### Connected requirements

**23.**—(1) The Secretary of State may require a claimant to participate in an interview for any purpose relating to—

- (a) the imposition of a work-related requirement on the claimant;
- (b) verifying the claimant's compliance with a work-related requirement;
- (c) assisting the claimant to comply with a work-related requirement.

(2) The Secretary of State may specify how, when and where such an interview is to take place.

(3) The Secretary of State may, for the purpose of verifying the claimant's compliance with a work-related requirement, require a claimant to—

- (a) provide to the Secretary of State information and evidence specified by the Secretary of State in a manner so specified;
- (b) confirm compliance in a manner so specified.

(4) The Secretary of State may require a claimant to report to the Secretary of State any specified changes in their circumstances which are relevant to—

- (a) the imposition of work-related requirements on the claimant;
- (b) the claimant's compliance with a work-related requirement.

### Imposition of requirements

**24.**—(1) Regulations may make provision—

- (a) where the Secretary of State may impose a requirement under this Part, as to when the requirement must or must not be imposed;
- (b) where the Secretary of State may specify any action to be taken in relation to a requirement under this Part, as to what action must or must not be specified;
- (c) where the Secretary of State may specify any other matter in relation to a requirement under this Part, as to what must or must not be specified in respect of that matter.

(2) Where the Secretary of State may impose a work-focused interview requirement, or specify a particular action under section 16(1) or 17(1)(b), the Secretary of State must have regard to such matters as may be prescribed.

(3) Where the Secretary of State may impose a requirement under this Part, or specify any action to be taken in relation to such a requirement, the Secretary of State may revoke or change what has been imposed or specified.

(4) Notification of a requirement imposed under this Part (or any change to or revocation of such a requirement) is, if not included in the claimant commitment, to be in such manner as the Secretary of State may determine.

(5) Regulations must make provision to secure that, in prescribed circumstances, where a claimant has recently been a victim of domestic violence-

- (a) a requirement imposed on that claimant under this Part ceases to have effect for a period of 13 weeks, and
- (b) the Secretary of State may not impose any other requirement under this Part on that claimant during that period.

(6) For the purposes of subsection (5)-

- (a) "domestic violence" has such meaning as may be prescribed;
- (b) "victim of domestic violence" means a person on or against whom domestic violence is inflicted or threatened (and regulations under subsection (5) may prescribe circumstances in which a person is to be treated as being or not being a victim of domestic violence);
- (c) a person has recently been a victim of domestic violence if a prescribed period has not expired since the violence was inflicted or threatened.

### Compliance with requirements

25. Regulations may make provision as to circumstances in which a claimant is to be treated as having-

- (a) complied with or not complied with any requirement imposed under this Part or any aspect of such a requirement, or
- (b) taken or not taken any particular action specified by the Secretary of State in relation to such a requirement.

### *Reduction of benefit*

### *Higher-level sanctions*

26.—(1) The amount of an award of universal credit is to be reduced in accordance with this section in the event of a failure by a claimant which is sanctionable under this section.

(2) It is a failure sanctionable under this section if a claimant falling within section 22-

- (a) fails for no good reason to comply with a requirement imposed by the Secretary of State under a work preparation requirement to undertake a work placement of a prescribed description;
- (b) fails for no good reason to comply with a requirement imposed by the Secretary of State under a work search requirement to apply for a particular vacancy for paid work;
- (c) fails for no good reason to comply with a work availability requirement by not taking up an offer of paid work;
- (d) by reason of misconduct, or voluntarily and for no good reason, ceases paid work or loses pay.

(3) It is a failure sanctionable under this section if by reason of misconduct, or voluntarily and for no good reason, a claimant falling within section 19 by virtue of subsection (3) of that section ceases paid work or loses pay so as to cease to fall within that section and to fall within section 22 instead.

(4) It is a failure sanctionable under this section if, at any time before making the claim by reference to which the award is made, the claimant-

- (a) for no good reason failed to take up an offer of paid work, or
- (b) by reason of misconduct, or voluntarily and for no good reason, ceased paid work or lost pay,

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*and at the time the award is made the claimant falls within section 22.*

- (5) *For the purposes of subsections (2) to (4) regulations may provide—*
- (a) *for circumstances in which ceasing to work or losing pay is to be treated as occurring or not occurring by reason of misconduct or voluntarily;*
  - (b) *for loss of pay below a prescribed level to be disregarded.*
- (6) Regulations are to provide for—
- (a) the amount of a reduction under this section;
  - (b) the period for which such a reduction has effect, not exceeding three years in relation to any failure sanctionable under this section.
- (7) Regulations under subsection (6)(b) may in particular provide for the period of a reduction to depend on either or both of the following—
- (a) the number of failures by the claimant sanctionable under this section;
  - (b) the period between such failures.
- (8) Regulations may provide—
- (a) for cases in which no reduction is to be made under this section;
  - (b) for a reduction under this section made in relation to an award that is terminated to be applied to any new award made within a prescribed period of the termination;
  - (c) for the termination or suspension of a reduction under this section.

#### **Other sanctions**

**27.—**(1) The amount of an award of universal credit is to be reduced in accordance with this section in the event of a failure by a claimant which is sanctionable under this section.

- (2) It is a failure sanctionable under this section if a claimant—
- (a) fails for no good reason to comply with a work-related requirement;
  - (b) fails for no good reason to comply with a requirement under section 23.
- (3) But a failure by a claimant is not sanctionable under this section if it is also a failure sanctionable under section 26.
- (4) Regulations are to provide for—
- (a) the amount of a reduction under this section, and
  - (b) the period for which such a reduction has effect.
- (5) Regulations under subsection (4)(b) may provide that a reduction under this section in relation to any failure is to have effect for—
- (a) a period continuing until the claimant meets a compliance condition specified by the Secretary of State,
  - (b) a fixed period not exceeding 26 weeks which is—
    - (i) specified in the regulations, or
    - (ii) determined in any case by the Secretary of State, or
  - (c) a combination of both.
- (6) In subsection (5)(a) “compliance condition” means—
- (a) a condition that the failure ceases, or
  - (b) a condition relating to future compliance with a work-related requirement or a requirement under section 23.
- (7) A compliance condition specified under subsection (5)(a) may be—
- (a) revoked or varied by the Secretary of State;

- (b) notified to the claimant in such manner as the Secretary of State may determine.

(8) A period fixed under subsection (5)(b) may in particular depend on either or both the following—

- (a) the number of failures by the claimant sanctionable under this section;
- (b) the period between such failures.

