

ADM Chapter J3: Work-related requirements

Subpages

- Introduction J3001 - J3019
- Connected requirements J3020 - J3029
- The work-focused interview requirement J3030 - J3039
- The work preparation requirement J3040 - J3049
- The work search requirement J3050 - J3109
- The work availability requirement J3110 - J3159
- Limitations on the work search and work availability requirement J3160 - J3179
- Imposition of work-related requirements J3180 - J3249
- Discretionary easement of work-related requirements J3250 - J3300
- Adverse conditions that may effect work-related requirements (including coronavirus) J3301 - J3999
- Appendix

Introduction J3001 - J3019

Introduction

J3001 Depending on which work-related group a claimant falls into, the Secretary of State can impose work-related requirements on a claimant¹. ADM Chapter J2 provides guidance on the work-related groups.

Note: When imposing work-related requirements consideration **must** be given to the public law principles of fairness established in case law². In every case the claimant has to be in no doubt as to what is expected of them and the consequences of failing to comply (also see J3002). Record keeping and the availability of evidence about the imposition of a work-related requirement will be crucial to show a work-related requirement was validly imposed. Therefore when imposing a work-related requirement details of the what, why, when and where **must** be recorded in system records in every case and be available as evidence in the event of challenge and an appeal. For full guidance on the public law principles of fairness see ADM Chapter K1 - Sanctions: general principles at K1151 et seq. For guidance on setting the claimant commitment see ADM Chapter J1.

[1 WR Act 12, s 13\(1\) & \(3\);](#)

2 R (Reilly) v SSWP [2014] AC 453; R (Reilly 2) v SSWP [2016] ECWA Civ 413

J3002 If a work-related requirement is validly imposed and a claimant, for no good reason, does not comply with that requirement then their UC will be reduced¹. ADM Chapters K1 – K9 provide guidance on the sanctions which may apply to claimants who do not comply with a work-related requirement.

Note 1: See **Note** to J3001. A failure to validly impose the requirement or be able to provide evidence to show it was validly imposed may mean that a sanction cannot be imposed where appropriate.

Note 2: Except in cases where a claimant loses a job or pay due to misconduct, in every case, the claimant will be given a chance to give their reasons why they failed to comply with a work-related requirement. The DM will consider the reasons and all the facts, circumstances and evidence of the individual case to determine whether the claimant can show good reason for any failure. See ADM Chapter K2 for full guidance on good reason.

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

J3003 The work-related requirements are¹ the

1. work-focused interview requirement (see **J3030** et seq)

2. work preparation requirement (see **J3040** et seq)

3. work search requirement (see **J3050** et seq)

4. work availability requirement (see **J3110** et seq).

1 [WR Act 12, s 13\(2\)](#)

J3004 A work-related requirement when imposed on a claimant can be subject to change and can be revoked. The Secretary of State has the power to change or revoke what has been specified or imposed on a claimant¹.

Note: The Secretary of State is still obligated to notify any changes or revocations to any work-related requirements in line with the public law principles of fairness (J3005).

1 [WR Act 12, s 24\(3\)](#)

J3005 The claimant **must** be adequately notified of

- 1.** any work-related requirement that has been imposed on them **and**
- 2.** the consequences of failing to comply.

Where a claimant is subject to a work-related requirement then this should be recorded on the claimant commitment. If not, it should be notified to the claimant in a manner that the Secretary of State sees fit and recorded in system notes for evidence purposes. This includes where a work-related requirement has been changed or revoked¹.

Note: See **Note** at J3001. It will be crucial in every case that records of notification are kept for reference and are available as evidence however the Secretary of State notifies the claimant of their requirements or any changes to those requirements.

1 [WR Act 12, s 24\(4\)](#)

J3006 A claimant may be subject to one or more work-related requirements across all four categories. It depends on which work-related group the claimant is in. The work-related groups¹ are

- 1.** no work-related requirements
- 2.** work-focused interview requirement only
- 3.** work preparation requirement and work-focused interview
- 4.** all work-related requirements.

See ADM Chapter **J2** for guidance on the work-related groups and to whom they apply.

J3007 Only rational requirements can be imposed. For example;

1. the specification of two interviews in different places at the same time or close together that cannot practicably be coordinated would not be rational,
2. what is specified must be compatible with other requirements. For example; a claimant cannot be required to attend so many interviews that it is made impossible for the claimant to meet their work search requirements,
3. specification must imply that communication to the claimant is made in time for the claimant to be able to complete the requirement
4. the requirement to take part in a work-related requirement cannot be used for punitive reasons or simply as a means of control of a claimant.

Note: All requirements should be reasonable and achievable for the individual claimant and their circumstances. See further guidance on the claimant commitment in ADM Chapter J1.

J3008 Any reference in this guidance to obtaining paid work includes¹

1. more paid work **or**
2. better-paid work.

Work includes self-employment.

J3009 Any reference to an adviser means a work coach in the Jobcentre.

J3010 – J3019

Connected requirements J3020 - J3029

Connected requirements

J3020 The Secretary of State can require¹ that a claimant participate in an interview for any purpose relating to any or all of

1. the imposition of a work-related requirement on a claimant
2. verifying the claimant's compliance with a work-related requirement
3. helping the claimant to comply with a work-related requirement.

Note 1: This can apply to claimants where interviews form part of their conditionality group or where the claimant is required to set new work-related requirements following a change of circumstance which moves them into a new work related group.

Note 2: This is not the initial interview to accept the claimant commitment to establish entitlement to UC (see ADM Chapter E1) nor is it a work focused interview for prescribed purposes. For guidance on accepting the claimant commitment see ADM Chapter J1 and for guidance on WFI's see J3030 et seq and further guidance in ADM Chapter J2.

Note 3: Interviews cannot be used for punitive purposes or simply as a means of control of a claimant. All set requirements to participate in an interview should be rational, reasonable and achievable for the claimant (also see J3007) and be validly imposed (J3021).

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

J3021 The Secretary of State may specify¹

1. how **and**
2. when **and**
3. where

the interview should take place.

The claimant should also be made aware of the reason for the interview in basic terms so they can prepare in advance. For example; to participate in an interview for a commitments review or to discuss a training opportunity or discuss work search for a specific period.

Note 1: This interview requirement can be set outside of the claimant's accepted requirements within the claimant commitment (see ADM Chapter J1) where there is a change of circumstances that means

the claimant is to change work-related groups (see ADM Chapter J2).

Note 2: Whilst it may be practicable to ask the claimant to take part in an interview to discuss their work search for a set period **and** provide evidence of completion of another requirement at the same time it **must** be absolutely clear to the claimant in the notification exactly what is expected of them at the specific interview. See **Note** to J3001 and **Example** at J3023.

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

Example

Susanna has been in receipt of UC for over 12 months and is in the WFI only work related group as she has a child aged 1. On 8.2.21 the child will be 2 years old and therefore Susanna will move conditionality group to the work preparation and WFI group and so requires a new claimant commitment to reflect the change.

Susanna is notified of the requirement to take part in an interview to set new commitments. This is a connected requirement and set out-with the existing claimant commitment.

J3022 Failure by the claimant to participate without good reason in the interview will result in a sanction¹.

1 [WR Act 12, s 27\(2\)\(b\)](#)

Example

See example at J3021. Susanna is notified via the journal of the date, time, place and reason for the interview and is advised that a failure to comply for no good reason will mean a reduction of her UC. If Susanna fails to comply the guidance in ADM Chapter K2 on good reason and ADM Chapter K5 on failing to take part in an interview (other than the initial interview) will apply.

J3023 In order to verify that the claimant has complied with a work-related requirement, the Secretary of State can require¹ a claimant to

1. provide information and evidence as specified **and**
2. confirm compliance as specified.

Note : ADM Chapters **K1 – K9** provide guidance on the sanctions which may apply to claimants who do not comply with a work-related requirement.

1 [WR Act 12, s 23\(3\)](#)

Example

Gillian is in receipt of UC and she is subject to all work-related requirements. As part of her work-search requirement, she was asked to up date her CV. A 'to do' is set in the on line journal which requires Gillian to take part in an interview. The 'to do' gives details of the date, time and place of the appointment and

that the reason for the interview is to discuss her work search during the previous 2 weeks and also for her to provide evidence of the up-dated CV. This is to confirm Gillian's compliance with the work-related requirement to up date her CV and also to discuss work search for the previous 2 weeks (also see **Note 2** at J3021).

J3024 – J3027

J3028 A claimant can be required¹ to report to the Secretary of State any specified changes in their circumstances which are relevant to either or both of the

- 1.** imposition of work-related requirements on them **and/or**
- 2.** claimant's compliance with a work-related requirement.

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

Example

Hadi is working and is entitled to UC. The work coach imposes a connected requirement and this is recorded on the claimant commitment at the initial interview and accepted by Hadi. It tells Hadi that if, without good reason, he does not report within 5 working days that he has left his job, his UC payments may be reduced.

For further guidance where a claimant fails to report he has left a job within 5 days see ADM Chapter K5.

J3029

The work-focused interview requirement J3030 - J3039

The work-focused interview requirement

[Introduction](#) J3030

[What a work-focused interview is](#) J3031 - J3039

Introduction

J3030 The work-focused interview requirement is a requirement that a claimant take part in one or more work-focused interviews as specified by the Secretary of State¹.

1 [WR Act 12, s 15\(1\)](#)

What a work-focused interview is

J3031 A work-focused interview is an interview for the prescribed purposes set out in J3032 which the claimant is required to participate in and which relates to work or work preparation¹. The Secretary of State may specify

1. how
2. when **and**
3. where

a work-focused interview is to take place².

In every case the claimant can be in no doubt of what is expected of them. The reason for the interview **must** be notified to the claimant in basic terms, in addition to the date, time and place so they are able to prepare for it, as well as the consequences of failing to comply. This is to meet the public law principles of fairness as established in case law³.

Note 1: See **Note** to J3001 and the guidance on the public law principles of fairness in ADM Chapter K1.

Note 2: WFI's are used for prescribed purposes only (J3032) and not for connected requirements such as work search reviews or commitment reviews (see J3020 et seq and further guidance in ADM Chapter J2). Furthermore the interviews cannot be used for punitive purposes or as a means of control of

a claimant.

1 [WR Act 12, s 15\(2\); 2 s 15\(4\);](#)
3 *R (Reilly) v SSWP [2014] AC 453; R (Reilly 2) v SSWP [2016] ECWA Civ 413*

Example

Chris is in receipt of UC. He is in the work-focused interview requirement group. Chris is notified via his journal to take part in a WFI on 15.7.19 at 10 a.m. in person at his local Jobcentre Plus office in order to discuss some activities which are most likely to help Chris obtain paid work.

J3032 The purposes¹ of a work-focused interview for a claimant are any or all of

1. assessing the claimant's prospects for remaining in or obtaining work
2. assisting or encouraging the claimant to remain in or obtain work
3. identifying activities that the claimant may undertake that will make remaining in or obtaining work more likely
4. identifying
 - 4.1 training or
 - 4.2 educational or
 - 4.3 rehabilitation

opportunities that may make the claimant more likely to remain in or obtain work or be able to do so

5. identifying current or future work opportunities that are relevant to the claimant's needs and abilities
6. ascertaining whether a claimant is in gainful self-employment or meets the conditions of the S/E start-up period (see ADM Chapter H4 for further guidance on self-employment).

1 [WR Act 12, s 15\(2\), 15\(3\) & UC Regs, reg 93](#)

Example

Chris takes part in the WFI as notified to him in his journal (see J3031). At the interview Chris's work coach discusses obtaining paid work that fits within Chris's capabilities and circumstances and whether there are any issues which require addressing in order for Chris to be able to successfully find work. Chris says that he would like to work in an office environment ideally but has little recent experience of this. Chris and his work coach discuss the activities that will make it more likely that Chris will be successful in obtaining paid work. These include a programme of work experience in an office environment and also a basic IT course so Chris can add some recognisable skills to his CV to be more attractive to prospective

employers.

J3033 The activities discussed in a work-focused interview are activities that will make it **more likely** that the claimant will obtain

1. paid work **or**
2. more paid work **or**
3. better-paid work.

The activities may be actions to be taken by the claimant immediately or in the future.

Note 1: Paid work includes self-employment.

Note 2: More likely is not defined in legislation so takes its ordinary meaning of the probability of obtaining paid work (more or better-paid work) is very high; i.e. it is reasonably expected to happen. For further guidance see ADM Chapter K5 (Low-level sanctions).

J3034 Examples of such activities include

1. employment programmes
2. work experience
3. voluntary work
4. gaining relevant qualifications
5. training.

Note 1: This list is not exhaustive. However, the activity **must** in the opinion of the Secretary of State make it **more likely** that the claimant will obtain paid work (more or better-paid work). This would not include for example participation in general information sessions, or interviews for other purposes such as work search reviews or commitment reviews which fall under other legislation (see J3020 et seq). For further guidance on general information sessions and all the activities listed at J3034 **1.** to **5.** see ADM Chapter K5 (Low-level sanctions).

Note 2: Activities should be rational, reasonable and achievable for the claimant (also see guidance in ADM Chapter J1 regarding the claimant commitment and Chapter J2 regarding WFI's).

J3035 – J3039

The work preparation requirement J3040 - J3049

The work preparation requirement

[Introduction](#) J3040 - J3041

[Types of action](#) J3042 - J3049

Introduction

J3040 The Secretary of State can require that a claimant take particular action for the purpose of making it more likely that the claimant will obtain

1. paid work **or**
2. more paid work **or**
3. better-paid work¹.

This is known as the work preparation requirement.

Note 1: It is the Secretary of State's opinion that matters as to whether the particular action will enable the claimant to obtain **1.**, **2.** or **3.** However the action must be reasonable and achievable for the claimant in their individual circumstances and make it more likely (highly likely) that the claimant will obtain work. For further guidance on what the term more likely means, see J3034 **Note 2.** and ADM Chapter K5 (Low-level sanctions).

Note 2: As with all work-related requirements any work preparation requirement has to be adequately notified to the claimant and records kept of such notification for reference and evidence in the event of any challenge or appeal. For guidance on how a work preparation requirement is validly imposed see **Note** at J3001 and ADM Chapter K1 (Sanctions - general principles).

¹ [WR Act 12, s 16\(1\)](#)

J3041 The amount of time that has to be spent on any particular action can be specified by the Secretary of State¹. See **Note 2** at J3042 and also guidance at J3053 et seq and J3065.

