

ADM Chapter J1: The claimant commitment

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Introduction

This chapter contains guidance on the claimant commitment in UC

What the claimant commitment is J1001 - J1003

J1001 It is a condition of entitlement to UC that a claimant has accepted a claimant commitment¹. For joint claimants, it is a condition of entitlement that each of them has accepted a claimant commitment². Unless a claimant commitment

1. has been accepted **or**

2. can be treated as having been accepted

then there can be no entitlement to UC (see further guidance at J1006). For joint claimants if either member of the couple refuses to accept a claimant commitment then the couple are not entitled to UC.

Note 1: There is a fundamental difference between an undertaking being accepted by a claimant and a mandatory requirement being imposed by the Secretary of State. A failure to comply with the claimant commitment does not entail any breach of the conditions of entitlement or mean that it has ceased to be accepted, however there can be no entitlement to UC if the claimant has not accepted a claimant commitment and failure to accept a claimant commitment at the outset of the claim will result in a disallowance of UC.

Note 2: Where commitments are reviewed during an award see the guidance at J1030 et seq.

[1 WR Act 12, s 4\(1\)\(e\); 2 s 3\(2\)\(a\) & s 4\(1\)\(e\)](#)

J1002 Once accepted the claimant commitment is a record of a claimant's responsibilities during an award of UC¹. A failure to comply with a work-related requirement for no good reason will result in a reduction in the award of UC¹.

Note: Although a reduction (sanction) may be imposed for failures to comply for no good reason with work-related and connected requirements that are recorded in the claimant commitment, there is no direct sanction for a failure to comply with a requirement just because it is included in the claimant commitment. A failure to comply with any requirement imposed by the Secretary of State is a matter for a potential sanction and consideration of whether what was specified is unreasonable and whether a sanction is applicable is to be considered under good reason. For full guidance on failures to comply, good reason and sanctions see ADM Chapters K1 to K9. In particular see guidance regarding the public law principles of fairness at K1151 et seq. For the relevance of the claimant commitment when considering whether a sanction can be imposed see guidance at ADM K1176.

[1 WR Act 12, s 14\(1\), 2 s 26 & 27](#)

J1003 It is the responsibility of the Secretary of State to prepare for each UC claimant a claimant commitment. A claimant commitment can be

1. reviewed **and**

2. updated

at such times as the Secretary of State sees fit¹.

Note: The claimant commitment should be set out after a full and cooperative discussion with the claimant where the claimant accepts that the requirements within it are reasonable and achievable (also see J1004, J1010 and J1011). Where the commitments are to be reviewed see J1030 et seq.

1 [WR Act 12, s 14\(2\)](#)

Information included in the claimant commitment J1004 - J1005

J1004 A claimant commitment **must** include¹

1. a record of the requirements that the claimant must comply with in connection with an award of UC, or such of them as the Secretary of State considers it appropriate to include **and**
2. any information specified in regulations **and**
3. any other information that the Secretary of State considers appropriate.

Note 1: The claimant commitment may also include a connected requirement² see ADM Chapter J3 for more guidance.

Note 2: The requirements within a claimant commitment **must** be reasonable and achievable and be tailored to the individual claimant, fully taking into account all their circumstances, the local job market and any extenuating circumstances or relevant restrictions at the time and should be set in discussion with the claimant. Requirements must be based on the claimant's personal circumstances, including considering the impact of their health and wider situation. Claimants with a health condition or disability, including those who are immunocompromised, will have tailored commitments based on their personal circumstances, including considering the impact of their health and wider situation. For example, claimant commitments reviewed as a consequence of the lifting of coronavirus restrictions would have to be reasonable for the 'new normal' and acknowledge the reality of the local jobs market and the claimant's personal circumstances. The claimant has to be allowed to adhere to the latest public health advice including local and national coronavirus related restrictions. It is important to respect and be considerate of those who may wish to retain a more cautious approach to protect themselves and others. The claimant commitment should reflect any personal limitations, restrictions and special requirements the claimant may have. For full guidance on setting work-related requirements see ADM Chapter J3.

Note 3: Acceptance of a claimant commitment does not mean the claimant has agreed with the requirements nor does it mean there is a personal commitment to carrying out the stated requirements. The information within it is insufficiently specific and the requirements are often merely generic. The claimant commitment imposes requirements but further communications are required to set the requirement of a specific activity on a given date at a specific time. For example the claimant commitment may require the claimant to take part in interviews with their work coach but a further notification will be required, usually set via a 'To do' in the claimant's journal detailing the time, date, place and reason of the appointment. For further guidance on the relevance of the information included within the claimant commitment see the section on the public law principles of fairness in ADM Chapter K1 (Sanctions – general principles).