(9) *Regulations may provide—*

- (a) *for cases in which no reduction is to be made under this section;*
- (b) *for a reduction under this section made in relation to an award that is terminated to be applied to any new award made within a prescribed period of the termination;*
- (c) *for the termination or suspension of a reduction under this section.*

### **Hardship payments**

**28.**—(1) Regulations may make provision for the making of additional payments by way of universal credit to a claimant (“hardship payments”) where—

- (a) the amount of the claimant’s award is reduced under section 26 or 27, and
- (b) the claimant is or will be in hardship.

(2) Regulations under this section may in particular make provision as to—

- (a) circumstances in which a claimant is to be treated as being or not being in hardship;
- (b) matters to be taken into account in determining whether a claimant is or will be in hardship;
- (c) requirements or conditions to be met by a claimant in order to receive hardship payments;
- (d) the amount or rate of hardship payments;
- (e) the period for which hardship payments may be made;
- (f) whether hardship payments are recoverable.

### *Administration*

### **Delegation and contracting out**

**29.**—(1) The functions of the Secretary of State under sections 13 to 25 may be exercised by, or by the employees of, such person as the Secretary of State may authorise for the purpose (an “authorised person”).

(2) An authorisation given by virtue of this section may authorise the exercise of a function—

- (a) wholly or to a limited extent;
- (b) generally or in particular cases or areas;
- (c) unconditionally or subject to conditions.

(3) An authorisation under this section—

- (a) may specify its duration;
- (b) may be varied or revoked at any time by the Secretary of State;
- (c) does not prevent the Secretary of State or another person from exercising the function to which the authorisation relates.

## PART 8 CLAIMANT RESPONSIBILITIES

### CHAPTER 1

#### WORK-RELATED REQUIREMENTS

##### *Introductory*

#### **Introduction**

**84.** This Chapter contains provisions about the work-related requirements under sections 15 to 25 of the Act, including the persons to whom they are to be applied, the limitations on those requirements and other related matters.

#### **Meaning of terms relating to carers**

**85.** In this Chapter—

“relevant carer” means—

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

“responsible foster parent” in relation to a child means a person who is the only foster parent in relation to that child or, in the case of a couple both members of which are foster parents in relation to that child, the member who is nominated by them in accordance with regulation 86.

#### **Nomination of responsible carer and responsible foster parent**

**86.—**(1) This regulation makes provision for the nomination of the responsible carer or the responsible foster parent in relation to a child.

(2) Only one of joint claimants may be nominated as a responsible carer or a responsible foster parent.

(3) The nomination applies to all the children, where there is more than one, for whom either of the joint claimants is responsible.

(4) Joint claimants may change which member is nominated—

- (a) once in a 12 month period, starting from the date of the previous nomination; or
- (b) on any occasion where the Secretary of State considers that there has been a change of circumstances which is relevant to the nomination.

#### **References to paid work**

**87.** References in this Chapter to obtaining paid work include obtaining more paid work or ►<sup>1</sup>better-paid work◀.

<sup>1</sup>Words in reg. 87 substituted by reg. 4(3) of S.I. 2017/987 as from 6.11.17.

#### **Expected hours**

**88.—**(1) The “expected number of hours per week” in relation to a claimant for the purposes of determining their individual threshold in regulation 90 or for the purposes of regulation 95 or 97 is 35 unless some lesser number of hours applies under paragraph (2).

(2) The lesser number of hours is—

- (a) where—

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<sup>1</sup>Words in reg. 88(2)(a)(i), (b) & sub-para. (aa) inserted by reg. 6 of S.I. 2017/204 as from 3.4.17.

- (i) the claimant is a relevant carer, a responsible carer ►<sup>1</sup>(subject to the following sub-paragraphs)◄ or a responsible foster parent, and
  - (ii) the Secretary of State is satisfied that the claimant has reasonable prospects of obtaining paid work,
- <sup>1</sup>(aa) where the claimant is a responsible carer of a child who has not yet reached compulsory school age, the number of hours that the Secretary of State considers is compatible with those earning responsibilities;◄
- the number of hours that the Secretary of State considers is compatible with those caring responsibilities;
- (b) where the claimant is a responsible carer for a child ►<sup>1</sup>who has reached compulsory school age but who is◄ under the age of 13, the number of hours that the Secretary of State considers is compatible with the child's normal school hours (including the normal time it takes the child to travel to and from school); or
  - (c) where the claimant has a physical or mental impairment, the number of hours that the Secretary of State considers is reasonable in light of the impairment.

*Work-related groups***Claimants subject to no work-related requirements**

**89.—(1)** A claimant falls within section 19 of the Act (claimants subject to no work-related requirements) if—

- (a) the claimant has reached the qualifying age for state pension credit;
- (b) the claimant has caring responsibilities for one or more severely disabled persons for at least 35 hours a week but does not meet the conditions for entitlement to a carer's allowance and the Secretary of State is satisfied that it would be unreasonable to require the claimant to comply with a work search requirement and a work availability requirement, including if such a requirement were limited in accordance with section 17(4) or 18(3) of the Act;
- (c) the claimant is pregnant and it is 11 weeks or less before her expected week of confinement, or was pregnant and it is 15 weeks or less since the date of her confinement;
- (d) the claimant is an adopter and it is 12 months or less since—
  - (i) the date that the child was placed with the claimant, or
  - (ii) if the claimant requested that the 12 months should run from a date within 14 days before the child was expected to be placed, that date;
- <sup>2</sup>(da) the claimant is a member of a couple entitled to universal credit by virtue of regulation 3(2)(b) and has student income in relation to the course they are undertaking which is taken into account in the calculation of the award.◄
- (e) the claimant does not have to meet the condition in section 4(1)(d) of the Act (not receiving education) by virtue of regulation 14 and—
  - (i) is a person referred to in paragraph (a) of that regulation (under 21, in non-advanced education and without parental support), or
  - (ii) has student income in relation to the course they are undertaking which is taken into account in the calculation of the award; or
- (f) the claimant is the responsible foster parent of a child under the age of 1.

(2) In paragraph (1)(b) “severely disabled” has the meaning in section 70 of the Contributions and Benefits Act.

(3) In paragraph (1)(d)—

- (a) “adopter” means a person who has been matched with a child for adoption and who is, or is intended to be, the responsible carer for the child, but excluding a person who is a foster parent or close relative of the child; and

<sup>2</sup>Reg. 89(1)(da) by reg. 3(10) of S.I. 2018/65 as from 11.4.18.