¹ [WR Act 12, s 16\(2\)](#)

Types of action

J3042 The kinds of action which may be specified by the Secretary of State include¹

1. attending a skills assessment
2. improving personal presentation
3. taking part in training
4. taking part in an employment programme
5. undertaking

5.1 work experience **or**

5.2 a work placement

6. developing a business plan
7. any other prescribed action which in the opinion of the Secretary of State would make it more likely the claimant will obtain paid work.

Note 1: The sorts of activities do not of themselves have to be paid so long as they can be related to the purpose of improving the claimant's chances of obtaining paid work (more or better-paid work).

Note 2: Any activity must be reasonable and achievable in the claimant's individual circumstances and there should be co-ordination with the practical application of other work-related or connected requirements for any work preparation activity, or time spent on it, to be rational.

Note 3: Taking part in work experience (**5.1**) under a work-related requirement remains entirely voluntary. For full guidance on work experience, work placements, Group Information Sessions, Jobs Fairs and employment programmes see ADM Chapter K5.

Note 4: If a claimant is already in a suitable placement, work experience, training or employment programme so that no action could make it more likely work or more work could be obtained, no action should be specified even if the claimant is placed in a work related group where such an action could be required until such time the claimant's circumstances changed. It would be for the DM to consider what reasonable action the claimant could take in their particular circumstances.

Note 5: When considering any actions that may improve a claimants personal presentation (**2.**) care must be taken not to apply personal standards, prejudice or unreasonable expectations on the claimant or set activities that will incur costs for the claimant. Further guidance can be found in ADM Chapter K2 on what may be considered reasonable.

Note 6: When setting work preparation actions care should be taken to consider all the claimant's circumstances and any factors which could impact their ability to take part in such an activity, including health issues, vulnerabilities or complex needs and any adverse conditions or restrictions which may affect the local labour market. See further guidance at J3250, J3301 and J3111.

[1 WR Act 12, s 16\(3\)](#)

Example 1

Joan works for a few hours a week on a S/E basis as a free-lance web designer and wishes to make this work her main employment. At the moment, the work is ad-hoc. For the purposes of UC, she has not been determined to be gainfully S/E (see ADM Chapter H4 for guidance on gainful self-employment). Joan's work coach advises that in order to have a better chance of getting more of this work, Joan should develop a business plan setting out who she sees as her potential clients, how these clients should be approached, how her work can be marketed and how her resources should be best employed. This is Joan's work preparation requirement and is recorded on her claimant commitment. If Joan doesn't develop this business plan within timescales agreed with her work coach then her UC could be reduced if she cannot show good reason for any failure.

Example 2

Norman has claimed UC following his release from prison. His employment history is made up mainly of temporary jobs and casual work. Upon making his claim for UC, it was accepted in discussion with his work coach that Norman undertake a skills assessment in order to clarify what work Norman would be best placed to look for. This is part of a work preparation requirement and is recorded on Norman's claimant commitment.

Example 3

Diane is homeless and has been sleeping rough for the last week. Diane's work coach has decided to temporarily lift the requirement to comply with her work availability and work search requirement. In the circumstances the fact Diane has no fixed address is making it difficult for her to find paid work. In order to improve her chances of finding paid work, Diane's work coach advises her that she should register with the LA on the housing waiting list. This is Diane's work preparation requirement and is recorded on her claimant commitment.

For further guidance on homelessness see J3095 and for when and how to apply temporary easements of any work-related requirements due to complex needs, such as homelessness, see J3250.

Claimants with limited capability for work

J3043 Where a claimant has LCW, a work preparation requirement can include taking part in a WFHRA¹.

[1 WR Act 12, s 16\(4\)](#)

J3044 A WFHRA is an assessment carried out by a HCP approved by the Secretary of State for the purpose of assessing

1. the extent to which the claimant's capability for work can be improved by taking steps with regard to their

1.1 physical **or**

1.2 mental

condition **and**

2. any other matters with regard to their

2.1 physical **or**

2.2 mental

condition and the likelihood of obtaining or remaining in work or being able to do so as may be specified in regulations¹.

Note: Nothing has yet been specified in regulations under **2.**

¹ [WR Act 12, s 16\(5\)](#)

J3045 A HCP means¹

1. a registered medical practitioner **or**

2. a registered nurse **or**

3. an

3.1 occupational therapist **or**

3.2 physiotherapist

registered with a regulatory body established under relevant legislation² **or**

4. a member of such other profession registered with a body established under relevant legislation³ as may be specified in regulations.

¹ [WR Act 12, s 16\(6\)](#); ² [Health Act 1999, s 60](#);

³ [National Health Service Reform and Health Care Professions Act 2002, s 25\(3\)](#)

The work search requirement J3050 - J3109

The work search requirement

[Introduction](#) J3050 - J3052

[Expected hours of work](#) J3053 - J3062

[All reasonable action](#) J3063 - J3067

[Temporary circumstances](#) J3068 - J3072

[Voluntary work](#) J3073 - J3074

[Time spent on work search which is less than the claimant's expected hours of work](#) J3075

[Examples of reasonable action](#) J3076 - J3077

[Any particular action](#) J3078 - J3079

[Best prospects of obtaining work](#) J3080 - J3084

[Community orders, community disposals or anti-social behaviour orders](#) J3086

[Skills, qualifications, abilities and limitations](#) J3087 - J3090

[Action taken in previous weeks](#) J3091 - J3094

[Homeless claimants](#) J3095 - J3099

[Evidence](#) J3100 - J3104

[Proof](#) J3105 - J3109

Introduction

J3050 The work search requirement is a requirement that a claimant takes

1. all reasonable action and

2. any particular action that has been specified by the Secretary of State

to obtain paid work or more paid work or better paid work¹.

Note 1: Paid work includes self-employment (see ADM Chapter **H4**).

Note 2: As with all work-related requirements the claimant should know exactly what is expected of them, by when, and the consequences of failing to do so. Therefore it will be crucial that the claimant fully understands and accepts what work search they are expected to carry out and this is reflected on their accepted claimant commitment at the start of their claim to UC. For guidance on notifications and what is required to validly impose any requirement (including work search) see **Note** at J3001 and guidance on the public law principles of fairness in ADM Chapter K1.

[1 WR Act 12, s 17\(1\)](#)

J3051 The amount of time that a claimant has to spend on any particular action can also be specified by the Secretary of State¹. However, this should be reasonable and achievable in the claimant's individual circumstances and be rational in light of other work-related or connected requirements. Also see J3053 et seq and J3065.

[1 WR Act 12, s 17\(2\)](#)

J3052 When deciding if the work search "all reasonable action" requirement has been met, DMs should have regard to the

1. time spent by the claimant searching for work **and**

2. quality of the claimant's work search including the range of actions that they have taken (for example, contacting employers, registering with employment agencies, investigating self-employment opportunities etc) **and**

3. local labour market **and**

4. any fluctuating individual needs and circumstances.

Note 1: The DM would consider **all** the work search the individual claimant has done in the relevant week and the evidence available in consideration of what is reasonable in the individual circumstances. All the claimant's circumstances, any limitations or restrictions and any indicators of any vulnerabilities or complex needs should be fully considered that could be relevant at the time as well as any emerging claimant needs and fluctuating individual and local circumstances and restrictions that could have impacted the work search in the relevant week. This includes consideration of any local and national coronavirus related restrictions that may impact the claimant's work search. Claimant's have to be allowed to adhere to public health guidelines and restrictions. Claimants cannot be reasonably expected

to search for work that is not there and work search should be considered in light of what is realistically available. Also see J3250 et seq for guidance on when it may be appropriate to 'turn off' requirements and J3301 et seq where adverse conditions may apply.

Note 2: Where the work coach feels the claimant has not taken reasonable steps to search for work they must gather information about what the claimant has done and why the claimant has not done more so the DM can consider whether it was reasonable. Also see J3063.

Expected hours of work

J3053 When determining all reasonable action in a work search requirement, the DM has to have regard to the expected number of hours of work per week.

J3054 The general rule is that, unless an exception applies (see J3055), the expected number of hours of work per week is normally 35¹.

1 [UC Regs, reg 88\(1\)](#)

Example

Pete is a single unemployed man. He has made a claim for UC and he is subject to all work-related requirements. Pete's expected hours of work are normally 35 per week. This is recorded on his claimant commitment. This means Pete is normally expected to spend 35 hours per week on his work search.

Exceptions to the expected number of hours of work

J3055 The expected hours of work for a claimant

1. who is a

1.1 relevant carer **or**

1.2. responsible carer **or**

1.3. responsible foster parent **and**

2. where the Secretary of State is satisfied that the claimant has reasonable prospects of obtaining paid work

are the number of hours that the Secretary of State considers is compatible with those caring responsibilities¹.

Note: See chapter **J2** for more information on the expected number of hours for carers.

1 [UC Regs, reg 88\(2\)\(a\); reg 88\(2\)\(aa\)](#)

J3056 When considering whether a claimant has reasonable prospects of obtaining paid work for the hours that meet their caring responsibilities, circumstances which should be taken into account include

1. the type and number of vacancies within 90 minutes normal travelling distance of their home
2. their skills, qualifications and experience
3. how long it is since they last worked
4. the job applications that they have made and the outcomes.

J3057 Where there are no current vacancies which fit the claimant's caring responsibilities in their particular locality, it should be considered whether the claimant has done all that they can (and continue to do so) to give themselves reasonable prospects of finding work when it is available in their locality.

J3058 Where a claimant is a responsible carer for a child aged under the age of 13, the expected hours of work are the lower number 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)¹. The expectation is that this safeguard will be 25 hours a week. Where the child is aged three to four, the expectation is that this safeguard will be 16 hours a week. The claimant does not have to show that they have reasonable prospects of obtaining paid work.

1 [UC Regs, reg 88\(2\)\(b\)](#)

Example

Jermaine is the responsible carer for his son who is aged 12 years old. It has been agreed with Jermaine's adviser at the Jobcentre that Jermaine's with Jermaine's son's normal school hours including the time it takes to travel to and from school.

J3059 Where a claimant is the responsible carer of a child aged 13 or over then J3058 does not apply. The claimant's work search and work availability requirements can however be limited to fit in with those caring responsibilities. The DM should take into account any mental or physical impairments of the child (see J3055). The claimant has to show reasonable prospects of obtaining work notwithstanding those limitations¹.

1 [UC Regs, reg 88\(2\)\(a\)](#)

J3060 The expected hours of work for a claimant who has a

1. physical **or**
2. mental

impairment are the lower number of hours that the Secretary of State considers is reasonable as a result of the impairment¹. The claimant does not have to show that they have reasonable prospects of obtaining paid work.

1 [UC Regs, reg 88\(2\)\(c\)](#)

Example

Carl has claimed UC. He suffers from rheumatoid arthritis which can cause him a degree of pain and discomfort but he does not have LCW. Carl's adviser considers the evidence and decides that Carl cannot be expected to work for 35 hours a week but that it is not unreasonable for him to work for ten hours a week. Carl's expected number of hours a week for the purposes of UC are therefore ten per week.

J3061 A claimant may have their hours of work limited in any way provided the limitations are reasonable in the light of their physical or mental condition.

Example

Cliff suffers from emphysema. He asks that the type of work that he can do should be limited to

1. avoid working in smoke or fumes **and**
2. restricting the number of hours of work in a week or the number of hours in a shift due to fatigue/limitations.

This is determined to be reasonable in the light of Cliff's condition.

J3062 Where it is agreed with the claimant that there are acceptable limitations due to their physical or mental impairments then they do not have to show they have reasonable prospects of getting paid work. However, the claimant must show that all the limitations are reasonable and are directly connected with their physical or mental impairment.

All reasonable action

J3063 A claimant who has not taken all reasonable action to obtain paid work has to be treated as not having complied with a work search requirement¹. Reasonable takes its ordinary meaning of fair, sensible and as much as is appropriate in the circumstances. Also see J3052.

1 [UC Regs, reg 95\(1\)](#)

J3064 In order to meet the requirement to take all reasonable action in any week

1. a claimant must

1.1 take action to get paid work for their expected hours of work per week minus any relevant deductions¹**or**

1.2 satisfy the Secretary of State that they have taken all reasonable action despite the time spent doing this being less than the claimant's expected hours of work²**and**

2. the claimant's action must be action which gives them the best prospects of obtaining work³.

1 [UC Regs, reg 95\(1\)\(a\)\(i\)](#); 2 [reg 95\(1\)\(a\)\(ii\)](#); 3 [reg 95\(1\)\(b\)](#)

J3065 Relevant deductions means¹ the total of any time agreed by the Secretary of State for the claimant to

1. carry out in that week

1.1 paid work **or**

1.2 voluntary work **or**

1.3 a work preparation requirement **or**

1.4 voluntary work preparation **or**

2. deal with

2.1 temporary childcare responsibilities **or**

2.2 a domestic emergency **or**

2.3 funeral arrangements **or**

2.4 other temporary circumstances.

Note 1: Voluntary work preparation in **1.4** is action taken by the claimant and agreed by the Secretary of State for the purpose of making it more likely they will obtain paid work but which has not been specified by the Secretary of State as part of a work preparation requirement². See also **J3074**.

Note 2: A relevant deduction should also include the travel time it takes for a person to travel to and from the place to under **1.1, 1.2, 1.3** and **1.4**.

Note 3: See **J3070** et seq for guidance on temporary circumstances.

1 [UC Regs, reg 95\(2\)](#); 2 [reg 95\(4\)](#)

Example 1

Paul is in receipt of UC and is unemployed. With his adviser, it was agreed that Paul's expected hours of work a week are 35 and that he would spend 35 hours a week on his work search requirement. This is recorded on his claimant commitment. Including travel time, Paul spends five hours a week helping out at his local youth club on a voluntary basis. This was agreed with his adviser. For the purposes of all reasonable action in searching for work, Paul's relevant deductions are five hours a week. This means that Paul should spend 30 hours a week on his work search requirement taking action that gives him the best prospects of finding paid work.

Example 2

Gaynor is in receipt of UC. She has a son who has just started primary school. Prior to having a child, Gaynor was a trainee hairdresser but finished this work when her son was born. It has been agreed with Gaynor's adviser at the Jobcentre that Gaynor's expected hours of work should be 25 hours a week because this fits in with her son's normal school hours. Gaynor has just started re-training to become a hairdresser as part of a work preparation requirement. She spends 10 hours a week on this. This means that Gaynor should normally spend 15 hours a week on her work search requirement taking action that gives her the best prospects of finding paid work.