Note 4: If the requirements have to be reviewed see the guidance at J1030 et seq.

¹ [WR Act 12, s 14\(4\)](#), [2 s 23\(4\)](#)

J1005 The claimant commitment can be in any form as the Secretary of State sees fit¹. The claimant

commitment will be a written document which can be accepted in various ways (see J1007).

1 [WR Act 12, s 14\(3\)](#)

Accepting the claimant commitment J1006 - J1007

Accepting the claimant commitment

J1006 In order to be entitled to UC, a claimant can only be said to have accepted a claimant commitment where it is

1. the most up-to-date version **and**
2. accepted by the claimant in the manner specified in regulations and further by the Secretary of State¹.

Note 1: If the claimant declines to accept a claimant commitment at the outset of the claim to UC this would result in a disallowance of the claim.

Note 2: If during an award there is a requirement to accept revised commitments see the guidance at J1030.

1 [WR Act 12, s 14\(5\); UC Regs, reg 15\(4\)](#)

J1007 The methods by which a claimant commitment can be accepted by a person is set out in regulations as

1. electronically **or**
2. by telephone **or**
3. in writing¹.

The Secretary of State can specify which of these methods are to be used by a person to accept their claimant commitment.

1 [UC Regs, reg 15\(4\)](#)

Date of acceptance of the claimant commitment J1008 - J1019

Date of acceptance of the claimant commitment

J1008 There will often be a gap of time between the date of

1. claim and

2. acceptance

of the claimant commitment.

J1009 Where there is such a gap then the claimant can be treated as having accepted the claimant commitment on the first day in respect of which the claim has been made. However, the claimant commitment has to be accepted within a time specified by the Secretary of State¹. This may be referred to as a “cooling off” period.

1 [UC Regs, reg 15\(1\)](#)

J1010 The claimant commitment is generated as a result of a conversation with the claimant. There may be occasions where the claimant refuses to accept their claimant commitment. The claimant must be offered a cooling off period so that they can reconsider. The cooling off period should be a maximum of seven calendar days.

J1011 Claimants who fall into the all work-related requirements group or the work preparation group will need to have a discussion with a work coach before a claimant commitment can be drawn up and accepted. Claimant commitments for claimants not in either the all work-related requirements group or the work preparation group may be accepted as part of the normal claims process.

Note: The requirements within the claimant commitment must be reasonable and achievable and fully take into account all the claimants individual circumstances, the local job market and any extenuating circumstances (also see J1004).

Example 1

Jack made his claim to UC on 20.5.13. However, he was unable to be seen by the Jobcentre to discuss and accept his claimant commitment straightaway. An appointment was made for 28.5.13. When Jack attends the Jobcentre on 28.5.13, he accepts his claimant commitment and is treated as having accepted it on 20.5.13. This therefore allows Jack to meet that particular condition of entitlement for UC from the date of claim.

Example 2

Chris made his claim for UC on 20.5.13. A claimant commitment is drawn up but Chris is not entirely happy with the requirements recorded on it. Chris's work coach allows Chris time to consider the contents of the claimant commitment and the consequences for Chris and his household of not accepting the claimant commitment. Chris is given up to seven calendar days to consider this. After four days, Chris decides to accept the claimant commitment and so it takes effect from 20.5.13.

Example 3

Michelle made her claim for UC on 20.5.13. A claimant commitment is drawn up but Michelle is not entirely happy with the requirements recorded on it. Michelle's work coach allows Michelle time to consider the contents of the claimant commitment and the consequences for Michelle and her household of not accepting the claimant commitment. She is given up to seven calendar days to consider this. Seven days pass and Michelle makes no contact regarding the claimant commitment. The DM decides that in respect of the claim for UC made on 20.5.13, Michelle is not entitled. This is because a claimant commitment has not been accepted.

J1012 Where an award of UC may be made

1. without the claimant making a claim **and**
2. where the claimant commitment has been accepted by the claimant within the time specified by the Secretary of State

the claimant commitment is treated as having been accepted on the first day of the first assessment period of that award¹.

Note: ADM Chapter A2 provides guidance on circumstances where an award of UC can be made without a claim being required.

1 [UC Regs, reg 15\(2\)](#)

Example

Madelene was entitled to UC but her award came to an end when her income exceeded the prescribed minimum. Two months later, Madelene's income drops so that she would be entitled to UC again. An award of UC is made without the requirement for Madelene to make a new claim. Madelene is required to accept a new claimant commitment in respect of this latest award of UC. This claimant commitment takes effect from the first day of the assessment period of the latest award of UC. Madelene therefore satisfies that condition of entitlement for UC and her award of UC will begin from the first day of that

assessment period.