- (b) a person is matched with a child for adoption when it is decided by an adoption agency that the person would be a suitable adoptive parent for the child.

►<sup>1</sup>(4) For the purposes of paragraph (1)(e)(ii), a claimant is not to be treated as having student income where—

- (a) that income is a postgraduate master's degree loan; and  
(b) the course in respect of which that loan is paid is not a full-time course.

(5) In paragraph (4), "postgraduate master's degree loan" has the meaning given in regulation 68(7).◀

<sup>1</sup>Reg. 89(4) & (5) inserted by reg. 6(5) of S.I. 2016/743 as from 4.8.16.

### Claimants subject to no work-related requirements - the earnings thresholds

**90.—**(1) A claimant falls within section 19 of the Act (claimants subject to no work-related requirements) if the claimant's ►<sup>2</sup>monthly◀ earnings are equal to or exceed the claimant's individual threshold.

<sup>2</sup>Word in reg. 90(1) substituted by reg. 2(6)(a) of S.I. 2015/1754 as from 3.11.15.

(2) A claimant's individual threshold is the amount that a person of the same age as the claimant would be paid at the hourly rate applicable under ►<sup>3</sup>regulation 4 or regulation 4A(1)(a) to (c)◀ of the National Minimum Wage Regulations for—

<sup>3</sup>Words in reg. 90(2), (3)(b)(ii) & (4) substituted by reg. 5(4)(a)-(c) of S.I. 2016/678 as from 25.7.16.

- (a) 16 hours per week, in the case of a claimant who would otherwise fall within section 20 (claimants subject to work-focused interview requirement only) or section 21 (claimants subject to work-preparation requirement) of the Act; or  
(b) the expected number of hours per week in the case of a claimant who would otherwise fall within section 22 of the Act (claimants subject to all work-related requirements)►<sup>4</sup>, converted to a monthly amount by multiplying by 52 and dividing by 12◀.

<sup>4</sup>Words in reg. 90(2), (3), (4) & (6) substituted & inserted by 2(6)(a)-(e) of S.I. 2015/1754 as from 3.11.15.

(3) A claimant who is a member of a couple falls within section 19 of the Act if the couple's combined ►<sup>2</sup>monthly◀ earnings are equal to or exceed whichever of the following amounts is applicable—

- (a) in the case of joint claimants, the sum of their individual thresholds; or  
(b) in the case of a claimant who claims universal credit as a single person by virtue of regulation 3(3), the sum of—  
(i) the claimant's individual threshold, and  
(ii) the amount a person would be paid for 35 hours per week at the hourly rate specified in ►<sup>3</sup>regulation 4◀ of the National Minimum Wage Regulations►<sup>4</sup>, converted to a monthly amount by multiplying by 52 and dividing by 12◀.

(4) A claimant falls within section 19 of the Act if the claimant is employed under a contract of apprenticeship and has ►<sup>4</sup>monthly◀ earnings that are equal to or exceed the amount they would be paid for—

- (a) 30 hours a week; or  
(b) if less, the expected number of hours per week for that claimant►<sup>4</sup>, converted to a monthly amount by multiplying by 52 and dividing by 12◀.

at the rate specified in ►<sup>3</sup>regulation 4A(1)(d)◀ of the National Minimum Wage Regulations.

►<sup>5</sup>(5) A claimant falls within section 19 of the Act if they are treated as having earned income in accordance with regulation 62 (minimum income floor)◀.

<sup>5</sup>Reg. 90(5) substituted by reg. 4(7) of S.I. 2014/2888 as from 26.11.14.

(6) ►<sup>4</sup>A person's monthly earnings are◀—

- (a) ►<sup>4</sup>the person's◀ earned income calculated or estimated in relation to the current assessment period before any deduction for income tax, national insurance contributions or relievable pension contributions; or  
(b) in a case where the person's earned income fluctuates (or is likely to fluctuate) the amount of that income►<sup>4</sup>, calculated or estimated before any deductions

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for income tax, national insurance contributions or relievable pension contributions, taken as a monthly average—

- (i) where there is an identifiable cycle, over the duration of one such cycle, or
- (ii) where there is no identifiable cycle, over three months or such other period as may, in the particular case, enable the ►<sup>1</sup>monthly◄ average to be determined more accurately ►<sup>1</sup>and the Secretary of State may, in order to enable monthly earnings to be determined more accurately, disregard earned income received in respect of an employment which has ceased◄.

<sup>1</sup>Words in reg. 90(6) substituted & inserted by 2(6)(a)-(e) of S.I. 2015/1754 as from 3.11.15.

<sup>2</sup>Reg. 90(7) omitted by reg. 5(4)(d) of S.I. 2016/678 as from 25.7.16.

<sup>3</sup>Reg. 91(1) omitted by art. 17(2)(a) of the Welfare Reform & Work Act 2016 c. 7, as from 3.4.17.

<sup>4</sup>Reg. 91(1)(b) substituted by reg. 8 of S.I. 2014/902 as from 31.5.14.

(7) ►<sup>2</sup>◄

### Claimants subject to work-focused interview requirement only

**91.—(1) ►<sup>3</sup>◄.**

(2) A claimant falls within section 20 of the Act if—

- (a) the claimant is the responsible foster parent in relation to a child aged at least 1;
- <sup>4</sup>(b) a person who is treated as a worker for the purposes of regulation 6(1)(b) of the EEA Regulations by reason of satisfying the conditions set out in regulation 6(2)(b) or regulation 6(2)(ba) of those Regulations;◄
- (c) the claimant is a foster parent, but not the responsible foster parent, in relation to a child or qualifying young person, and the Secretary of State is satisfied that the child or qualifying young person has care needs which would make it unreasonable to require the claimant to comply with a work search requirement or a work availability requirement, including if such a requirement were limited in accordance with section 17(4) or 18(3) of the Act;
- (d) the claimant has fallen within sub-paragraph (a), (b) or (c) within the past 8 weeks and has no child or qualifying young person currently placed with them, but expects to resume being a foster parent; or
- (e) the claimant has become a friend or family carer in relation to a child within the past 12 months and is also the responsible carer in relation to that child.

(3) In paragraph (2)(e) “friend or family carer” means a person who is responsible for a child, but is not the child’s parent or step-parent, and has undertaken the care of the child in the following circumstances—

- (a) the child has no parent or has parents who are unable to care for the child; or
- (b) it is likely that the child would otherwise be looked after by a local authority because of concerns in relation to the child’s welfare.