Example 3

Jonty's expected hours of work are 35 a week. He has just started working for a few hours a week on a S/E basis as delivery driver and wishes to make this work his main employment. At the moment, the work is sporadic. For the purposes of UC, Jonty has not been determined to be gainfully S/E (see ADM Chapter H4 for guidance on gainful self-employment). Jonty's adviser at the Jobcentre advises that in order to have a better chance of getting more of this work, Jonty should develop a business plan setting out who he sees as his potential clients, how these clients should be approached and how his work can be advertised. This is Jonty's work preparation requirement and is recorded on his claimant commitment. It has been agreed that Jonty should spend five hours a week on the work preparation requirement. This means that Jonty should normally spend 30 hours a week on his work search requirement taking action that gives him the best prospects of finding paid work.

J3066 – J3067

Temporary circumstances

J3068 As explained at **J3055**, in addition to the matters referred to at **J3055 2**, the Secretary of State may agree a relevant deduction from the claimant's expected hours to allow the claimant to deal with "other temporary circumstances"¹. A temporary circumstance is any relevant change affecting the claimant that is likely to be for a limited period of time only and is a question of fact.

¹ [UC Regs, reg 95\(2\)\(b\)](#)

J3069 The regulations do not expand on the meaning of temporary. In the absence of a statutory definition it will normally be understood to mean for a limited period of time. What is considered

temporary will depend on the circumstances but for the purposes of a relevant deduction it would be unusual for a temporary circumstance to last longer than a month.

J3070 In some cases it will be difficult at the outset to predict how long a situation might be expected to last. The fact that there may be no end date for the temporary circumstance does not prevent the change being temporary but it does mean that the situation be kept under review. It is possible in time for a temporary circumstance to become a permanent circumstance.

Note: See guidance at J3250 et seq where it may be necessary to impose discretionary easements of requirements for longer than a month and J3301 et seq if there any adverse conditions that may apply. For guidance on what additional factors may need to be considered during the coronavirus pandemic see J3311.

J3071 Claimants need to report relevant changes in their circumstances. Where this happens the claimant's work coach will need to consider with the claimant new work-related requirements. An updated claimant commitment would also be required to reflect their new circumstances. For further guidance on the claimant commitment see ADM Chapter J1 and where the claimant changes work related groups see further guidance in ADM Chapter J2.

Example 1

When Ashraf claimed UC it was agreed with his work coach that his weekly expected hours of work were 35 and that he would spend 35 hours a week on his work search requirement. This is recorded on his claimant commitment. Ashraf is to move house in the week commencing 20 April. Ashraf's work coach agrees that during this week, Ashraf need only spend 20 hours a week on his work search requirement because 15 hours a week can be a relevant deduction to take account of the time spent moving house. The act of moving from one house to the other is a temporary circumstance for Ashraf.

Example 2

Susie is in receipt of UC and her weekly expected hours of work are 35. Her daughter Amelia is at secondary school but has been excluded for a week due to her bad behaviour. As a result of Amelia's exclusion and other issues associated with it, Susie has not been able to devote 35 hours a week to her work search and has spent about 10 hours on this. Susie's work coach considers that for the relevant week this work search is sufficient because Amelia's exclusion from school is a temporary circumstance for Susie and she was required to deal with other matters.

J3072 A temporary circumstance, such as sudden homelessness, is not always a one-off event and the fact that a person has gone from rough sleeping to staying in a hostel does not mean that their temporary circumstances have come to an end. Also see J3095 for further guidance on homelessness and J3250 et seq for more guidance on discretionary easements and complex needs.

Voluntary work

J3073 Where the Secretary of State has agreed that the claimant can carry out voluntary work in a week then for the purposes of calculating the relevant deduction, the time agreed cannot exceed 50% of the number of the claimant's number of expected hours of work¹.

1 [UC Regs, reg 95\(3\)](#)

J3074 Claimants can do as much voluntary work as they wish but for the purposes of UC, only 50% of their expected hours of work can be a relevant deduction against their work search activities for the week.

Example

Caroline is in receipt of UC. It has been agreed that she should be looking for paid work of 35 hours a week. Caroline also performs voluntary work at her daughter's school. The amount of time that will be allowed as a maximum deduction in respect of the voluntary work cannot exceed 17.5 hours a week even if Caroline performs voluntary work in excess of 17.5 hours a week.

Time spent on work search which is less than the claimant's expected hours of work

J3075 There will be times where a claimant has spent less time on work search than their expected hours of work. In such cases, where a claimant has taken all reasonable action to find paid work, then the work search requirement is satisfied¹. What all reasonable action will be will depend on the claimant's circumstances. Also see J3052.

1 [UC Regs, reg 95\(1\)\(a\)\(ii\)](#)

Examples of reasonable action

J3076 Activities such as

1. verbal or written or on-line applications for employment to persons who

1.1 have advertised job vacancies **or**

1.2 who appear to be able to offer employment **and**

2. looking for information on job vacancies

2.1 in advertisements **or**

2.2 from people who have placed advertisements indicating employment is available **or**

2.3 from employment agencies and employment businesses **or**

2.4 from employers

2.5 on-line **and**

3. registering with an employment agency or employment business **and**

4. appointing someone else to help the claimant find employment **and**

5. seeking specialist advice which will help the claimant to get employment, taking into account the claimant's

5.1 needs **and**

5.2 mental or physical impairments **and**

6. drawing up a curriculum vitae **and**

7. seeking a reference or testimonial from a previous employer **and**

8. drawing up a list of employers who may be able to offer employment with a view to seeking information from them on possible job vacancies **and**

9. seeking information about employers who may be able to offer employment to the claimant **and**

10. seeking information on an occupation with a view to getting employment in that occupation

are examples of reasonable action to obtain work. The better the quality of the activity, the more likely that the action that the claimant has taken has provided the best prospects of obtaining paid work.

Note: This list is not exhaustive and it will be up to the claimant to show what actions they took in the relevant week. It will be for the Secretary of State to consider which actions were the most likely to provide the best prospects of obtaining paid work. Also see ADM Chapter K2 (Good reason) for guidance on what may be considered when deciding what is reasonable for the individual claimant. For guidance on what evidence is required and proof see J3100 et seq and J3105.

Example

Dave is in receipt of UC. His expected number of hours of work are 35 a week. On a typical day, Dave spends

1. two hours on-line looking through recruitment sites

2. one hour reading the "situations vacant" pages in the press (local papers, national papers and trade journals)

3. one hour and a half completing a job application and covering letter
4. half an hour reviewing and updating his CV
5. half an hour pursuing further information on suitable advertised vacancies
6. half an hour speaking to friends, family and former colleagues about possible employment opportunities
7. one hour researching the possibility of setting up in business as self-employed.

J3077 Where a claimant has done all that could be reasonably be expected of them in terms of

1. applying for all suitable vacancies
2. undertaking all the activities set out in their work search and work preparation plan
3. suitable work search action in addition to **1.** and **2.**

then this will normally be sufficient even where the time taken was less than the claimant's expected hours of work.

Any particular action

J3078 The Secretary of State can specify that the claimant takes particular action as part of a work search requirement in order for the claimant to get

1. paid work **or**
2. more paid work **or**
3. better-paid work¹.

Note: Any particular action must be adequately notified to the claimant and they must be in no doubt what they are expected to do, by when and any consequence of failing to do so. The public law principles of fairness will apply - see full guidance in ADM Chapter K1.

1 [WR Act 12, s 17\(1\)\(b\)](#)

J3079 The types of action that may be specified includes¹

1. carrying out work searches
2. making job applications
3. creating and maintaining an online profile in connection with finding work

4. registering with an employment agency
5. seeking references
6. any other action as the Secretary of State thinks fit.

1 [WR Act 12, s 17\(3\)](#)

Example

Jonny's previous work experience is in IT. He is searching for further work in this profession. There are a number of employment agencies which specialise in finding work for IT professionals but Jonny has not yet approached them. As part of Jonny's work search requirement, his work coach now sets a requirement for Jonny to register with these specialist employment agencies. The work coach is of the opinion this action will give Jonny the best chance of getting employment opportunities in the IT profession.

The work coach specifies this requirement in Jonny's journal telling him what he requires him to do and by when and the consequences (sanction) if he fails to do so for no good reason.

Best prospects of obtaining work

J3080 What is the best chance of getting paid work will vary from claimant to claimant. Claimants must take such action that offers them their best chance of getting

1. paid work **or**
2. more paid work **or**
3. better-paid work.

J3081 – J3082

J3083 Claimants are not required to take any action that does not offer them any chance of getting an offer of paid work. If they do take such action it cannot help them satisfy the work search requirement.

Example

Zac is in receipt of UC and is subject to all work-related requirements. Zac's claimant commitment records that he is looking for office work and retail work. He is a keen video gamer and spends a considerable amount of time playing these games at home and at friends' houses. Ideally, Zac would like to be a games designer and says that the time spent playing games is good experience and could help him get paid work. There is no evidence that Zac has applied for any jobs in that field and there is no evidence that Zac's time spent playing games has made him more attractive to any would be employer.

The time that Zac spends playing video games does not help him to satisfy the work search requirement.

J3084 The type of work that claimants are or should be looking for is taken into account along with any relevant training, skills or qualifications when deciding which actions would give them their best chance of getting paid work. Consideration should also be given to the local labour market and any restrictions in place (see J3301 et seq).

Interviews

J3085 A work search requirement may require a claimant to apply for a particular vacancy. Failure to participate in an interview in connection with that vacancy means that the claimant has to be treated as having not complied with a work search requirement¹.

Note: For further guidance on applying for vacancies and attending interviews see ADM Chapter K3 and for guidance on when there may be a failure to participate with a work search requirement see ADM Chapter K4. For guidance on Kickstart job opportunities see ADM Chapter K3.

[1 UC Regs, reg 94](#)

Example 1

Hannah has been required by her work coach to apply for a vacancy at the local nursery. Hannah applied for the vacancy but when offered an interview, she declined to attend on the grounds that she had heard from family and friends that the nursery has a poor reputation. Hannah has not complied with the work search requirement.

Example 2

Damon has been required by his work coach to apply for a vacancy as a credit controller. Damon applied for the post and completed a satisfactory application but was not short listed for an interview. Damon has complied with the work search requirement.

Community orders, community disposals or anti-social behaviour orders

J3086 If claimants are subject to

1. community orders **or**
2. community disposals **or**
3. anti-social behaviour orders

that require them to be at home at a certain time of the day or night, then this should be taken into account when the work-search requirement is set. Examples of searching for work from home are reading newspapers, accessing the internet, using the phone and writing to employers.

Note: This would only be if it was reasonable and achievable in the claimant's circumstances and should not incur the claimant extra costs For example, consideration would have to be given as to whether the claimant has access to an IAD at home to access the internet. Or for example it may be too expensive for the claimant to contact multiple employers using a mobile phone. Each case would be considered on its own merits, facts and circumstances as to what is reasonable. For further guidance on what may be considered reasonable see ADM Chapter K2 (Good reason).

Skills, qualifications, abilities and limitations

J3087 Claimants'

- 1. skills and**
- 2. qualifications and**
- 3. abilities and**
- 4. limitations**

may affect the type of action that they can reasonably be expected to take.

J3088 Claimants with

- 1. mental impairments or**
- 2. physical impairments or**
- 3. communication difficulties or**
- 4. learning difficulties**

may not be able to cope with the amount or type of job search that could reasonably be expected of a claimant in similar circumstances without these disabilities or difficulties.

Note: In every individual case where there are indicators of the conditions listed at J3088 **1.** to **4.**, extra care should be taken when setting requirements to ensure all the claimant's circumstances are fully taken into account and the claimant fully understands what is expected of them and by when and any potential consequences of failure (sanctions). Also see the guidance at J3250 et seq regarding complex needs.

J3089 Some claimants may not be able to make many personal visits to employers or employment agencies because

1. of travelling difficulties **or**

2. they may need to make travelling arrangements well in advance.

However they should still take whatever action they can reasonably be expected to take, allowing for their impairments, the impact on their physical, mental and emotional well-being and the facilities available to them.

J3090 If claimants are illiterate they cannot reasonably be expected to write to employers or read advertisements. But they could

1. arrange for someone else to help them search for work, for example by passing on information about suitable job advertisements **and**

2. take other action that they can reasonably be expected to take, for example visiting or telephoning employers' premises or sites.

Care should be taken to ensure any expectations are well managed and all the claimant's circumstances are fully taken into account when setting any requirements or expectations of what claimant's can do. All requirements must be reasonable and achievable for the individual. Work coaches should ensure claimants are clear on the potential consequences if they fail to comply with any accepted requirements.

Action taken in previous weeks

J3091 The action that claimants took in previous weeks to search for work often affect what they can reasonably be expected to do in the week in question. For example, if claimants have already written to employers enquiring about vacancies, and they

1. are still awaiting a reply **or**

2. have been told that no work is available

they cannot reasonably be expected to write to that employer again until a reasonable time has passed.

J3092 If claimants

1. have already registered with an employment agency or business **and**

2. they have promised to let them know of any suitable vacancies

it is reasonable for claimants to wait, for a time, for the agency to contact them. But there will usually be other action that they could reasonably be expected to take.

J3093 As vacancies are constantly being filled and new vacancies advertised, it may be reasonable to

expect claimants to

1. continue to make use of on line job sites
2. visit a local Jobcentre Plus office in the week in question to check whether any new vacancies have been advertised, even if they visited in previous weeks
3. apply for a vacancy newly advertised by an employer, even if they are waiting for the result of other applications they have made to that employer.

J3094

Homeless claimants

J3095 If claimants have nowhere to live

1. it may be difficult for them to be contacted by
 - 1.1 employers **or**
 - 1.2 employment agencies **or**
 - 1.3 those who may be able to help them find employment
2. they may have to spend much of their time in the week in question looking for somewhere to live
3. they may not have access to a reliable means of communication (for example, a telephone or internet access)
4. a lack of washing or laundry facilities may affect personal presentation
5. they may be extremely vulnerable and have complex needs (see J3250 et seq).

These factors should be taken into account in deciding what it was reasonable to expect them to do in any week.

Note: Being homeless will usually seriously limit the action claimants can take and have a devastating impact on their wellbeing, physical, mental and emotional state. Claimants will normally have their work-related requirements turned off whilst they are homeless and will usually have good reason for any failure to comply with any work-related requirements.