J1013 – J1014

Extending the period of time to accept the claimant commitment

J1015 The period of time within which a person is required to accept

- 1.** a claimant commitment **or**
- 2.** an updated claimant commitment

can be extended.

J1016 The extended period of time applies where the claimant has requested that the Secretary of State review

- 1.** any action proposed as
 - 1.1** a work search requirement **or**
 - 1.2** a work availability requirement **or**
- 2.** whether any limitation should apply to
 - 2.1** a work search requirement **or**
 - 2.2** a work availability requirement

so long as the Secretary of State considers the request as reasonable¹.

¹ [UC Regs, reg 15\(3\)](#)

J1017 – J1019

Exceptions to the requirement to accept the claimant commitment

J1020 - J1029

Exceptions to the requirement to accept the claimant commitment

J1020 A claimant is not required to meet the basic condition of entitlement of having to accept a claimant commitment if¹

1. they lack capacity to do so (see J1021) **or**
2. exceptional conditions apply and it would be unreasonable to expect the claimant to accept one (see J1024) **or**
3. they are terminally ill (see J1027).

[UC Regs, reg 16](#)

Lacking capacity

J1021 A claimant does not have to meet the basic condition of accepting a claimant commitment where they lack the capacity to do so¹.

[1 UC Regs, reg 16 \(1\)\(a\)](#)

J1022 If the claimant has an appointee in place (see ADM chapter [A2](#)), this may indicate that they lack the capacity to accept a Claimant Commitment, but this does not automatically exempt a claimant from the requirement to accept a claimant commitment; a decision should be made on the facts and circumstances of each individual case, based on the available evidence relative to that claimant's individual circumstances.

Example 1

Fiona has severe learning disabilities. She has made a claim to UC with an appointee completing the claim on Fiona's behalf. After a discussion with the appointee, Fiona's adviser at the Jobcentre decides that Fiona is not required to accept a claimant commitment because her learning disabilities mean that Fiona cannot understand the expectations or requirements in connection with a claim to UC.

Example 2

David makes a claim for UC with the help of his neighbour. The neighbour isn't David's appointee but is helping him with the claiming process. During the new claim interview with his adviser, it becomes apparent that David does not understand what is required of him with regards to entitlement to UC. The adviser decides that David should be referred for appointee action. An appointee is later authorised to act on David's behalf. David is not required to accept a claimant commitment.

Example 3

Donald has learning difficulties and has an appointee in place. He lives in supported accommodation and is unable to manage his financial affairs. Donald is able to work but requires support to manage his finances. Although Donald has an appointee the DM decides that he is able to engage with a work coach and undertake appropriate work-related activity. Therefore, Donald is considered to have the capacity to accept his Claimant Commitment and will be expected to do so.

J1023 Where it is accepted that a claimant lacks capacity then the requirement to accept a claimant commitment is lifted. An appointee is not required to accept a claimant commitment on the claimant's behalf and should not be asked to do so.

Exceptional circumstances

J1024 The claimant is not required to accept a claimant commitment where¹

1. exceptional circumstances apply **and**
2. it would be unreasonable to expect the claimant to accept a claimant commitment.

Note: Reasonable means fair and sensible in the circumstances. It would be for the DM to consider each case on its own individual merits, facts and circumstances when considering whether exceptional conditions apply as per J1024 **2.** and whether it would be unreasonable.

1 [UC Regs, reg 16\(1\)\(b\)](#)

J1025 Examples of when exceptional circumstances apply may include where

1. the claimant is incapacitated in hospital and is likely to be there for a considerable time
2. the Jobcentre is closed due to an emergency, for example, a fire or a flood
3. there is a domestic emergency preventing the claimant from accepting the claimant commitment¹.

This list is not exhaustive. When determining whether or not exceptional circumstances apply, the DM should remember that the normal everyday meaning of "exceptional" is "**unusual; not typical**". Each case would be considered on its own individual merits, facts, circumstances and evidence and whether it was reasonable on the balance of probabilities.

Note 1: Once the exceptional circumstances have passed then the claimant is required to accept a

claimant commitment.

Note 2: For guidance on accepting the claimant commitment during the coronavirus pandemic see J1029.

[1 UC Regs, reg 2](#)

J1026 The DM has to take into account the circumstances of each individual case in deciding whether it is also unreasonable to expect the claimant to accept the claimant commitment.