<sup>5</sup>Reg. 91A revoked by art 17(2)(b) of the Welfare Reform & Work Act 2016 c. 7, as from 3.4.17.

<sup>6</sup>Reg. 92 revoked by reg. 3 of S.I. 2015/546 as from 10.6.15.

### ►<sup>5</sup>Claimants subject to work preparation requirement

**91A. ►<sup>5</sup>◄◄**

**92.—(1) ►<sup>6</sup>◄**

*The work-related requirements*

### Purposes of a work-focused interview

**93.** The purposes of a work-focused interview are any or all of the following—

- (a) assessing the claimant’s prospects for remaining in or obtaining paid work;

- (b) assisting or encouraging the claimant to remain in or obtain paid work;
- (c) identifying activities that the claimant may undertake that will make remaining in or obtaining paid work more likely;
- (d) identifying training, educational or rehabilitation opportunities for the claimant which may make it more likely that the claimant will remain in or obtain paid work or be able to do so;
- (e) identifying current or future work opportunities for the claimant that are relevant to the claimant's needs and abilities;
- (f) ascertaining whether a claimant is in gainful self-employment or meets the conditions in regulation 63 (start-up period).

#### **Work search requirement - interviews**

**94.** A claimant is to be treated as not having complied with a work search requirement to apply for a particular vacancy for paid work where the claimant fails to participate in an interview offered to the claimant in connection with the vacancy.

#### **Work search requirement - all reasonable action**

**95.—(1)** A claimant is to be treated as not having complied with a work search requirement to take all reasonable action for the purpose of obtaining paid work in any week unless—

- (a) either—
  - (i) the time which the claimant spends taking action for the purpose of obtaining paid work is at least the claimant's expected number of hours per week minus any relevant deductions, or
  - (ii) the Secretary of State is satisfied that the claimant has taken all reasonable action for the purpose of obtaining paid work despite the number of hours that the claimant spends taking such action being lower than the expected number of hours per week; and
- (b) that action gives the claimant the best prospects of obtaining work.

(2) In this regulation "relevant deductions" means the total of any time agreed by the Secretary of State—

- (a) for the claimant to carry out paid work, voluntary work, a work preparation requirement, or voluntary work preparation in that week; or
- (b) for the claimant to deal with temporary childcare responsibilities, a domestic emergency, funeral arrangements or other temporary circumstances.

(3) For the purpose of paragraph (2)(a) the time agreed by the Secretary of State for the claimant to carry out voluntary work must not exceed 50% of the claimant's expected number of hours per week.

(4) "Voluntary work preparation" means particular action taken by a claimant and agreed by the Secretary of State for the purpose of making it more likely that the claimant will obtain paid work, but which is not specified by the Secretary of State as a work preparation requirement under section 16 of the Act.

#### **Work availability requirement - able and willing immediately to take up paid work**

**96.—(1)** Subject to paragraph (2) a claimant is to be treated as not having complied with a work availability requirement if the claimant is not able and willing immediately to attend an interview offered to the claimant in connection with obtaining paid work.

(2) But a claimant is to be treated as having complied with a work availability requirement despite not being able immediately to take up paid work, if paragraph (3), (4) or (5) applies.

(3) This paragraph applies where—

- (a) a claimant is a responsible carer or a relevant carer;

- (b) the Secretary of State is satisfied that, as a consequence the claimant needs a longer period of up to 1 month to take up paid work, or up to 48 hours to attend an interview in connection with obtaining work, taking into account alternative care arrangements; and
  - (c) the claimant is able and willing to take up paid work, or attend an interview, on being given notice for that period.
- (4) This paragraph applies where—
- (a) a claimant is carrying out voluntary work;
  - (b) the Secretary of State is satisfied that, as a consequence, the claimant needs a longer period of up to 1 week to take up paid work, or up to 48 hours to attend an interview in connection with obtaining work; and
  - (c) the claimant is able and willing to take up paid work, or attend an interview, on being given notice for that period.
- (5) This paragraph applies where a claimant—
- (a) is employed under a contract of service;
  - (b) is required by section 86 of the Employment Rights Act 1996(a), or by the contract of service, to give notice to terminate the contract;
  - (c) is able and willing to take up paid work once the notice period has expired; and
  - (d) is able and willing to attend an interview on being given 48 hours notice.

#### **Work search requirement and work availability requirement - limitations**

**97.—(1)** Paragraphs (2) to (5) set out the limitations on a work search requirement and a work availability requirement.

(2) In the case of a claimant who is a relevant carer or a responsible carer or who has a physical or mental impairment, a work search and work availability requirement must be limited to the number of hours that is determined to be the claimant's expected number of hours per week in accordance with regulation 88.

(3) A work search and work availability requirement must be limited to work that is in a location which would normally take the claimant—

- (a) a maximum of 90 minutes to travel from home to the location; and
- (b) a maximum of 90 minutes to travel from the location to home.

(4) Where a claimant has previously carried out work of a particular nature, or at a particular level of remuneration, a work search requirement and a work availability requirement must be limited to work of a similar nature, or level of remuneration, for such period as the Secretary of State considers appropriate, but only if the Secretary of State is satisfied that the claimant will have reasonable prospects of obtaining paid work in spite of such limitation.

(5) The limitation in paragraph (4) is to apply for no more than 3 months beginning with—

- (a) the date of claim; or
- (b) if later, the date on which the claimant ceases paid work after falling within section 19 of the Act by virtue of regulation 90 (claimants subject to no work-related requirements - the earnings thresholds).

(6) Where a claimant has a physical or mental impairment that has a substantial adverse effect on the claimant's ability to carry out work of a particular nature, or in particular locations, a work search or work availability requirement must not relate to work of such a nature or in such locations.

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(a) 1996 c. 18.

**Victims of domestic violence**

**98.—(1)** Where a claimant has recently been a victim of domestic violence, and the circumstances set out in paragraph (3) apply—

- (a) a work-related requirement imposed on that claimant ceases to have effect for a period of 13 consecutive weeks starting on the date of the notification referred to in paragraph (3)(a); and
- (b) the Secretary of State must not impose any other work-related requirement on that claimant during that period.