J3097 - J3099

Evidence

J3100 Where there is a doubt about whether a claimant is meeting their work search requirement, the

case will usually be referred to the DM with

- 1.** a copy of the claimant commitment **and**
- 2.** details of any other action to seek work that a work coach has suggested the claimant take in the week or weeks in question **and**
- 3.** evidence of what action the claimant took to seek work in those weeks **and**
- 4.** evidence of what action the claimant took in previous weeks **and**
- 5.** evidence of any advice about searching for work that the work coach had previously given the claimant **and**
- 6.** any other relevant evidence from system notes and the claimant's journal.

Note: The normal rules of evidence apply (see ADM Chapter A1) and J3102, J3103 and J3105.

J3101 The DM does not have to accept that the action suggested by the work coach is the action that the claimant can reasonably be expected to take to give them their best chance of getting work. For example, the DM may have, or obtain, other evidence that suggests

- 1.** it was not reasonable to expect the claimant to take the action expected by the work coach and that action did not offer the claimant their best chance of getting work **or**
- 2.** it would have been reasonable to expect the claimant to take other action (whether or not the claimant took them) and that they offered the claimant their best chance of getting work.

In the absence of such evidence, the DM should accept that the actions expected by the work coach were reasonable and offered the claimant their best chance of obtaining work. However see J3103 regarding evidence and J3105 regarding the burden of proof.

J3102 Evidence of work search includes

- 1.** evidence from employers, employment agencies or other bodies that the claimant has contacted
- 2.** the claimant's activity on online job sites
- 3.** copies of letters, emails or applications that the claimant has sent to employers on-line, by post or in person
- 4.** the claimant's uncorroborated written evidence (claimants should keep a record of their job search and other efforts to find work)
- 5.** the claimant's own verbal evidence, recorded by the work coach or Jobcentre agent in system records

6. any relevant entries in the claimant's journal pertaining to work search activity.

J3103 Corroboration of the claimant's evidence is not essential (see ADM Chapter A1). DMs should note that

1. claimants will not always be able to obtain corroborative evidence if they state that they have

1.1 "asked around" or

1.2 applied for jobs that are normally advertised and filled by word of mouth **and**

2. employers do not always reply to written enquiries.

Note: The claimant's own statement would be accepted unless there is contradictory or conflicting evidence which puts it in doubt or the claimant's statement is inherently improbable, inconsistent or seems unlikely in the circumstances.

J3104

Proof

J3105 Before determining whether the claimant was meeting the work search requirement in any week the DM

1. must decide what the claimant did in that week to search for work **and**

2. may also have to decide what they did to search for work in previous weeks.

The onus is on the claimant to show what steps have been taken¹. However the claimant only has to prove on the balance of probabilities and not beyond all reasonable doubt. The normal principles of evidence and proof apply (ADM Chapter A1).

¹ [UC, PIP, JSA & ESA \(C&P\) Regs, reg 38\(2\) & \(3\) & WR Act 12, s 23\(3\)](#)

J3106 Determining whether claimants were meeting the work search requirement in any week requires a comparison between

1. what they in fact did to search for work in that week **and**

2. what the law required them to do.

J3107 Claimants must take the work search actions that give them the best prospects of securing work. It will not be enough just to spend time looking for a job. They must be doing so in an effective manner.

However DMs must take into account what is reasonable in the claimant's individual circumstances in light of the local labour market and conditions that may impact looking for work at the relevant time. Also see J3301 and J3111.

J3108 DMs must consider what the claimant did do and why they didn't do more when considering a sanction referral for not meeting their work search requirements. They must ensure that any changes in the claimant's circumstances have been taken into account especially any complex needs, vulnerabilities, health conditions and any emerging changes to their needs along with local labour market conditions and any local or national restrictions in place where adverse conditions may apply, for example coronavirus restrictions. Claimants must be allowed to adhere to public health guidelines and local restrictions. See further guidance at J3250, J3301 and J3311.

Note: If the claimant has failed to meet their work search requirements for no good reason a medium level sanction would be applied. For guidance on good reason see ADM Chapter K2 and for guidance on medium level sanctions see ADM Chapter K4.

J3109

The work availability requirement J3110 - J3159

The work availability requirement

[Introduction](#) J3110 - J3111

[Willing and able immediately to take up paid work](#) J3112 - J3159

Introduction

J3110 A work availability requirement is a requirement that a claimant be available for work¹.

1 [WR Act 12, s 18\(1\)](#)

J3111 To be available for work, a claimant must be

1. able and

2. willing

immediately to take up paid work or more paid work or better-paid work¹.

1 [WR Act 12, s 18\(2\)](#)

Willing and able immediately to take up paid work

J3112 To be available for employment claimants must

1. be available in an active, positive sense and

2. draw attention to their availability.

Claimants will not be available for paid work if they are passive and merely wait for someone to find and offer them work¹. See also J3141.

1 [R\(U\) 5/80.pdf](#)

J3113 In order to demonstrate that they are willing and able immediately to take up paid work, claimants should

1. be physically able to take up work within the appropriate timescale

2. be contactable (through mail, e-mail or phone) for interviews or work
3. be willing and able to give up any commitments which may interfere with their ability to start work
4. attend all job interviews that have been offered to them
5. consider their appearance and behaviour to ensure this does not reduce their prospects of finding paid work.

Note 1: 'Immediately' means within a very short space of time but a common sense approach needs to be applied in the context of availability for practical reasons. For example, it should allow the claimant time to wash, dress and have breakfast and travel to the required place but would be inconsistent with allowing a claimant to go away for the weekend without they were contactable and the acceptance they would be able to return to attend an interview or take up a job if required.

Note 2: When considering a claimant's appearance (see 5.), care must be taken not to impose personal standards prejudices, choices or unreasonable requests on the claimant or any activities that may incur costs for the claimant. For further guidance on what might be reasonable regarding appearance and what is acceptable behaviour see ADM Chapter K2.

Example 1

Karl is in receipt of UC and has a work availability requirement with no limitations. In order to improve his prospects of finding work as an IT engineer, Karl has enrolled at his own expense on a training course. He did not discuss this with his work coach at the Jobcentre. The training course has cost Karl a significant amount of money in fees and Karl says that he is not prepared to take time off the course or give it up in order to attend any job interviews that may arise. The DM determines that Karl is not complying with his work availability requirement.

Example 2

Kirsty is in receipt of UC and has a work availability requirement with no limitations. Kirsty fails to take up the offer of a job interview the work coach advises her of in her journal for Monday morning. She tells her work coach she had gone away for the weekend to a music festival with friends which had been planned for months and the tickets cost her a lot of money. She says she had pre booked travel tickets to travel home on the Monday morning. Kirsty has failed to comply with the work availability requirement.

J3114 The DM determines whether the

1. type or

2. types of employment

that the claimant is available for are paid work¹.

J3115 The DM can decide that claimants are not available for paid work, even if they have not refused an offer of work¹.

1 [R\(U\) 44/53](#)

J3116 Whether claimants are available for paid work depends on their intentions and attitude towards taking paid work. It should generally be accepted that people are available for paid work if

1. they say they are available **and**
2. they do all that is required of them to prove their availability **and**
3. they give the promises that are normally accepted as proving availability **and**
4. there is nothing in their statements or actions to suggest they are not available¹.

Note: There may be evidence that claimants have taken action to seek paid work. However they may not be able and willing to start work at once, for example because they are engaged in some other activity that they are unable or unwilling to leave (see J3142). It would be for the DM to consider each case on its own individual merits, facts and circumstances to determine whether it is reasonable.

1 [R\(U\) 3/65](#)

J3117 – J3127

Forbidden by law to take paid work

J3128 To be available for paid work a claimant must be able to take up employment in accordance with the law of the UK¹.

1 [R\(U\) 13/57](#) ; [R\(U\) 1/82\(T\)](#)

Example 1

Hassan who does not have a right to live in the UK, is granted a work permit that is valid for one particular type of employment. He is not allowed to take other employment without permission of the HO. When his employment ends he claims UC. Any offer of employment made to Hassan is subject to a work permit being obtained, from the HO, first. Without obtaining a work permit he is not able to take employment, at once, in accordance with UK legislation. Hassan is not available for work.

Example 2

Maria from Brazil has a permit to stay in the UK and take up employment. She does not comply with the conditions of the permit and it is withdrawn. Maria is ordered to leave the country by a certain date in a

deportation order. She is not available for paid work unless the deportation order is revoked and the permit reinstated.

J3129 – J3140

Interviews

J3141 A claimant has to be treated as having not complied with a work availability requirement if the claimant is not

1. willing and

2. able

immediately to attend an interview in connection with getting paid work¹.

1 [UC Regs, reg 96\(1\)](#)

Example 1

Joff is reluctant to immediately attend a job interview that could result in him getting paid work. He takes the view that he needs to spend time on preparation and research before attending any interview in order to give himself the best chance of success. In any case, Joff thinks that he has a decent prospect of a job interview in about a fortnight's time – he is just waiting for an employer to get back to him - and he wants to concentrate his efforts on that possible interview. Despite being advised by the Jobcentre about the requirement to be willing and able to immediately attend an interview, Joff won't change his mind. The DM determines that Joff does not comply with a work availability requirement.

Example 2

Rory is in receipt of UC. His adviser at the Jobcentre has spotted a vacancy which Rory would be suitable for. The employer wishes to fill the vacancy as quickly as possible and can interview applicants straight away. Rory's adviser contacts Rory about the vacancy and tells him that the employer can see him that afternoon. Rory says he will not attend the interview because he thinks it's too short notice and in any case, he was planning on completing an application form for another vacancy that afternoon. The DM determines that Rory does not comply with a work availability requirement.

Treated as having complied with a work availability requirement

J3142 Even though a claimant is not actually able to immediately take up paid work, a claimant has to be treated as having complied with a work availability requirement where¹ they are

1. a responsible or relevant carer or

2. engaged in voluntary work or

3. employed under a contract of service.

However certain conditions apply and the following paragraphs provide guidance on those conditions.

[1 UC Regs, reg 96\(2\)](#)

Carers

J3143 Where the

1. claimant is a

1.1 responsible carer **or**

1.2 relevant carer **and**

2. Secretary of State is satisfied that as a result the claimant needs

2.1 a period of up to one month to take up paid work **or**

2.2 up to 48 hours to attend an interview in connection with obtaining paid work

taking into account alternative care arrangements

and

3. claimant is able and willing to

3.1 take up paid work **or**

3.2 attend an interview

on being given notice for the period in **2.1** or **2.2**

then the claimant is to be treated as having complied with a work availability requirement¹.

Note: ADM Chapter J2 provides guidance on the nomination of responsible carer and responsible foster parent.

[1 UC Regs, reg 96\(3\)](#)

Example

Jules and Jim are in receipt of UC. They have a child aged 14 at secondary school. For the purposes of their award of UC, Jules has been nominated as the responsible carer. In order to satisfy her work availability requirement, Jules is not required to be able and willing to immediately take up work. She must, however, be able and willing to attend an interview on 48 hours' notice and take up paid work on

one month's notice. If Jules is not able and willing to do this then she does not satisfy the work availability requirement. Jim is required to be able and willing immediately to take up work.

J3144 A relevant carer means¹

1. a parent of a child who is not the responsible carer but has caring responsibilities for the child **or**

2. a person who has caring responsibilities for a person who has a

2.1 physical **or**

2.2 mental

impairment which requires such care.

[1 UC Regs, reg 85](#)

Example

Savvi lives with her mother. Savvi's mother is elderly and is becoming quite forgetful and frail. She needs Savvi's help occasionally through the day. Savvi usually cooks her mother's meals and accompanies her if she has to go anywhere. She also helps her mother in dealing with any official communications, for example, sorting out doctor's appointments and completing benefit forms. Savvi's adviser has agreed that Savvi does not need to be able and willing to immediately take up paid work. Instead she only needs to be able to take up paid work given a month's notice and to attend an interview given 48 hours notice. This is recorded on Savvi's claimant commitment. Savvi is a relevant carer and satisfies the work availability requirement.

Voluntary work

J3145 Where the

1. claimant is doing voluntary work **and**

2. Secretary of State is satisfied that as a result the claimant needs

2.1 a period of up to one week to take up paid work **or**

2.2 up to 48 hours to attend an interview in connection with obtaining paid work **and**

3. claimant is able and willing to

3.1 take up paid work **or**

3.2 attend an interview

on being given notice as in **2.1** or **2.2**

then the claimant is to be treated as having complied with a work availability requirement¹.

1 [UC Regs, reg 96\(4\)](#)

Example

Elizabeth is the secretary of the local sports association. The work is unpaid. As part of her voluntary duties, Elizabeth is heavily involved in all aspects of the administration of the sports association and is often at the club doing paperwork, attending meetings, taking enquiries and tidying up. In addition, Elizabeth helps run the local junior football league. Elizabeth says that, although she can't always immediately take up paid work due to commitments to the sports association, she could attend a job interview if given the appropriate notice of up to 48 hours and take up paid work if given the appropriate notice of up to a week. Elizabeth does comply with a work availability requirement.

J3146 – J3149

Employed under a contract of service

J3150 Where the claimant is

1. employed under a contract of service **and**

2. required to give notice to end their contract

2.1 under relevant legislation¹**or**

2.2 under the contract of employment **and**

3. able and willing to take up paid work once the notice period has expired **and**

4. able and willing to attend an interview on being given 48 hours notice

then the claimant is to be treated as having complied with a work availability requirement².

1 [ER Act 96, s 86](#); 2 [UC Regs, reg 96\(5\)](#)

Example

Chris works 16 hours a week for a supermarket. He is not immediately available for other paid work because under his contract of employment Chris is required to give one week's notice. However, he is willing and able to take up other paid work on the expiry of this notice period. Chris is also able and willing to attend a job interview on being given 48 hours' notice. Chris is treated as complying with a work availability requirement so long as he is subject to his contract of employment.

Limitations on the work search and work availability requirement

J3160 - J3179

Limitations on the work search and work availability requirement

[Introduction](#) J3160

[Location](#) J3161 - J3162

[Previous paid work](#) J3163 - J3166

[Physical and Mental impairments](#) J3167 - J3169

[Home schooling](#) J3170 - J3175

[Expected hours of work](#) J3176 - J3179

Introduction

J3160 In certain circumstances limitations can be imposed on a claimant's

1. work search requirement **and**
2. work availability requirement¹.

Note: As well as prescribed limitations, the work coach should be mindful of all the claimant's individual circumstances and whether any discretionary easements are appropriate particularly where there is any indication of vulnerabilities or complex needs (see J3250) or adverse conditions outside of the claimant's control that could impact what they can reasonably be required to do (see J3301 et seq). For guidance on what may need to be considered during the coronavirus pandemic see J3311.