Note: . For full and extensive guidance on what to consider when considering whether the circumstances are reasonable or not see the guidance on the principles of good reason in ADM Chapter K2.

Example 1

Nina made a claim to UC but due to a fire at the Jobcentre was unable to attend the meeting with her adviser to accept her claimant commitment. The DM treated Nina as having accepted her claimant commitment and so Nina became entitled to UC. Now that the Jobcentre is re-opened, Nina is sent new appointment details to accept her claimant commitment.

Example 2

Rose has made a claim to UC. On the day that she is due to meet her adviser to accept her claimant commitment she is, at short notice, given an appointment at her hospital to have a long awaited operation. Rose is expected to be in hospital for some time but is unsure for exactly how long at this stage. It would be unreasonable to expect Rose to cancel her operation in order to accept her claimant commitment. Once she has been discharged from hospital, another appointment can be booked with her to accept her claimant commitment.

Example 3

Kevin has made a claim to UC. On the day that he is due to accept his claimant commitment, he phones the Jobcentre to say that he cannot attend the interview in person because his boiler has broken and an engineer is due to fix it that day so he has got water and heating. The work coach asks Kevin to accept his claimant commitment by telephone appointment at a convenient time on that day so he can also be at home for the engineer to fix his boiler.

Terminally ill

J1027 Terminally ill means

- 1.** that the claimant is suffering from a progressive disease **and**

2. that death in consequence of that disease can reasonably be expected within 12 months¹.

Note: Legislation uses the terminology '**terminally ill**' but for operational purposes and communications the term '**end of life**' is used. DMs may see reference to either terminology but both have the same meaning as defined in J1027.

1 [UC Regs, reg 2](#)

J1028 A claimant will not have to meet the basic condition of entitlement to have accepted a claimant commitment to be entitled to UC if the person is terminally ill¹ as per J1027.

1 [UC Regs, reg 16\(2\)](#)

Coronavirus exceptions

J1029 From 30.3.20 conditionality was suspended for three months due to the Coronavirus pandemic. During the period 30.3.20 to 30.6.20 claimants were given auto-generated claimant commitments as it was unreasonable in the circumstances to require claimants to attend an interview at the Jobcentre to set and accept a claimant commitment.

From 1.7.20 the requirement to accept a claimant commitment was reintroduced and the claimant commitments of existing claimants would have to be reviewed and updated. This would normally require attendance at an interview to set and accept the new claimant commitment. The guidance at J1030 et seq on reviewing the claimant commitment applies.

Reviewing the claimant commitment J1030 - J1999

Reviewing the claimant commitment

J1030 A claimant commitment can be reviewed and updated at such time as the Secretary of State sees fit¹.

[1 WR Act 12, s 14\(2\)](#)

Note: It is important that 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 appropriate to the claimant's individual circumstances and the local jobs market supporting obtaining paid work (more or better-paid work). A claimant's circumstances can change suddenly and frequently and a requirement that was reasonable at the time they entered into their claimant commitment may no longer be reasonable. Any changes in circumstances must be dealt with promptly to reflect any new or changed requirements in light of emerging claimant needs and fluctuating individual and local circumstances including, for example, coronavirus related restrictions.

J1031 Where a claimant commitment has been reviewed and updated then the claimant is required to accept it as the most up to date version in order to retain entitlement to UC¹.

Note 1: Usually this will require participation in an interview to discuss, draw up and ask the claimant to accept the revised commitments (see further guidance at J1034).

Note 2: Until the claimant takes part in a meeting to draw up and accept new commitments the most up to date version is the one in place that the claimant previously accepted.

Note 3: If the claimant fails to take part (attend) the interview the DM will consider a sanction (see J1034). If the claimant takes part in the interview but fails or refuses to accept the new commitments a cooling off period will be set for the claimant to reconsider (see J1032).

[1 WR Act 12, s 14\(5\)](#)

J1032 A 'cooling off' period (see J1009) can also apply when a claimant commitment is reviewed. During this period the claimant commitment previously accepted remains in place and the claimant will be expected to comply with any work-related requirements accepted as part of that, unless to do so would be unreasonable in the individual circumstances. For guidance on what to consider when deciding what may be unreasonable see the guidance on good reason in ADM Chapter K2.

Note: If the claimant has still failed or refused to accept the new commitment at the end of the cooling off period the DM will end the award of UC.

J1033 When there is a change of circumstances that means a claimant moves between conditionality groups, they will be required to accept a revised claimant commitment to reflect their new circumstances. Changes in circumstances are taken into account immediately for conditionality purposes and the conditionality group is changed when the change of circumstances is notified. Claimants (and their partners) **must** always be placed in the correct group. They **must**

1. know exactly what they are expected to do in return for UC **and**

2. have an up to date claimant commitment which reflects their up to date individual circumstances.