►<sup>1</sup>(1A) Where a claimant referred to in paragraph (1) is a person who falls within section 22 of the Act (claimants subject to all work-related requirements) and is the responsible carer of a child, the Secretary of State must not impose a work search requirement or a work availability requirement on that claimant for a further period of 13 consecutive weeks beginning on the day after the period in paragraph (1)(a) expires. ◀

<sup>1</sup>Reg. 98(1A) inserted by reg. 8(2) of S.I. 2014/2888 as from 26.11.14.

(2) A person has recently been a victim of domestic violence if a period of 6 months has not expired since the violence was inflicted or threatened.

(3) The circumstances are that—

- (a) the claimant notifies the Secretary of State, in such manner as the Secretary of State specifies, that domestic violence has been inflicted on or threatened against the claimant by the claimant's partner or former partner or by a family member during the period of 6 months ending on the date of the notification;
- (b) this regulation has not applied to the claimant for a period of 12 months before the date of the notification;
- (c) on the date of the notification the claimant is not living at the same address as the person who inflicted or threatened the domestic violence; and
- (d) as soon as possible, and no later than 1 month, after the date of the notification the claimant provides evidence from a person acting in an official capacity which demonstrates that—
  - (i) the claimant's circumstances are consistent with those of a person who has had domestic violence inflicted or threatened against them during the period of 6 months ending on the date of the notification, and
  - (ii) the claimant has made contact with the person acting in an official capacity in relation to such an incident, which occurred during that period.

(4) In this regulation—

►<sup>2</sup>“coercive behaviour” means an act of assault, humiliation or intimidation or other abuse that is used to harm, punish or frighten the victim;

“controlling behaviour” means an act designed to make a person subordinate or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance or escape or regulating their everyday behaviour;

“domestic violence” means any incident, or pattern of incidents, of controlling behaviour, coercive behaviour, violence or abuse, including but not limited to—

- (a) psychological abuse;
- (b) physical abuse;
- (c) sexual abuse;
- (d) emotional abuse;
- (e) financial abuse,

regardless of the gender or sexuality of the victim; ◀

“family member”, in relation to a claimant, means the claimant's grandparent, grandchild, parent, step-parent, parent-in-law, son, step-son, son-in-law, daughter, step-daughter, daughter-in-law, brother, step-brother, brother-in-law, sister, step-sister, sister-in-law and, if any of those persons is member of a couple, the other member of the couple;

“health care professional” means a person who is a member of a profession regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002(a);

<sup>2</sup>Reg. 98(4) substituted by reg. 3(9) of S.I. 2013/1508 as from 29.10.13.

(a) 2002 c. 17.

## Regs. 98-99

“person acting in an official capacity” means a health care professional, a police officer, a registered social worker, the claimant’s employer, a representative of the claimant’s trade union, or any public, voluntary or charitable body which has had direct contact with the claimant in connection with domestic violence;

“registered social worker” means a person registered as a social worker in a register maintained by—

- ▶<sup>1</sup>(a) The Health and Care Professions Council; ◀
- ▶<sup>2</sup>(b) Social Care Wales; ◀
- (c) The Scottish Social Services Council; or
- (d) The Northern Ireland Social Care Council.

<sup>1</sup>Words substituted in defn. of “registered social worker” by reg. 2(6) of S.I. 2014/597 as from 28.4.14.

<sup>2</sup>Words substituted in defn. of “registered social worker” by reg. 2 of S.I. 2017/291 as from 1.4.17.

<sup>3</sup>Words in reg. 99(1), (1)(b) & (2) inserted by reg. 8(3)(a) of S.I. 2014/2888 as from 26.11.14.

<sup>4</sup>Words in reg. 99(1)(b), & (2) omitted & paras. (2A)-(2C) inserted by regs. 2(7)(a) & (b) of S.I. 2014/597 as from 28.4.14.

### Circumstances in which requirements must not be imposed

**99.—**(1) Where paragraph (3), (4)▶<sup>3</sup>, (4A)◀, (5) or (6) applies—

- (a) the Secretary of State must not impose a work search requirement on a claimant; and
- (b) “able and willing immediately to take up work” under a work availability requirement means able and willing to take up paid work, or attend an interview, immediately once the circumstances set out in paragraph (3), (4)▶<sup>3</sup>, (4A)◀, ▶<sup>4</sup>◀ or (6) no longer apply.

(2) A work search requirement previously applying to the claimant ceases to have effect from the date on which the circumstances set out in paragraph (3), (4)▶<sup>3</sup>, (4A)◀, ▶<sup>4</sup>◀ or (6) begin to apply.

▶<sup>4</sup>(2A) Where paragraph (5) applies—

- (a) the Secretary of State must not impose a work search requirement on a claimant; and
- (b) a work search requirement previously applying to the claimant ceases to have effect from the date on which the circumstances set out in paragraph (5) begin to apply.

(2B) Where paragraph (5A) applies “able and willing to take up work” under a work availability requirement means able and willing to take up paid work, or to attend an interview, immediately once the circumstances set out in paragraph (5A) no longer apply.

(2C) Where paragraph (5B) applies, “able and willing to take up work” under a work availability requirement means—

- (a) able and willing to take up paid work immediately once the circumstances set out in paragraph (5B) no longer apply; and
- (b) able and willing to attend an interview before those circumstances no longer apply.◀

(3) This paragraph applies where—

- (a) the claimant is attending a court or tribunal as a party to any proceedings or as a witness;
- (b) the claimant is a prisoner;
- (c) regulation 11(3) (temporary absence from Great Britain for treatment or convalescence) applies to the claimant;
- (d) any of the following persons has died within the past 6 months—
  - (i) where the claimant was a member of a couple, the other member,
  - (ii) a child or qualifying young person for whom the claimant or, where the claimant is a member of a couple, the other member, was responsible, or
  - (iii) a child, where the claimant was the child’s parent;
- (e) the claimant is, and has been for no more than 6 months, receiving and participating in a structured recovery-orientated course of alcohol or drug dependency treatment;

- (f) the claimant is, and has been for no more than 3 months, a person for whom arrangements have been made by a protection provider under section 82 of the Serious Organised Crime and Police Act 2005<sup>(a)</sup>; or
- (g) the claimant is engaged in an activity of a kind approved by the Secretary of State as being in the nature of a public duty.
- (4) <sup>1</sup>Subject to paragraph (4ZA), this paragraph<sup>◀</sup> applies where the claimant—
- (a) is unfit for work—
- (i) for a period of no more than 14 consecutive days after the date that the evidence referred to in sub-paragraph (b) is provided, and
- (ii) for no more than 2 such periods in any period of 12 months; and
- (b) provides to the Secretary of State the following evidence—
- (i) for the first 7 days when they are unfit for work, a declaration made by the claimant in such manner and form as the Secretary of State approves that the claimant is unfit for work, and
- (ii) for any further days when they are unfit for work, if requested by the Secretary of State, a statement given by a doctor in accordance with the rules set out in Part 1 of Schedule 1 to the Medical Evidence Regulations which provides that the person is not fit for work.