1 [WR Act 12, s 17\(4\) & 18\(3\)](#)

Location

J3161 A work search requirement and a work availability requirement must be limited to work that is in a location which would normally take the claimant a maximum of 90 minutes each way to travel from

1. home to the location **and**
2. the location to home¹.

Note: Travelling time **includes** the time spent waiting for transport connections after the journey has started.

1 [UC Regs, reg 97\(3\)](#)

J3162 When considering how long it would normally take to travel, regard should be given to

1. the claimant's normal method of transport
2. the availability of transport such as frequency of public transport and cover in rural areas
3. any personal factors, for example a driving ban
4. impairments which may cause travelling independently between locations to take longer than it would for someone without such an impairment
5. any government imposed restrictions on local travel (for example; only essential local travel restrictions imposed during the coronavirus pandemic), also see J3311.

Example

Marvin has made a claim for UC and is subject to all work-related requirements. Although Marvin has passed his driving test and has a driving licence, he has no car and is reliant on public transport. Marvin's work search and work availability requirement must be limited to locations which would take him up to 90 minutes to travel to each way by public transport.

Previous paid work

J3163 A claimant who has previously carried out work

1. of a particular nature **or**
2. paid at a particular level

must have their work search requirement and work availability requirement limited to work of that nature or level of pay where the Secretary of State is satisfied that the claimant has reasonable prospects of getting paid work with those limitation(s)¹.

1 [WR Act 12, s 17\(5\)\(a\) & \(b\) & s 18\(4\)\(a\) & \(b\), UC Regs, reg 97\(4\)](#)

Example

Alex has claimed UC after losing his job as a secondary school teacher. Before he was made redundant, he was a main scale teacher with no leadership responsibilities. On making his claim to UC, Alex informed Jobcentre Plus that he wanted to remain in the teaching profession at the same level as he had been before his redundancy. There are a number of secondary schools within 90 minutes travelling distance of where Alex lives. Alex's work coach is satisfied that Alex has reasonable prospects of returning to work as a main scale teacher and so Alex's work search and work availability requirement are limited to that profession for a period calculated as per J3164 from the date of claim to UC.

Period of limitation

J3164 The determination to apply the period of limitation in J3163 can be only for a period not exceeding

1. three months if the claim is prior to 8.2.22 (however see the guidance on the transitional provision at

J3166) or

2. four weeks if the claim is on or after 8.2.22¹.

Note: The limitation is for such period as the Secretary of State thinks appropriate up to the maximum at J3164 1. and 2.

1 [UC Regs, reg 97\(4\)](#)

J3165 The period of limitation¹ takes effect from the date

1. of the claim² or

2. on which the claimant ceases work after exceeding the earnings threshold if after the date of claim³.

Note: See guidance at J3166 if a limitation was already in place on 8.2.22.

1 [UC Regs, reg 97\(4\)](#); 2 [reg 97\(5\)\(a\)](#); 3 [reg 97\(5\)\(b\)](#)

Example

Jake claims UC from 14.2.22. He has been made redundant from his job as a computer skills training officer. He wishes to look for work in this field and the work coach is satisfied that there are plenty of opportunities in his locality in this type of work and so thinks Jake has reasonable prospects of getting work soon in the computer skills training sector. Limitations on Jake's work search and work availability requirements are set for four weeks from 14.2.22.

Transitional provision

J3166 Where a work search requirement or work availability requirement is already limited on 8.2.22 the limitation is to end on

- 1.** the day before the date on which the limitation no longer applies **or**

- 2.** 7.3.22

whichever is soonest¹.

1 [UC Regs, reg 97\(4\)](#)

Example

Lizzy was made redundant from her job as a personal trainer at a local gym and claims UC from 10. 1. 22. She has already applied for several vacancies at other gyms in her locality and the work coach is satisfied she has a reasonable prospect of getting another job as a personal trainer and so applies a limitation on her work search and work availability requirements for 3 months. Lizzy is still claiming UC on 8.2.22 so the limitation is lifted from 7.3.22. From 8.3.22 no limitation will apply and Lizzy will have to extend her work search and work availability to other jobs.

Physical and mental impairments

J3167 A claimant who demonstrates that

- 1.** they have a
 - 1.1** physical **or**

 - 1.2** mental impairment **and**

- 2.** their ability to carry out work
 - 2.1** of a particular nature **or**

 - 2.2** in particular locations

is substantially adversely affected due to the impairment, must not have a work search requirement or work availability requirement related to work of that nature or in those locations¹.

1 [UC Regs, reg 97\(6\)](#)

Home schooling

J3170 If a claimant wants to home school their children then normally no special provision is given to reduce work search or work availability requirements, on that basis alone, compared with parents of children of the same age who are conventionally schooled.

J3171 If the claimant is the 'responsible carer' for the children¹, any work search and/or work availability requirements expected of the claimant would ordinarily be limited to the number of hours that is determined to be their expected number of 'looking for work' hours per week². This takes into account a claimant who is the responsible carer for a child who has not reached compulsory school age, as well as those who have, but who are under 13-years-of-age, to limit their availability to the hours the children are at school. However, see J3172.

Note: There is no right to Home-Schooling in the Education Act.

1 [UC Regs. reg 97\(2\)](#); 2 [reg 88](#)

J3172 An exception to this would be if home-schooling is required in an emergency, rather than out of conviction or dissatisfaction with the local schools which would be on a more permanent basis, but because the school is closed temporarily. Discretionary easements could be applied to allow parents to do home-schooling until such time as the school is open again. For example; the school is shut due to fire or flood damage or due to national imposed government restrictions such as during the coronavirus pandemic. See further guidance at J3250, J3301 and J3311.

Note: The DM would consider all the facts and circumstances of the individual case to determine what is reasonable in the circumstances.

Example

Faye claims UC. She is a single parent and has 4 children between the ages of 6 and 16 for whom she is the responsible carer. Normally her work search and availability requirements are tailored to school hours. However, due to an outbreak of positive tests of coronavirus at the school where her 2 youngest children attend and recent lockdown restrictions imposed, the school has been closed and the children are expected to be home schooled. Faye's work search and availability requirements are switched off until such time as the school reopens.

Expected hours of work

J3176 If a claimant has limited their expected hours of work on the grounds of

1. being a relevant carer **or**

2. being a responsible carer **or**

3. having a physical or mental impairment

then their work search requirement and work availability requirement must be limited to the same number of hours per week¹. **J3062** et seq provides guidance on the exceptions to the expected number of hours of work.

1 [UC Regs, reg 97\(2\)](#)

Example

Carrie is the responsible carer for her son, Joe who is aged 14. As a result of having to care for Joe, Carrie's agreed expected weekly hours of work are 30. Carrie's work search and work availability requirement are therefore also limited to 30 hours a week of paid work. Carrie need only be available for paid work of 30 hours a week and need only spend 30 hours a week searching for this work.

J3177 – J3179

Imposition of work-related requirements J3180 - J3249

Imposition of work-related requirements

[Claimants with no requirements imposed on them: domestic violence](#) J3180 - J3191

[Circumstances in which requirements must not be imposed](#) J3192 - J3225

[Unreasonable to comply with a work search or work availability requirement](#) J3226 - J3230

[Work-related requirements in continuing periods of sickness](#) J3231 - J3232

[Monthly earnings](#) J3233 - J3249

Claimants with no requirements imposed on them: domestic violence

J3180 In certain circumstances a claimant who has been a recent victim of domestic violence cannot have any work-related requirements imposed on them and any existing requirement ceases. A recent victim of domestic violence means a person who has had domestic violence

1. threatened **or**

2. inflicted

upon them in the last six months¹.

¹ [UC Regs, reg 98\(2\)](#)

J3181 The domestic violence has to have been inflicted or threatened against the claimant by the¹

1. claimant's

1.1 partner **or**

1.2 former partner if the claimant is no longer a member of a couple **or**

2. claimant's

2.1 grandparent

2.2 grandchild

2.3 parent

2.4 parent-in-law

2.5 son

2.6 son-in-law

2.7 daughter

2.8 daughter-in-law

2.9 step-parent

2.10 step-son

2.11 step-daughter

2.12 step-brother

2.13 step-sister

2.14 brother

2.15 brother-in-law

2.16 sister

2.17 sister-in-law.

Note: For any of the people listed at **2.1** to **2.17**. This also includes their partner if they are a member of a couple².

1 [UC Regs, reg 98\(3\)\(a\)](#); 2 [reg 98\(4\)](#)

Definitions

J3182 In paras **J3180** to **J3190** a number of terms are defined.

Domestic violence

J3183 Domestic violence means¹ any incident or pattern of incidents of controlling behaviour, coercive behaviour, violence or abuse including (but not limited to)

1. psychological abuse

2. physical abuse

3. sexual abuse

4. emotional abuse

5. financial abuse

regardless of the gender or sexuality of the victim. The Appendix to this Chapter provides examples of domestic violence.

Note 1: Coercive behaviour means² an act of assault, humiliation, intimidation or other abuse that is used to harm, punish or frighten the victim.

Note 2: Controlling behaviour means³ an act designed to make the victim 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

[1 UC Regs, reg 98\(4\); 2 reg 98\(4\); 3 reg 98\(4\)](#)

Example 1

Abdul and Gita are married. Gita threatens Abdul with a kitchen knife during an argument after Abdul tells her that he wishes to give up work and return to education. She doesn't actually use the knife but it is intended to frighten Abdul. This is an example of coercive behaviour.

Example 2

Susan is married to Jim. Jim does not allow Susan to contact her parents or other members of her family. Jim tells Susan that she cannot communicate with them in any way unless he gives her permission. This is an example of controlling behaviour because Jim is isolating Susan from a source of support.

Health care professional

J3184 In **J3185** a HCP means¹ a person who is a member of a profession regulated under relevant legislation².

[1 UC Regs, reg 98\(4\);](#)

[2 National Health Service Reform and Health Care Professions Act 2002, s 25\(3\)](#)

Person acting in an official capacity

J3185 A person acting in an official capacity means¹

1. a HCP

2. a police officer
3. a registered social worker
4. the claimant's employer
5. a representative of the claimant's trade union
6. any public, voluntary or charitable body which has had direct contact with the victim in connection with domestic violence.

1 [UC Regs, reg 98\(4\)](#)

Registered social worker

J3186 Registered social worker means¹ a person registered as a social worker on a register maintained by the

1. Health and Care Professions Council
2. Social Care Wales
3. Scottish Social Services Council
4. Northern Ireland Social Care Council.

1 [UC Regs, reg 98\(4\)](#)

Victims of domestic violence

J3187 Where a claimant has recently been a victim of domestic violence and the circumstances in **J3190** apply then

1. any work-related requirement imposed on them ceases to have effect for a period of 13 consecutive weeks¹**and**
2. the Secretary of State must not impose any other work-related requirement on that claimant during that 13 week period².

Note: Also see the guidance at J3250 et seq regarding discretionary easements where the domestic violence is out-with the 13 week period.

1 [UC Regs, reg 98\(1\)\(a\)](#); 2 [reg 98\(1\)\(b\)](#)

J3188 Where the claimant in J3187

1. is subject to all work-related requirements **and**

2. has been a recent victim of domestic violence **and**

3. is the responsible carer of a child

then no work search or work availability requirement can be imposed on the claimant for a further period of 13 weeks beginning on the day after the period referred to in **J3187** expires¹.

[1 UC Regs, reg 98\(1A\)](#)

J3189 The 13 week period in **J3187 1.** begins on the date that the claimant notified the Secretary of State of the threatened or inflicted domestic violence¹.

[1 UC Regs, reg 98\(1\)\(a\)](#)

J3190 In order for the easement in **J3187** to apply, the claimant

1. must notify the Secretary of State in the specified manner that domestic violence has been

1.1 inflicted on **or**

1.2 threatened against

them during the period of six months ending on the day of the notification¹**and**

2. must not have the benefit of this easement for a period of 12 month period immediately prior to the date of the notification²**and**

3. must not on the date of the notification be living at the same address as the person who inflicted or threatened the domestic violence³**and**

4. must provide evidence as soon as possible (and no later than one month from the date of the notification) from a person acting in an official capacity that shows that

4.1 their circumstances are consistent with having had domestic violence inflicted or threatened against them during the six month period ending on the date of the notification **and**

4.2 they made contact with the person acting in an official capacity regarding the incident during the six month period⁴.

[1 UC Regs, reg 98\(3\)\(a\); 2 reg 98\(3\)\(b\); 3 reg 98\(3\)\(c\); 4 reg 98\(3\)\(d\)](#)

J3191 In order for the full 13 week easement to apply, evidence must be supplied within the timescale described in **J3190 4.** If evidence is not supplied within this limit then the easement ends after one month after the claimant notifies the Secretary of State as in **J3190 1.** However, also see the guidance on complex needs at J3250 regarding discretionary easements.

Example 1

Harry is in receipt of UC and is in the all work-related requirements group. He notifies the Jobcentre that his partner Tom attacked him in their home and that the police are dealing with the incident. Harry and Tom share the same house and neither intends to move out. The DM determines that the domestic violence easement cannot apply to Harry because at the date of the notification Harry was living at the same address as Tom.

Example 2

Angela is in receipt of UC and is in the all work-related requirements group. She reports to the Jobcentre on 1.7.13 that her then partner physically attacked her two weeks earlier and that he has now moved out of the family home. The DM determines that the work-related requirements imposed on Angela do not apply for four weeks from 1.7.13 to 31.7.13 (both dates inclusive). Angela must also supply before 1.8.13 evidence from a person acting in an official capacity that demonstrates that her circumstances are consistent with her notification of 1.7.13. If this is done then no work-related requirements can be imposed on Angela for a further nine weeks the period 1.8.13 to 29.9.13. Therefore, the total easement, if evidence is supplied, is 13 weeks.

Circumstances in which requirements must not be imposed

[\[See memo ADM 6/18\]](#) [\[See Memo ADM 5/23\]](#)

J3192 In certain circumstances the Secretary of State must not impose a work search requirement on claimants in the all work-related requirements group¹ and any existing requirements cease for as long as the circumstances apply². So long as those circumstances apply then the claimant **also** does not have to be able and willing to immediately take up work or attend an interview³.