Note: It is important claimants are made aware of any change promptly including any consequences of sanctions that may be appropriate, so they can continue to meet their conditionality requirements.

J1034 Where a claimant commitment is to be reviewed, taking part in an interview can be set as a requirement for the claimant even if taking part in an interview is not included on the current claimant commitment. The claimant **must** be separately and correctly informed of the date, time and place of the appointment, the reasons for the interview and the consequences of failing to take part in that appointment².

Note 1: There is no legal basis to consider ending the award of UC for not having a new claimant commitment since the previous claimant commitment still applies, but requirements can be set outside of the claimant commitment, if it is reasonable to do so, by requiring participation in an interview to set the new requirements (see further guidance in ADM Chapter K5321 et seq). Any failure to comply with a requirement to participate in a commitments review for no good reason, i.e. they fail to attend the interview, is a sanctionable failure and not reason to suspend or terminate the award of UC. The guidance on low-level sanctions in ADM Chapter K5 will apply.

Note 2: The guidance in **Note 1.** applies equally to those claimants who had an auto-generated claimant commitment during emergency procedures for the Covid 19 pandemic in 2020. Following the reintroduction of work-related requirements the claimant has to be asked to take part in an interview to accept new commitments and any failure to comply with the interview for no good reason may result in a low-level sanction but would not give grounds to terminate the award of UC. See **Example 4.**

Note 3: Only if the claimant attends the interview as required but refuses or fails to accept the new commitments can the DM consider terminating the award of UC after a cooling off period (see guidance at J1010, J1031 and J1032).

Example 1

Rory has been in receipt of UC for three months. He has no work and has failed to find any since losing his job in retail prior to his claim for UC. Rory has worked in retail for all of his working life. Rory's claimant commitment includes his work search requirements which are mainly centred on looking for work in his former occupation. Rory's work coach decides that Rory's work search should now be broadened to also include work other than just retail work. Rory's claimant commitment needs updating to reflect this wider work search requirement.

Rory is required to participate in a commitments review interview to discuss and accept an updated claimant commitment. If Rory fails to attend the interview the DM will consider a sanction.

If Rory attends the interview but fails or refuses to accept the new commitments the DM will set a cooling off period and if Rory has still not accepted the new commitments at the end of the cooling off period the DM will end the award of UC.

Example 2

Boris is in the no work-related requirements group as his earnings exceed his individual threshold (see ADM Chapter J2), with an appropriate claimant commitment in place. The company that Boris works for is downsized with the result that Boris' hours of work are reduced to a level that now bring his earnings below his individual threshold and move him into the all work-related requirements group. Boris is asked to take part in an interview to discuss the new requirements that will now be expected of him in the all work-related requirements group. Boris is notified of this appointment in a 'To Do' which is set in his journal.

If Boris fails to attend the interview the DM will consider a sanction.

If Boris attends the interview but fails or refuses to accept the new commitments the DM will set a cooling off period and if Boris has still not accepted the new commitments at the end of the cooling off period the DM will end the award of UC.

Example 3

Katie is in receipt of UC and has a daughter who's 1st birthday is on 14.2.21. This means Katie will be moved from the no work-related requirements group into the WFI only group from 14.2.21 and a new claimant commitment will be required to reflect the new work related group. Although Katie's current claimant commitment does not require her to attend WFI's, Katie can be required to meet a connected requirement to participate in an interview in order to set and accept a new claimant commitment. This requirement is set outside of the current claimant commitment. See further guidance in ADM Chapters J2 and J3.

If Katie fails to attend the interview the DM will consider a sanction.

If Katie attends the interview but refuses or fails to accept the new claimant commitment the DM will set a cooling off period, at the end of which, if Katie has still not accepted the new commitments the award of UC will end.

Example 4

Ranjan claims UC on 20.5.20. Due to the emergency procedures for Covid 19, Ranjan is set an auto-generated claimant commitment which asks him to report any changes in circumstances but has no work-related requirements set due to the suspension of conditionality.

In August 2020 the work coach contacts Ranjan with details of an interview to set new claimant commitments now the emergency procedures have been lifted.

If Ranjan takes part in the interview but refuses or fails to accept the new claimant commitment he will be given a cooling off period to reconsider. If he has still failed to accept the commitments at the end of the cooling off period his award of UC will be terminated.

If he fails to attend the interview for no good reason the DM will consider a sanction.

J1035 – J1999