<sup>1</sup>Words inserted in reg. 99(4) & regs. 99(42A) & (42B) inserted by reg. 3(11)(a) & (b) of S.I. 2018/65 as from 11.4.18.

<sup>1</sup>(4ZA) Where paragraph (4ZB) applies, paragraph (4) will only apply to a claimant if the Secretary of State makes a decision to carry out an assessment under regulation 41(1)(b).

(4ZB) This paragraph applies where—

- (a)(i) it has previously been determined on the basis of an assessment under Part 5 of these Regulations or under Part 4 or 5 of the ESA Regulations<sup>(b)</sup> that the claimant does not have limited capability for work; or
- (ii) the claimant has previously been treated as not having limited capability for work or, as the case may be, for work and work-related activity under regulation 43(3) or 44(2); and
- (b) the condition specified in the evidence provided by the claimant in accordance with paragraph (4)(b) is in the opinion of the Secretary of State the same, or substantially the same, as the condition specified in the evidence provided by the claimant before the date—
- (i) of the determination that the claimant does not have limited capability for work; or
- (ii) that the claimant was treated as not having limited capability for work or, as the case may be, for work and work-related activity.<sup>◀</sup>

<sup>2</sup>(4A) This paragraph applies for one or more periods of one month, as provided for in paragraphs (4B) and (4C), where the claimant is the responsible carer of a child and an event referred to in sub-paragraph (a) or (b) has taken place in the last 24 months and has resulted in significant disruption to the claimant's normal childcare responsibilities—

<sup>2</sup>Reg. 99(4A)-(4C) inserted by reg. 8(3)(b) of S.I. 2014/2888 as from 26.11.14.

- (a) any of the following persons has died—
- (i) a person who was previously the responsible carer of that child;
- (ii) a parent of that child;
- (iii) a brother or sister of that child; or
- (iv) any other person who, at the time of their death, normally lived in the same accommodation as that child and was not a person who was liable to make payments on a commercial basis in respect that accommodation; or
- (b) the child has been the victim of, or witness to, an incident of violence or abuse and the claimant is not the perpetrator of that violence or abuse.

(a) 2005 c. 15.

(b) S.I. 2013/379.

## Reg. 99

(4B) Paragraph (4A) is not to apply for more than one period of one month in each of the 4 consecutive periods of 6 months following the event (and, if regulation 98 or paragraph (3)(d) of this regulation applies in respect of the same event, that month is to run concurrently with any period for which that regulation or paragraph applies).

(4C) Each period of one month begins on the date specified by the Secretary of State after the claimant has notified the Secretary of State of the circumstances in paragraph (4A) provided that the Secretary of State is satisfied that the circumstances apply.◀

(5) This paragraph applies where the Secretary of State is satisfied that it would be unreasonable to require the claimant to comply with a work search requirement ▶<sup>1</sup>◀, including if such a requirement were limited in accordance with section 17(4) ▶<sup>1</sup>◀ of the Act, because ▶<sup>2</sup>◀–

<sup>1</sup>Words in reg. 99(5) omitted by reg. 2(7)(c) of S.I. 2014/597 as from 28.4.14.

<sup>2</sup>Words omitted & inserted in regs. 99(5)(a)-(c) & reg. 99(5)(d) inserted by reg. 3(11)(c) of S.I. 2018/65 as from 11.4.18.

- (a) ▶<sup>2</sup>the claimant◀ is carrying out a work preparation requirement or voluntary work preparation (as defined in regulation 95(4));
- (b) ▶<sup>2</sup>the claimant◀ has temporary child care responsibilities or is dealing with a domestic emergency, funeral arrangements or other temporary circumstances; ▶<sup>2</sup>◀
- (c) ▶<sup>2</sup>the claimant◀ is unfit for work for longer than the period of 14 days specified in paragraph (4)(a) or for more than 2 such periods in any period of 12 months and, where requested by the Secretary of State, provides the evidence mentioned in paragraph (4)(b)(ii)▶<sup>2</sup>; or
- (d) paragraph (4) would apply to the claimant but for paragraph (4ZA).◀

<sup>3</sup>Paras. (5A) & (5B) inserted in reg. 99 by reg. 2(7)(d) of S.I. 2014/597 as from 28.4.14.

▶<sup>3</sup>(5A) This paragraph applies where the Secretary of State is satisfied that it would be unreasonable to require the claimant to comply with a work availability requirement to be able and willing to–

- (a) take up paid work; and
  - (b) attend an interview,
- (including if such a requirement were limited in accordance with section 18(3) of the Act) because the claimant falls within sub-paragraph ▶<sup>4</sup>(a), (b), (c) or (d)◀ of paragraph (5).

<sup>4</sup>Words in regs. 99(5A)(b) & (5B)(a) substituted by reg. 3(11)(d) of S.I. 2018/65 as from 11.4.18.

(5B) This paragraph applies where the Secretary of State is satisfied that it would be–

- (a) unreasonable to require the claimant to comply with a work availability requirement to be able and willing to take up paid work because the claimant falls within sub-paragraph ▶<sup>4</sup>(a), (b), (c) or (d)◀ of paragraph (5); and
  - (b) reasonable to require the claimant to comply with a work availability requirement to be able and willing to attend an interview;
- including if such requirement were limited in accordance with section 18(3) of the Act.◀

<sup>5</sup>Reg. 99(6) substituted by reg. 2(7) of S.I. 2015/1754 as from 3.11.15.

▶<sup>5</sup>(6) This paragraph applies where the claimant has monthly earnings or, if the claimant is a member of a couple, the couple has combined monthly earnings (excluding in either case any that are not employed earnings) that are equal to, or more than, the following amount multiplied by 52 and divided by 12–

- (a) in the case of a single claimant, £5 plus the applicable amount of the personal allowance in a jobseeker's allowance for a single person aged 25 or over (as set out in Part 1 of Schedule 1 to the Jobseeker's Allowance Regulations 1996); or
- (b) in the case of claimant who is a member of a couple, £10 plus the applicable amount of the personal allowance in a jobseeker's allowance for a couple where both members are aged 18 or over (as set out in that Part).◀

<sup>6</sup>Reg. 99(6A) substituted by reg. 3 of S.I. 2015/89 as from 19.2.15.