1 [UC Regs, reg 99\(1\)\(a\)](#); 2 [reg 99\(2\)](#); 3 [reg 99\(1\)\(b\)](#)

J3193 The circumstances where J3192 applies are where

1. the claimant is attending a court or tribunal as a party to any proceedings or as a witness¹
2. the claimant is a prisoner²
3. the claimant is temporarily absent from GB for a period not expected to (and does not) exceed six months because they are
 - 3.1 receiving medical treatment outside GB **or**
 - 3.2 receiving medically approved convalescence or care as a result of an illness or disability which they had in GB **or**

3.3 taking their partner, child or qualifying young person for whom they are responsible outside GB for medical treatment or for medically approved convalescence or care³

4. it is within six months of the death of⁴

4.1 the claimant's partner, where the claimant was the member of a couple **or**

4.2 a child or qualifying young person for whom the claimant or their partner is responsible for **or**

4.3 a child of whom the claimant is the parent

5. the claimant is receiving and participating in a structured recovery orientated course of

5.1 alcohol **or**

5.2 drug

dependency treatment for a period of up to six months⁵

6. the claimant is under protection due to their involvement in investigations or proceedings for a period of up to three months⁶

7. the claimant is engaged in an activity in the nature of a public duty approved by the Secretary of State⁷.

1 [UC Regs, reg 99\(3\)\(a\)](#); 2 [reg 99\(3\)\(b\)](#); 3 [reg 99\(3\)\(c\)](#); 4 [reg 99\(3\)\(d\)](#); 5 [reg 99\(3\)\(e\)](#);
6 [reg 99\(3\)\(f\)](#); [Serious Organised Crime and Police Act 2005, s 82](#); 7 [UC Regs, reg 99\(3\)\(g\)](#)

Attending a court or tribunal

J3194 Where the claimant attends a court or tribunal as a

1. party to the proceedings **or**

2. witness

then a work search requirement must not be imposed and the claimant **also** does not have to be able and willing to immediately take up work or attend an interview¹. Tribunal means any tribunal listed in specific legislation².

1 [UC Regs, reg 99\(3\)\(a\)](#); 2 [reg 99\(7\)](#); [Tribunal and Inquiries Act 1992, Sch 1](#)

Prisoners

J3195 A prisoner¹ is a person detained in custody

1. following sentence to a term of imprisonment by a criminal, civil or military court, and includes a person

1.1 temporarily removed from prison to hospital **or**

1.2 living outside the prison under a pre-release employment scheme²**or**

1.3 released on temporary licence which may be allowed for a variety of reasons including

1.3.a home leave **or**

1.3.b attendance at rehabilitation courses **or**

1.3.c work during the daytime **or**

2. on remand awaiting trial or awaiting sentence upon conviction. This includes people temporarily removed from prison to hospital **or**

3. released early under the End of Custody Licence arrangements.

ADM Chapter E3 provides further guidance on prisoners.

1 [UC Regs, reg 2\(1\)](#); 2 [R\(I\) 9/75](#)

J3196 A prisoner must not have a work search requirement imposed on them and the claimant **also** does not have to be able and willing to immediately take up work or attend an interview¹.

1 [UC Regs, reg 99\(3\)\(b\)](#)

Temporarily absent from GB

J3197 Where a claimant is temporarily absent from GB solely because they are

1. receiving medical treatment abroad under the supervision of a qualified practitioner **or**

2. undergoing medically approved convalescence or care following treatment for an illness or condition where the claimant had that illness or condition before leaving GB **or**

3. accompanying their partner or a child or qualifying young person for whom they are responsible for medical treatment or medically approved convalescence or care

then a work search requirement must not be imposed and the claimant **also** does not have to be able and willing to immediately take up work or attend an interview¹.

1 [UC Regs, reg 99\(3\)\(c\)](#) & [reg 11\(3\)](#)

J3198 The period of absence from GB cannot be expected to and does not exceed six months¹.

J3199 Guidance on deciding on whether an absence is temporary can be found ADM Chapter **C1**.

Within six months of a death

J3200 Where it is within six months of the death of

1. the claimant's partner¹ **or**
2. a child or qualifying young person² for whom the

2.1 claimant **or**

2.2 claimant's partner

is responsible **or**

3. a child, for whom the claimant is the parent³

a work search requirement must not be imposed and the claimant **also** does not have to be able and willing to immediately take up work or attend an interview.

1 [UC Regs, reg 99\(3\)\(d\)\(i\)](#); 2 [reg 99\(3\)\(d\)\(ii\)](#); 3 [reg 99\(3\)\(d\)\(iii\)](#)

J3201 A child means¹ a person aged under 16. For guidance on what a qualifying young person is, see ADM Chapter E2.

1 [WR Act 12, s 40](#)

J3202

Structured recovery orientated course

J3203 For a period of up to six months a claimant who is receiving and participating in a structured recovery orientated course of

1. alcohol **or**
2. drug

addiction treatment¹ cannot have a work search requirement imposed on them and the claimant **also** does not have to be able and willing to immediately take up work or attend an interview.

1 [UC Regs, reg 99\(3\)\(e\)](#)

Protection of persons involved in investigations and proceedings

J3204 For a period of up to three months a work search requirement cannot be imposed on a claimant who is under protection whilst involved in a criminal investigation or proceedings¹. The claimant **also** does not have to be able and willing to immediately take up work or attend an interview.

1 [UC Regs, reg 99\(3\)\(f\)](#)

Example

Joey has provided the police with information relating to a gang that he was an associate of. The gang is believed by the police to be involved in criminal activity. The police also believe that, as a result of providing this information, Joey is at risk from intimidation and attack by gang members. The police have therefore arranged for Joey to be placed under protection. For a period of up to three months whilst these arrangements are in place, a work search and a work availability requirement cannot be imposed on Joey.

J3205 The protection arrangements have to be made by a provider under relevant legislation¹.

1 [Serious Organised Crime and Police Act 2005, s 82](#)

J3206 Where the 3 month period has come to an end but the claimant is still under protection then DMs can consider applying J3226 **2.2**.

Engaged in a public duty

J3207 Where the claimant is engaged in an activity which the Secretary of State has approved as being in the nature of a public duty then a work search requirement cannot be imposed¹. The claimant **also** does not have to be able and willing to immediately take up work or attend an interview

1 [UC Regs, reg 99\(3\)\(g\)](#)

J3208 Examples of public duties which the Secretary of State may approve include

1. volunteer firefighters
2. lifeboat volunteers
3. special constables.

J3209 – J3214

Unfit for work

J3215 Where a claimant

1. is unfit for work

1.1 for a maximum of 14 consecutive days from the date that evidence in **2.** is provided **and**

1.2 for no more than two periods in any period of 12 months **and**

2. provides

2.1 for the first 7 days of when they are unfit for work, a self-certificate **and**

2.2 for any further days, a doctor's note¹

then a work-search requirement cannot be imposed on the claimant² and any work search requirement that has previously been imposed must come to an end. The claimant **also** does not have to be able and willing to immediately take up work or attend an interview.

1 [SS \(Med Ev\) Regs, Schedule 1, Part 1](#); 2 [UC Regs, reg 99\(4\)](#)

Note: see ADM **J3231** where the illness continues beyond the WCA.

Example

Lou is in the all work-related requirements group. He provides a self-certificate to say that he is unfit for work due to 'flu for five days. The work-related requirements that Lou was subject to no longer apply so long as he is within the period covered by the self-certificate.

J3216 – J3219

Where a child is affected by death or violence

J3220 Where the claimant is the responsible carer of a child and in the last 24 months there has been significant disruption to the claimant's normal child care responsibilities due to¹

1. the death of

1.1 a person who was previously the responsible carer of that child **or**

1.2 a parent of that child **or**

1.3 a brother or sister of that child **or**

1.4 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 of that accommodation **or**

2. 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

then a work search requirement must not be imposed on the claimant for the period(s) specified in **J3221**². Any existing requirements cease to apply³ and the claimant also does not have to be able and willing to immediately take up work or attend an interview during such period(s)⁴.

1 [UC Regs, reg 99\(4A\)](#); 2 [reg 99\(1\)\(a\)](#); 3 [reg 99\(2\)](#); 4 [reg 99\(1\)\(b\)](#)

J3221 The requirements must not be imposed for more than one period of a month in each of the four consecutive periods of six months following the event¹. Each period of one month begins on the date specified by the Secretary of State after the claimant has informed the DWP of their circumstances². The Secretary of State has to be satisfied that the circumstances do apply to the claimant.

1 [UC Regs, reg 99\(4B\)](#); 2 [reg 99\(4C\)](#)

Example

Jackie is the responsible carer of her child Alison. A doubt has arisen regarding Jackie's work search. Jackie is normally required to spend 20 hours a week looking for work. However, it would appear that she has not done that in the week commencing 30th November. When asked why she hasn't complied with her work search requirement, Jackie reveals that Alison has been very upset over the death of her brother Sam. Sam died eight months ago and Alison has suddenly become profoundly affected by it to the point where she is unwilling to go to school, will not communicate with her family and friends and is not sleeping or eating properly. This disruption has affected Jackie's work search with her spending time talking with Alison's school and a bereavement support group. The DM decides that Jackie's work related requirements should be lifted for a period of one month from 30th November. This means that no question of sanction or good reason arises.

J3222 If in respect of the same event, the guidance at ADM **J3187** or **J3200** applies to the claimant, then the period of one month is to run concurrently with any other period where requirements have not been imposed¹.

1 [UC Regs, reg 99\(4B\)](#)

J3223 – J3225

Unreasonable to comply with a work search or work availability requirement

J3226 Where the Secretary of State is satisfied that it would be unreasonable for the claimant to comply with a work search requirement (including one that has been limited) because the claimant is

1. carrying out¹

1.1 a work preparation requirement **or**

1.2 voluntary work preparation **or**

2. responsible for²

2.1 temporary childcare responsibilities **or**

2.2 dealing with a domestic emergency or funeral arrangements or other temporary circumstances **or**

3. unfit for work for³

3.1 a period longer than 14 consecutive days **or**

3.2 more than two such periods in any period of 12 months

and, where requested, has provided medical evidence

then the claimant cannot have a work search requirement imposed on them and any work search requirement previously imposed ceases to have effect from the date on which the circumstances in **1.**, **2.** or **3.** apply⁴.

1 [UC Regs, reg 99\(5\)\(a\)](#); 2 [reg 99\(5\)\(b\)](#); 3 [reg 99\(5\)\(c\)](#); 4 [reg 99\(2A\)](#)

Note 1: The provision of medical evidence as in **J3226 3.** does not automatically exclude a claimant from work-related activity, provided that it is appropriate and reasonable to that claimant, taking into account the claimant's health condition and capabilities. A claimant should accept a claimant commitment reflecting those activities and can be sanctioned for failing to undertake any accepted work-related activity.

Note 2: In every case care should be taken to make sure any indicators of complex needs or vulnerabilities are fully taken into account when considering what may be reasonable with regard to any work-related requirement. See further guidance at J3250 et seq.

Note 3: Each claimant has to fully understand what is required of them, by when, and the consequences of failing to comply in order to meet the public law principles of fairness – for further guidance see ADM Chapter K1.

Example 1

As part of a voluntary work preparation requirement, Donny is doing a week's jobshadowing at an accountancy firm. This has been agreed with his adviser because Donny wants to work in accountancy. Whilst performing this jobshadow, no work search requirement can be imposed on Donny because the DM is of the view that it would not be reasonable to comply with one whilst taking part on the jobshadow.

Example 2

Sally is in receipt of UC and is subject to all work-related requirements. Following an argument with her parents, Sally has been told to leave the family home. She has nowhere to go and has been sleeping rough whilst trying to find somewhere to live. She has now been given a place in a direct access hostel until something more permanent can be found (these hostels are intended for stays of a few days). Whilst Sally is dealing with this temporary situation and staying in the hostel no work search requirement can be imposed. If Sally's stay in the hostel continues then enquiries should be made as to why and consideration should be given to continue to extending the period of time that Sally is not required to comply with her work search requirement. Also see the guidance at J3250 et seq on complex needs.

Example 3

Ryan is in receipt of UC and is subject to all work-related requirements. Ryan has a minor cycling accident resulting in some broken fingers and his Doctor gives him a fit note for four weeks. This is his first period of sickness whilst in receipt of UC. Ryan's work search and availability requirements do not apply for the first 14 days of certified sickness. The DM however decides that it would be reasonable for Ryan to comply with appropriate work search activities from day 15 of his certified period of illness. Ryan accepts a new claimant commitment reflecting this and understands he may face a sanction if he fails to comply with any required activities.

Example 4

Mandy is in receipt of UC and is subject to all work-related requirements. Mandy suffers from depression and begins to submit medical evidence from her Doctor. This is the first sickness she has declared whilst in receipt of UC. Mandy's work search and availability requirements do not apply for the first 14 days of certified sickness. The DM initially decides that it would be unreasonable to impose any further work-search activity upon the claimant and the WCA process begins. After 10 weeks the DM considers that Mandy can undertake some work preparation activity, even though she is not expected to look for work at this stage. This helps Mandy feel more positive and focused to look for work. Although, Mandy is still submitting medical evidence, her condition has improved, and she agrees to undertake restricted (for 20 hours a week) work-search activity. Mandy accepts a claimant commitment reflecting this and understands she may face a sanction if she fails to comply with this activity. However the situation is kept under constant review for any signs of a sudden change in Mandy's mental health where easements may once more need to be applied.

J3227 There may be situations where the imposition of a work availability requirement should be looked at separately from the imposition of a work search requirement. **J3228 – J3230** provides guidance on this flexibility.

J3228 Where **J3226** applies then the Secretary of State may also be satisfied that it would be unreasonable to require the claimant to comply with a work availability requirement (including one that has been limited) to be able and willing to

1. take up paid work **and**

2. attend an interview¹.

“Able and willing to take up work” under a work availability requirement here means able and willing to take up paid work or to attend an interview once **J3226** no longer applies².

1 [UC Regs, reg 99\(5A\)](#); 2 [reg 99\(2B\)](#)

Example 1

Chester has claimed UC. When he made his claim for UC, he indicated that he considers himself too ill for work on the grounds of depression. He has now medical evidence in the form of a self certificate and a note from his doctor to support this. Chester’s doctor has provided a note to say that Chester should refrain from work for eight weeks. The DM has decided that Chester should undergo the WCA. For the first 14 days of certified sickness, no requirement to be able and willing immediately to take up paid work and no work search requirement can be imposed. Whilst Chester is waiting for his WCA, from the 15th day of sickness, the DM decides that it is unreasonable to require Chester to comply with a work availability and work search requirement. However, the DM decides that Chester must take part in a work focused interview by telephone to assess the level of support and frequency of interventions he will need.