▶<sup>6</sup>(6A) In paragraph (6) “employed earnings” has the meaning in regulation 55.◀

(7) In this regulation “tribunal” means any tribunal listed in Schedule 1 to the Tribunals and Inquiries Act 1992(a).

(a) 1992 c. 53.

## Natural Migration Checklist – Version 6

### 1) Background information

- Name of client..... Date.....
- Is there a particular circumstance that is driving consideration of Natural Migration?  
If yes, what is it?.....
- What Legacy benefits are already in payment? Who is the claimant for each?  
.....
- Does the client satisfy the basic UC rules? **Yes / No**

### 2) How much is at stake?

	Per Week	Per Month (equivalent)
<b>Total Legacy at present</b>		
<b>Total likely UC if migrated</b>	N/A	

### 3) Examples of circumstances that make Natural Migration *more likely* (please circle)

- Lack of *NEW* Legacy claim opportunities due to SDP Gateway revocation
- On Tax Credits but you have had/are having a relationship change? **Yes / No**
- Just become liable to pay rent? **Yes / No**
- Moving tenancy to a new local authority? **Yes / No**
- Recently lost employment (redundant or sick etc)? **Yes / No**
- Just become responsible for children? **Yes / No**
- Your caring role has now ended? **Yes / No**
- No longer caring for a child under 5? **Yes / No**

Other *major* circumstances that may prompt Natural Migration (please make notes)

- .....
- .....

**4) Other potential reasons to opt for *Natural Migration* (please circle)**

- If you can start UC claim *before* starting to study (assuming client is also disabled)
- LCWRA Group component pays more than IRESA Support Group would do
- Working carer element is better than the limited Legacy possibility
- UC can include up to 85% childcare support
- 100% disregard of pension contributions from earnings
- Increased earnings disregard if a worker is a parent or sick worker
- The 37% earnings taper is superior to Legacy if at work/starting work
- Non dependants disregarded if under under 21 or if disabled etc
- Lower assumed contribution if non dependant is working
- Any lodger or sub-tenant income is disregarded
- Benefit Cap is avoided by modest monthly earning target
- Some prefer single monthly UC payment system
- Some prefer digital interface

Other potential advantages of Natural Migration (please make notes)

- .....
- .....
- .....

**5) Potential reasons to stay in *Legacy* as long as possible (please circle)**

- Retention of Legacy premium(s) that may be available *now*
- Potential availability of *new* Legacy premiums if PIP comes along *later* etc
- Potential complications if RTR issues if a new UC claim is needed
- Young couples may be worse off because Legacy sometimes pays more
- Disabled children may get less UC unless *maximum* DLA care is awarded
- Self-employed people may be subject to MIF impacts (post covid)

- Rigid rules for self employed people to report income/costs (every month)
- Only a marginal financial gain for some workers
- No earnings disregard for *second* worker in a couple
- Potential impacts related to inferior NI credits within UC system
- The 5 to 6 week lead in waiting period for UC to start
- Prospect of having to seek a UC Advance Payment whilst waiting for UC to start
- Having to cope with ongoing monthly UC payments in arrears
- Prospect of increased UC conditionality
- Requirement to regularly report childcare costs monthly
- Prospect of more frequent sanction activity
- Increased debt recovery rates compared to Legacy
- Uneven/problematic UC work coach discretion
- UC tenants normally pay rent directly to Landlord (unless an APA)
- Some may struggle to maintain digital communications etc
- Will 'Complex Needs' support be available if needed?
- Avoidance of need for revision if LCW status has been denied (see Connor case)

Other potential reasons to stay in Legacy (please make notes)

- .....
- .....
- .....

**6. Is there anything on the horizon that needs to taken into account?**

Potential issues (please make notes)

- .....
- .....
- .....

**7. Taking *all the above* into account and anything else you can think of, what is your client's thinking about whether to go for Natural Migration or stay in Legacy?**

Please make notes of discussion/reasoning...

- .....
- .....
- .....
- .....
- .....

**8. Next steps for client** (please circle)

- Has the client now decided about how they will proceed? **Yes / No**
- What is the conclusion? **Stay in Legacy / Seek Natural Migration / No Decision yet**
- Will the adviser be issuing a client care letter concerning this discussion? **Yes / No**

**9. Name of Adviser** .....

Date of Natural Migration discussion with client .....

## Complex needs overview

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[Signs, behaviours and language](#)

[Difficulties or concerns with written communications, numbers or language](#)

### Introduction

A claimant can be considered to have complex needs if their current circumstances present particular challenges with:

- accessing Universal Credit
- using the Service
- moving towards work and financial independence

When a claimant with complex needs contacts DWP, their customer journey must be equal in quality and outcome to those whose needs are not complex.

While working with the claimant, it may become clear they need additional support. It is important to ask and record what additional support they need to make sure it's available every time the claimant needs it. This will provide them with equal access to products and services and enable them to follow the standard claimant journey, if appropriate.

Some claimants may be unwilling to tell us they are experiencing difficult life events or personal circumstances. There may be signs, behaviours and language they use that suggest they may have complex needs.

Support may be put in place on a one-off basis for a short, medium or long period of time - or for recurring periods depending upon the claimant's needs.

### What are complex needs in Universal Credit?

Universal Credit claimants may need additional or alternative support if it is likely they will have difficulty:

- accessing Universal Credit
- proving eligibility for Universal Credit
- fulfilling Labour Market requirements
- maintaining their Universal Credit account
- managing their money

- opening a bank account

The claimant may also experience difficulties with:

- understanding information
- interpreting situations
- making decisions
- giving consent
- communicating information or giving their views
- requesting specialist or additional help and support

These are examples and not exhaustive lists.

Citizens Advice (England and Wales) and Citizens Advice Scotland are delivering 'Help to Claim' support to claimants making a new Universal Credit claim or moving from a Legacy benefit to Universal Credit because of a change of circumstances. See Help to Claim,

Claimants with complex needs must be able to access Recoverable Hardship Payments if required. This provides financial protection for claimants whose benefit is reduced by a sanction or a fraud Loss of Benefit penalty.

People from abroad may also have complex needs. See Refugees and asylum seekers.

The following are examples of life events, personal circumstances, health issues or disabilities which could affect a claimant's ability to access and use Universal Credit services however, some claimants may not need additional support even if they are experiencing one or more of these:

- adoption - children
- age - older person
- age - older person - financial abuse (pensions)
- age – young person aged 16 or 17
- a bereavement, death, recently bereaved
- autism
- are blind or partially sighted
- caring responsibilities
- children - childcare
- child or children in considerable distress
- children who leave care, care leavers
- crime – victim of crime
- victims of modern slavery or human trafficking

- cultural barriers
- language barriers where English is not their first language
- deaf or hearing impaired – Using the Relay UK (previously Next Generation Text)
- debt or indebted
- divorce or termination of a civil partnership
- domestic violence and abuse
- drug and alcohol dependency
- gender recognition or transgender
- homelessness - a person without accommodation, in temporary accommodation, frequent change of address
- Internet use is restricted (for example, due to criminal conviction)
- just left hospital
- leaving the Armed Forces, ex-armed forces personnel and their spouses or partners
- learning disabilities
- MAPPA individuals (Multi Agency Public Protection Arrangements)
- mental health conditions – Reasonable Adjustments information
- memory loss caused by medication
- Offender, ex offender, prisoners or detainees
- physical disabilities
- race - immigration status, refugee, asylum seeker, persons arriving from abroad
- reading and writing difficulties
- redundancy
- retirement
- rural isolation
- suicide and self-harm – declaration, or if there is a risk to themselves or others
- supported by the Troubled Families Programme

These are examples and not an exhaustive list.

Young people aged 16 and 17 will not usually be able to get Universal Credit in their own right but there are some exceptions.

Young people are also expected to be in education or training (with the exception of young people in Scotland where there is no requirement to stay in education or training until aged 18). For full details about exceptions to 16-17 year olds claiming Universal Credit, and young people who are not in employment, education or training, see Under 18s.

For disabled claimants, DWP is legally required under the Equality Act 2010 to provide reasonable adjustments, for example – Relay UK (previously Next Generation Text), email, providing information in braille or audio CD format. It is very important that interaction with the claimant takes place to determine what tailored support or reasonable adjustments they require. This is to ensure equal access to products and services.

### **Signs, behaviours and language**

Claimants may talk about a life event (for example, the death of a relative) or suggest during the course of a conversation that they may have complex personal circumstances (for example, if a claimant has no ID this may indicate they are homeless, have left prison or could have fled domestic violence and abuse).

There may be a combination of factors which means that a claimant needs additional support to access benefits and use Universal Credit services.

When communicating with a claimant, the following circumstances could indicate that an individual requires additional support by assessing whether they are:

- in distress
- not understanding what is being said
- scared or fearful
- always attending appointments with a third party - such as a partner
- giving brief or one word responses
- upset
- frustrated
- giving inappropriate responses which do not answer the question asked
- continuously avoiding eye contact
- having difficulty processing or remembering what has been said
- holding a parallel conversation with someone else (who may be their advocate or appointee) which suggests face to face contact might be preferable
- demonstrating unacceptable customer behaviour

These are examples and not an exhaustive list.

### **Difficulties or concerns dealing with written communications, numbers or language**

A claimant may display behaviour that indicates they have reading and writing difficulties, or difficulties dealing with numbers or language. This may include being unable (or reluctant) to:

- complete or read paperwork
- navigate telephony or online services
- manage money or budget - because they do not have adequate numerical skills or state they are in debt
- understand verbal communications well enough to engage with DWP staff

Universal Credit staff may also notice:

- errors on completed online or paper application forms
- that the individual is unable to spell out words if requested during telephone calls
- that English is not the claimant's first language

Not all claimants who have difficulties or concerns dealing with written communications, numbers or language will need support to access Universal Credit services. Therefore, it is vital that staff interact with the individual claimant to determine if they need support and what their additional requirements are.

For information and assistance in communicating with claimants whose first or preferred language is not English, refer to the Interpreter and Translation Services or the Welsh language line.

# REQUEST FOR 'COMPLEX NEEDS' STATUS

## 1. FORMAL REQUEST FOR DWP SUPPORT

My name.....Date of Birth.....

National Insurance Number.....

Address.....

I have started a claim for Universal Credit or I am receiving Universal Credit.

The DWP defines certain claimants as having Complex Needs. I believe I have Complex Needs for the reason(s) set out below. This is a formal request for you to ensure that (i) all steps and reasonable adjustments are therefore made and (ii) full support is provided to me, as required by the Equality Act and various DWP policies and procedures etc that should be implemented due to my vulnerability.

## 2. REASON(S) I HAVE COMPLEX NEEDS

Diagnoses or problems .....

Other relevant personal circumstances.....

.....

## 3. THE KINDS OF SUPPORT / PROTECTION I NEED

Please ensure special consideration and support is given in relation to the following:

- I will struggle to make or run an accurate claim and need special help
- I need home visits because I cannot attend appointments
- I cannot use a computer
- I cannot understand or comply with UC conditionality requirements
- I am unfairly vulnerable to sanctions for reasons outside my control
- I am vulnerable to the effects of alcohol/drugs/medication
- I will struggle to notify changes of circumstance as I am vulnerable
- I will need special help when moving onto UC
- Other needs / problems.....

.....

.....Continued

#### 4. I REQUEST THAT YOU OBTAIN EXTRA INFORMATION ABOUT MY VULNERABILITY

I wish to nominate a health professional / support worker / other professional (details below) who has knowledge of me, and I request that you contact them **now** to gather information about my Complex Needs and related vulnerability. I request that this is done as a **preventative** measure, so that incorrect decisions or processes can be avoided. I expressly request that they are contacted before any **adverse** decisions that may be considered now or in the future.

Name and Job Title.....

Contact details.....

#### 5. MY NOMINATED THIRD PARTY

Please consult my support worker, or other nominated third party named below, about any problems with my claim as they can help resolve any issues:

Name and Job Title.....

Contact details.....

#### 6. DATA PROTECTION

I fully authorise any person(s) specified in the sections above to receive and / or disclose any information whatsoever about me in regard to my benefit entitlements.

#### 7. REQUEST FOR DECISION AND NOTIFICATION

Please confirm to me in writing whether you agree that I have Complex Needs, and if so the kind of additional support I can therefore reasonably expect.

#### 8. AUTHORISATION

SIGNATURE OF CLAIMANT.....

PRINT NAME..... DATE.....