Example 2

Chester is claiming UC for the third time in a 12 month period, due to sickness. He has submitted a fit note which covers the first 14 days of this episode of recurring depression. He is not automatically exempt from the requirement to be available immediately for work or to search for work, even for the first 14 days of sickness. But the DM decides that it would be unreasonable to require Chester to comply with a work availability and work search requirement during this period.

J3229 Where **J3226** applies then the Secretary of State may also be satisfied that it would be

1. unreasonable to require the claimant to comply with a work availability requirement to be able and willing to take up paid work **and**

2. reasonable to require the claimant to comply with a work availability requirement to be able and willing to attend an interview.

This includes where a work availability requirement is limited¹

1 [UC Regs, reg 99\(5B\)](#)

J3230 “Able and willing to take up work” under a work availability requirement for the purposes of **J3229** means¹

1. able and willing to take paid work once J3229 no longer applies **and**
2. able and willing to attend an interview before the circumstances in **J3229** no longer apply.

1 [UC Regs, reg 99\(2C\)](#)

Example

Clare is subject to work related requirements. Her daughter Chloe has been excluded from school until further notice following an incident. Chloe is to remain away from school until the incident has been investigated. Despite every effort, Clare has been unable to sort out other arrangements to look after Chloe and so has to be at home with her. Whilst Chloe is excluded from school, Clare is not required to comply with her work search requirement but the DM thinks that it is reasonable to require Clare to be available to attend an interview.

Work-related requirements in continuing periods of sickness

J3231 [\[See memo ADM 6/18\]](#) [\[See Memo ADM 5/23\]](#) Where it has been determined that the claimant

1. does not have LCW or LCWRA following the application of the WCA **or**
2. has been found not to have LCW or LCWRA following an assessment under ESA legislation¹**or**
3. is treated as not having LCW or LCWRA²**and**
4. they continue to submit medical evidence of that condition **and**
5. in the opinion of the Secretary of State the condition they are suffering from is the same **or**
6. substantially the same as the condition they were suffering from before the claimant was determined/treated as not having LC or LCWRA

then the Secretary of State can impose any **appropriate and reasonable** work-related requirement, taking into account their health condition and current capabilities.

Note: When considering setting any work-related requirements care should be taken to ensure all the claimants circumstances are fully taken into account and in particular any health conditions and be mindful of any indicators that may mean the claimant is particularly vulnerable or may have complex needs which means easements can be applied. See J3250 et seq.

1 [ESA Regs 13, regs 15 & 30](#); 2 [UC Regs, reg 43\(3\) & 44\(2\), reg 39\(1\)\(b\) & 40\(1\)\(b\)](#)

J3232 Work search and work-related requirements will not be imposed where

1. the claimant is referred for another WCA or

2. the Secretary of State determines that it would be unreasonable¹ for the claimant to comply with such a requirement (see **J3226**).

[1 UC Regs, reg 99\(5\), JSA Regs 13, reg 16\(4\)](#)

Example 1

Hilary is in receipt of UC and reports that she is suffering from a back condition (her first period of sickness whilst in receipt of UC). She provides a self-certificate for the first seven days, followed by a Doctor's note as medical evidence for a further seven days. No work search and work availability requirements are imposed for the first 14 days of sickness. Hilary's condition continues and two weeks later she submits another self-certificate for the first seven days, followed by a Doctor's note. No work search or availability requirements are imposed for a further 14 days. Hilary's work coach decides that from the 15th day of this second period of illness and in addition to work-focused interview and work preparation requirements, Hilary can undertake some reasonable work-related activity and her work search and work availability requirements are tailored appropriately. Hilary agrees a revised CC and the WCA process begins.

Following application of the WCA, Hilary is found not to have LCW. She continues to provide medical evidence of her back condition, which is substantially the same condition. The work coach decides that in addition to work-focused interview and work preparation requirements, it is reasonable for Hilary to continue to undertake further work-related activity and her work search and work availability requirements are revised, still taking into account her health condition. Hilary agrees a new CC reflecting those changed requirements.

Example 2

Hilary (as in Example 1) is found not to have LCW following the application of the WCA. Her health condition continues and in addition to work-focused interview and work preparation requirements, her previously agreed work search and work availability requirements continue. Four weeks later Hilary has a fall and badly fractures her wrist. She begins to submit medical evidence of this new condition. The Secretary of State decides that this is a substantially new medical condition and decides that it would be unreasonable to impose any work-search or work availability requirements for three weeks. After the 21st day and in addition to work-focused interview and work preparation requirements, her work coach decides it would be reasonable to revise Hilary's work search and work availability requirements, taking into account her current capabilities and health condition. Hilary agrees a revised CC reflecting those. The WCA process begins again to determine whether Hilary has LCW or LCWRA for this new condition.

Monthly earnings

J3233 [\[See memo ADM 6/18\]](#) The work search or work availability requirement must not be imposed where

1. a claimant has monthly earnings from employment that are equal to, or more than, 15 hours per week at the NMW **or**

2. the claimant is a member of a couple and their combined monthly earnings from employment are equal to or more than 24 hours per week at the NMW¹.

In both cases the amount is converted to a monthly amount by multiplying by 52 and dividing by 12.

Note 1: Monthly earnings excludes any that are not employed earnings.

Note 2: The work search or work availability requirement must not be imposed where the claimant has been determined to be in gainful self-employment and to whom the minimum income floor applies².

1 [UC Regs, reg 99\(6\)](#); 2 [reg 90\(5\)](#)

J3234 The reference amount applicable to a claimant or joint claimants is referred to as the “Administrative Earnings Threshold” or AET.

Note: for the purposes of calculating earnings thresholds, any fraction should be rounded **down** to the nearest whole pound¹.

1 [UC Regs, reg 6\(1A\)\(a & b\)](#)

Example 1

Rene is a single claimant in receipt of UC and is subject to all work-related requirements. Rene starts work in a café and receives net monthly earnings of £690 a month. The AET is £617. Rene’s earnings are in excess of the AET ($15 \times \text{NMW of } \pounds 9.50 \times 52 \div 12$) therefore a work search and a work availability requirement cannot now be imposed on him.

Example 2

Richard is a single claimant in receipt of UC and is subject to all work-related requirements. Richard is self-employed as an IT consultant. Richard has been determined to be in gainful self-employment and the minimum income floor applies. Therefore a work search and a work availability requirement cannot be imposed on him.

J3235 – J3249

Discretionary easement of work-related requirements J3250 - J3300

[Discretionary easement of work-related requirements](#) J3250 - J3252

[Complex needs](#) J3253 - J3260

[Multiple Complex Needs](#) J3261 - J3270

[Appointee in place](#) J3271 - J3330

Discretionary easement of work-related requirements

J3250 Claimants with complex needs may need additional support if their ability to undertake work-related requirements is disrupted for a temporary period of time due to their personal circumstances. In such cases the work coach can temporarily suspend conditionality requirements where

1. the claimant's needs are recognised as requiring a specific easement (for example domestic violence) which is prescribed for in legislation¹ **or**
2. it is unreasonable to expect the claimant to complete their requirements for a certain period of time (a discretionary easement).

1 [UC Regs, reg 95 - 99](#)

J3251 At any time where a claimant has complex needs (see **J3253**), a discretionary easement can be applied to work-related requirements if

1. the claimant has needs that require it **and**
2. complying with their work related requirements would be unreasonable in the circumstances.

J3252 In such cases the work coach or DM can temporarily suspend conditionality requirements for a

1. short, medium, or long period of time **or**
2. for recurring periods

depending upon the claimant's individual needs and providing the claimant can provide evidence to support their need (see **J3255**).

Note: DMs are reminded that the normal rules regarding evidence apply. The claimant does not need to provide physical supporting evidence to corroborate their account of events unless there is conflicting or contradictory evidence that puts their account of events in doubt or their story is inherently improbable, inconsistent or seems unlikely in the circumstances. For full guidance on Evidence see ADM Chapter A1.

Complex needs

J3253 Complex needs means the claimant is experiencing some difficult life event or personal circumstances that mean it would be unreasonable to expect them to meet their current work-related requirements. These could include:

- 1.** a sudden illness
- 2.** emergency/necessary care for a dependant child
- 3.** homelessness
- 4.** being a victim of harassment or bullying
- 5.** substance or alcohol addiction
- 6.** mental health issues (e.g. low self confidence and self esteem, anxiety state or depression)
- 7.** care leavers
- 8.** language or cultural barriers
- 9.** bereavement
- 10.** violence
- 11.** ex offenders or criminals
- 12.** declaration of suicide attempt or self harm
- 13.** discrimination (e.g. due to race, colour, religion, sexual orientation, gender etc.)
- 14.** coronavirus restrictions (**see Note 2**).

Note 1: This list is not exhaustive. It is for the DM to consider all the individual facts and circumstances and personal situation of the claimant.

Note 2: It is imperative that claimant's are allowed to adhere to local and national restrictions in place and follow public health advice and guidance with regard to coronavirus restrictions. It is also crucial that work coaches are sensitive to the impact of coronavirus restrictions and public health guidelines on a

claimant who is otherwise experiencing vulnerabilities, health conditions and complex needs. Also see guidance at J3311.

Note 3: See further guidance at J3331 regarding Afghan citizens who are in temporary housing.

J3254 It is important that the DM treats each situation individually considering

1. what the claimant can and cannot reasonably do to meet their conditionality requirements **and**
2. whether those requirements need tailoring to reflect their current circumstances.

Note 1: Each case has to be considered on its own individual facts and circumstances when considering what is reasonable for the specific claimant and the personal difficulties and life events they are facing. A claimant may often have one or more situations of complex needs at the same time, or may not even be aware they have complex needs.

Note 2: If a claimant has a complex need and their focus is on other things that are happening in their life, they may not be able to do what is usually expected of them, and their ability to undertake work-related requirements could be disrupted for a temporary period of time. Work coaches should be sensitive to those needs when setting any work-related requirements.

Note 3: Work coaches and DMs should be mindful that signs of an individual claimant's personal needs are not always visible or obvious.

Note 4: Also see the guidance on multiple complex needs at J3261.

J3255 Where a temporary easement of work-related requirements is considered appropriate, the easement will

1. begin on the date the claimant discloses their needs **and**
2. continue for as long as they provide evidence of the continued need (e.g. by providing specific written evidence from a person acting in an official capacity, such as a health worker, a housing association, a support worker or a member of a support service such as Respect).

Note: The claimant will usually need to take part in an interview to discuss the impact of their complex needs and any change to their current conditionality requirements (also see J3257). If the Claimant Commitment is changed as a result, they will have to accept a new Claimant Commitment recording those new conditionality requirements. However see guidance at J3256.

J3256 The impact of a particular situation will vary from claimant to claimant. Often, signs of an individual claimant's personal needs are not always visible or obvious. It is crucial that the claimant commitment reflects each claimant's individual circumstances, and is tailored and reasonable whilst still supporting a

return to work (more or better-paid work). Their lives may be too chaotic and complex to enable them without support to routinely keep appointments at designated times and places. For further guidance on the claimant commitment see ADM Chapter J1.

Note: If additional support is required it is essential to engage the claimant in the discussion and agree the best way forward by applying a flexible approach in tailoring specific, individual needs. It may not be reasonable or practicable to expect the claimant to take part in an interview to accept new commitments. The work coach and decision maker should apply a pragmatic approach in the individual circumstances on what is reasonable for the claimant. Commitments do not have to be accepted face to face and can be accepted by telephone or via the journal and in extreme cases a domestic visit might be the best way forward. The work coach should be as supportive and sensitive to the claimant's needs as is practically possible in the individual circumstances and engage the assistance of third party relationships to help with engaging with the claimant, for example with the local authority, housing support officers, mental health case workers.

Example

Sahlia makes a claim to UC and attends her initial work search interview.

She is living in a temporary hostel organised by 'Housing 4 Women' following an argument with her family who forbade her from going to work, which led to her leaving. Her family said she was dishonouring them by working alongside men who were not members of her own family and was becoming too influenced by the other girls she worked with who were not of her own faith. Her family were dictating to her what she should wear, who she could talk to and be friends with, and they also were pressuring her into an arranged marriage.

It was a very difficult decision for Sahila to leave her family and she is worried what will happen if her family find out where she is living. She is torn between wanting to be loyal to her family and beliefs, and having the freedom to make her own life choices and become independent.

Sahila tells her adviser that she enjoyed her job in a popular high street fashion shop and would like to remain in that field. Her aim is to promote fashionable clothes on the high street for Asian women but she feels incapable of doing anything at the moment due to her overwhelming situation. Sahila has written evidence from 'Housing 4 Women' supporting her current situation.

Sahlia is very emotional at present, her confidence and self esteem are very low and she is feeling despondent and very anxious about her future.

Sahlia's work coach allows a temporary easement period in respect of her work-related requirements to allow her to manage her life, and provide her with the flexibility she needs at this time to move and settle into a new area. Her claimant commitment is tailored to reflect this temporary situation, which Sahila accepts.

The work coach agrees with Sahlia she will contact her again in a month's time to have a chat and see how she is getting on.

J3257 A complex needs situation can occur unexpectedly and at any time. It is essential therefore that where a claimant fails to comply with a work-related requirement, and before referring the case to a DM to consider sanction action, a check is made to see if there is any evidence or indicators that the claimant has a complex need or vulnerabilities which may require an easement to be applied. However, it may not be until the claimant fails to comply with a work-related requirement and faces a sanction that they actually disclose the personal difficulties they are facing in their 'good reasons'. Disclosure is often dependant on the sensitive nature or the complexity of the issue(s) and the vulnerability of the individual claimant. Some claimants fear being stigmatised because of their complex needs. In such cases, if the case has already been referred for a sanction decision, the DM will make a determination on 'good reason' for the particular failure and return the case to the work coach to consider temporarily suspending conditionality requirements until the need no longer exists.

Note: See ADM Chapter **K2** (Good reason) for guidance on the impact of complex needs on good reason and sanctions and the illustrative examples at **K2057** and **K2144**.

J3258 – J3260

Multiple Complex Needs

J3261 Multiple complex needs are persistent, problematic and interrelated health and social care needs which impact on an individual's life and their ability to function in society. They are likely to include repeated homelessness, mental, psychological and physical health problems, drug and alcohol dependency, and offending behaviour. People in this group are more likely to experience violence and abuse, including domestic violence, live in poverty and have experienced trauma in childhood or throughout their lives. They often have ineffective contact with services, partly because most public services are designed to deal with one problem at a time and to support people with single, severe conditions. Lacking effective support from services, people with multiple complex needs may end up in a downward spiral of mental ill health, homelessness, drug and alcohol problems and crime. People with multiple disadvantage are likely to live in poverty and experience stigma, discrimination, isolation and loneliness.

J3262 Attitudes and language play a significant part in how we approach the support of people with multiple complex needs and a broader health and social care view should be taken. The delivery of UC is through the use of Journal messages, letters and phone to make contact. For a homeless person these are not appropriate methods of contact and all avenues must be explored to contact the customer remembering that if a customer is homeless they most likely will not be able to access the journal, answer the phone or receive a letter. Their lives may be too chaotic and complex to enable them without support to routinely keep appointments at designated times and places. Certainly it is probably more appropriate to impose easements on work-related requirements for someone with multiple complex needs rather than consider enforcing conditionality and making referrals for sanctions. Tailoring support to the individual will be vital. Assumptions should not be made about a claimant's ability, literacy and language skills to be able to access services. It may be possible to develop and use third party relationships to assist and advocate for this claimant group such as the local authority, social workers, housing officers, mental health case workers. In almost all cases Advanced Customer Support will be

required and the recording and sharing of vital information about the claimant's complex needs to all interested parties will be crucial.

J3263 - J3270

Appointee in place

J3271 In all appointee cases the need for a claimant to accept a claimant commitment commitment is waived (see further guidance in ADM Chapter J1) and work-related requirements are switched off. There should be no mandatory activities, including mandatory WFI's and no sanction action taken.

J3272 Some appointee claimants may wish to do some work-related activity with jobcentre support, such as voluntary work, and a claimant, the appointee and work coach may agree voluntary activities together.

J3273 - J3330

Adverse conditions that may effect work-related requirements (including coronavirus) J3301 - J3999

[Fire, flood, plague and pestilence](#) J3301 - J3310

[Coronavirus pandemic](#) J3311 - J3330

[Afghan Citizens on the Resettlement Scheme and Ukrainian citizens on the Homes for Ukraine or Ukraine Families Scheme](#) J3331 - J3999

Adverse conditions that may effect work -related requirements (including coronavirus)

Fire, flood, plague and pestilence

J3301 Where adverse conditions contribute to the claimant's ability to carry out any work-related requirements, for example; fire, floods, storms, plague and pestilence, a claimant can have

1. a temporary easement of their work-related requirements applied (see J3250) **or**
2. restrict their work search to the job

2.1 they cannot do **or**

2.2 were laid off from

for up to 3 months.

Note 1: DMs should be mindful that a pragmatic and common sense approach should be adopted in such cases when considering any work-related requirements, compliance and good reason.

Note 2: Claimants will normally be able to show good reason for failures to apply for and accept other jobs. See further guidance in ADM Chapter K2 (in particular the guidance at K2175 refers).

Note 3: DMs should also be mindful of the impact of such disasters on the claimant's mental and physical health and their emotional well-being.

Example

Ranvir is in receipt of UC and normally works at a hairdressers 3 days a week. She is a single parent and has 2 children aged 7 and 9. Due to local storms the hairdressers shop is flooded and the owner has had

to temporarily close the shop for the damage to be repaired.

Ranvir is a qualified and very experienced hairdresser and beautician. Before she had her children she worked in a prestigious salon in a busy city centre. Her current employment is in a small, family run hairdressers in the same village where she lives with her elderly mother and where the 2 children go to school. Although she has a driving license she does not have a car.

Her current CC reflects her circumstances with appropriate limitations and reductions in her work search and work-related requirements accordingly.

Ranvir is very upset when she rings the work coach to report the change in her circumstances. She explains, her employer is also a close personal friend and their children are all very close friends. They are naturally devastated at the flood damage. Everything is ruined and will need replacing and extensive repairs needed to the décor and fittings. Ranvir says they helped each other out and supported each other with shared child care when they were working alternate days. Her mum provided childcare to both sets of children on their mutual working day on a Saturday, their busiest day of the week. This arrangement suited them all well as it saved on child care costs and travel costs to the nearest town to work.

Her employer has agreed to continue to pay Ranvir half her wages whilst the shop is closed and hopes it will not be too long before they can re-open. Although the shop is insured her employer has told Ranvir that she will have to use a lot of her own personal savings to support the cost of the repairs and she will have to wait for the insurance company to deal with her claim.

Ranvir is extremely anxious and worried about her position. She loves her job and has regular clients with whom she has built up a confidence and a rapport. She also wants to be available to help her friend with the cleaning out and re decorating of the shop as labour for her wages but is also appreciative that she is reliant on her benefit to support her financially. She is very distressed about what might happen or what she might be expected to do until the salon can re open.

The work coach advises Ranvir that as her current situation is due to the flood damage and should be temporary there will be no change to Ranvir's work-related requirements for 3 months and she will not be required to do anything further than is already accepted on her current claimant commitment.

The work coach reminds Ranvir that she is obligated to report any changes in her circumstances and to let the Jobcentre know when she resumes working again or there are any changes to her wages to avoid any effect on her benefit. The work coach arranges with Ranvir to contact her again in 1 months time just for a chat to see how things are progressing.

J3302 - J3310

Coronavirus pandemic

J3311 Work Coaches will continue to engage with claimants to ensure work-related requirements

1. are personalised, reasonable and achievable for the individual claimants' circumstances **and**
2. allow them to adhere to Covid-19 public health advice and restrictions.

Note: Interviews can be conducted over the phone or through digital formats (eg: journal, email, video conferencing) where face to face is not available or appropriate because of lockdown restrictions but care should be taken to ensure all correct screening and safeguarding measures have been considered to use only the most appropriate option for the individual and their circumstances.

J3312 When setting any work-related requirements the claimant commitment will be crucial and should be regularly reviewed and revised in light of a claimant's fluctuating needs, the local labour market and any local and national restrictions in place. As local and national public health guidelines can change suddenly and frequently any previously accepted activities may no longer be reasonable, realistic and achievable. For further guidance on the claimant commitment see ADM Chapter J1. As in every case, when setting any work-related requirements the claimant must be in no doubt what is expected of them, by when and any potential circumstances should they fail to comply with a requirement in line with the public law principles of fairness (see ADM Chapter K1). System records will be crucial as record of any requirements set.

Note : Work coaches and DMs should be mindful that a pragmatic and common sense approach should be made in such cases when considering setting any work-related requirements and considering compliance with them in light of the effect of coronavirus restrictions on the local labour market and certain employment sectors such as the retail, hospitality, recreation and entertainment industries which mean employment opportunities are very restricted. Some claimants may be reliant on the industries that have been worst affected by the pandemic to look for and secure work.

J3313 The normal rules of evidence apply (see ADM Chapter A1). DMs **must not** insist that the claimant approaches their GP for medical evidence of their symptoms and should ensure that claimants are allowed to do what is reasonable to protect themselves and others whilst following official public health guidance and restrictions. The claimant does not have to prove beyond all reasonable doubt something is so but on the balance of probabilities and in every case the claimant's statement does not have to be corroborated unless there is conflicting or contradictory evidence or the statement is inherently improbable, contradictory or seems unlikely in the circumstances.

J3314 In some cases a claimant's work-related requirements may need to be turned off for a period of time. See guidance on discretionary easements at J3250 et seq. It is crucial that work coaches are sensitive to the impact of coronavirus restrictions and public health guidelines on a claimant who is otherwise experiencing vulnerabilities, health conditions and complex needs.

Note: DMs should consider on an individual case by case basis what is reasonable in the circumstances. The ability of claimants to access information and express themselves will vary considerably in their levels of education and their ability to understand the complexities of the

conditionality and sanctions regime at a time when they may already be under considerable stress and the outcome of which (sanction) of any failure to comply may have serious consequences on a claimant's ability to meet their living needs.

J3315 Care should be taken to ensure all the claimants circumstances are fully taken into account, identifying and being sensitive to any complex needs or vulnerabilities, any health issues or coronavirus related barriers or circumstances that may impact on a claimant's work-related activities and the effect of restrictions on the local labour market and in various employment sectors.

Note: Extra care should be taken not to impose personal standards, choices or prejudices when considering what may be reasonable for the individual claimant. Reasonable means fair and sensible and as much as is appropriate in the individual circumstances.

J3316 In addition to normal considerations, these may include considering the impact of coronavirus local restrictions on

1. mental and physical health and well being. For example: a claimant could have higher levels of stress and anxiety or be experiencing negative thoughts, loneliness and a loss of self esteem or confidence. They may live alone and be suffering from being isolated and fear going out and/or meeting others in case they contract the virus. They may have medical conditions that don't usually affect their ability to work but they are listed in public health guidelines as being a person more susceptible to serious health problems should they contract the virus (clinically vulnerable). For example severe asthma, diabetes, COPD, immune deficiency diseases or arthritis or they are taking immune suppressant medication. Also see **Note** regarding self isolating. The effects of the pandemic and unemployment can put families under further pressure and exacerbate issues such as overcrowding, reliance on food banks and hardship and put people in debt and destitution.

2. extra caring responsibilities and shielding for other members of the household, such as elderly parents, relatives who are clinically vulnerable or they may be home schooling children which has impacted their work-life balance and the hours they can devote to work search and being available (also see J3170) or indeed to being able to do work-related activities. Some families may be living in extremely over crowded conditions which are exacerbated due to having to stay home.

3. access to an IAD and the internet, for example to do work search, where others are working at home in the same household or children need access to on line classes for home schooling. Not all claimants will have unlimited access to the internet and members of the same household may need to share devices and network connection. They may not have good mobile or internet reception where they live and may not be able to afford extra costs for increased use of their mobile phone or internet access or to change provider. They may not be confident using facilities such as 'video conferencing' to talk to employers or the Jobcentre.

4. suitability to consider 'work at home' job opportunities to apply for and is this realistic in the claimant's personal circumstances taking everything into account. For example: accessibility to the required IT equipment, or having the relevant knowledge, skills and qualifications. There may be extra costs

involved using more electricity, heating, increased phone and internet usage.

5. realistic chances of seeking employment in certain industries, such as the retail, hospitality, recreation and entertainment sectors, where opportunities are extremely restricted during pandemic restrictions and future prospects are uncertain. Indeed they may have genuine and realistic expectations to return to their pre-Covid employment as part of the furlough or job retention schemes, or they may intend to resume self-employment once restrictions are lifted. They cannot be expected to look for jobs which realistically do not exist because of lockdown restrictions. Many claimants will be reliant upon looking for and securing work in the worst hit industries.

6. anxieties about the practicalities of working in a Covid environment. For example; a claimant may have genuine concerns about social distancing measures in the work place, using public transport and an employer's ability to adequately provide and supply PPE equipment (masks, sanitiser, being able to frequently wash hands) etc. They may have exemptions to using certain equipment, for example face masks or using certain sanitisers, washing products, cleaners or plastic gloves etc due to allergies or skin conditions which put them more at risk.

7. medical needs to protect themselves and others as per public health guidelines. Claimants **must** be able to adhere to **all** public health guidance and restrictions with regard to staying home, essential travel only, not mixing with people from other households, social distancing, shielding and self-isolating where necessary and appropriate. Also see **Note**.

This list is not exhaustive. It is for the work coach to discuss any issues with the individual claimant and take them fully into account with all their circumstances when considering what (if any) work-related requirements would be reasonable and realistic for the individual claimant in the circumstances and in light of the effect of the pandemic on local businesses and employment opportunities.

Note : Claimants who are self-isolating as a result of Covid-19 will have their mandatory work search and work availability requirements removed for 2 weeks to account for a period of sickness in line with normal rules. See J3226 **3.** et seq.

Example 1

See Example at J3301. Ranvir is laid off her job at the hair salon due to imposed coronavirus restrictions. She is a single parent with 2 children, aged 7 and 9, who are now home schooling during the current lockdown restrictions and she also lives with her elderly mother who has COPD, arthritis and diabetes.

Although Ranvir has a driving license she does not own a car and would be reliant on public transport to go to work outside of her own locality. She goes out only once a week to the supermarket in the next village for essential shopping. She usually walks there and gets a taxi home. She is particularly concerned about catching the virus and passing it on to her elderly mother who is clinically vulnerable.

Ranvir is supervising her children's home schooling but says it is difficult as they only have one IAD device in the household and have to share it, so access to the internet for her would be difficult particularly during school hours. She also says the reliability of her mobile and internet connection is not

great which can be very frustrating. She cannot afford to consider buying a new computer or changing her broadband provider especially as under normal conditions it is adequate for her households needs.

She keeps in touch with her employer regularly via mobile phone and they have weekly 'tea & chat' sessions on line with some of their regular customers which she always tries to dial into. She says she is missing that interaction with other people and is suffering quite low mood at present. She feels stifled and says although overall she is coping and thankful herself and her family are ok, she is extremely worried and not sleeping well at all. She is concerned her children are falling behind in their education.

Ranvir is confident once restrictions are lifted she will go back to her regular job at the hair salon in her village. At the moment she cannot search for alternative jobs in the hairdressing or beauty sector for which she has many qualifications and experience as all are closed for business due to coronavirus restrictions.

She says she would not be confident using public transport to go into the local town to find or conduct work. She has no issues wearing a face covering but is frightened of contracting and passing the virus on to her family in particular her elderly mother. The only other reasonable alternative employment for her would be in the retail or hospitality sectors and as all the pubs, restaurants and non essential shops are closed it is not a realistic probability in her locality and any job opportunities are extremely limited. Indeed the local supermarket where she does her shopping has just made some staff redundancies.

The work coach does not set any new work -related requirements for Ranvir but reminds her of her obligation to report any changes in her circumstances and says she will give Ranvir a courtesy call in a couple of weeks time just to catch up with her and see how she is doing. The work coach suggests some mindfulness strategies Ranvir can do on-line when the children are in bed to help her mental health and well being during the pandemic. These are not set as work -related requirements.

Example 2

Jud is normally self-employed. He renovated and converted an old horse box into a portable gin and prosecco bar which he takes to festivals, markets, fairs, corporate and sporting events, weddings, hen do's and birthday parties etc. Overnight all such events were cancelled or postponed due to government imposed restrictions on public events.

Jud spent the first period of lockdown re-painting and decorating the horse box. He has designed and had made new flyers and business cards and has updated his web site with a new menu to include new flavours of drinks he has purchased to make it more attractive to prospective customers but until restrictions are completely lifted and public events are allowed again he has no work.

He has put his name on waiting lists for 2021 events but will have to wait for restrictions to be lifted to see if he has been successful or not or indeed events are going to take place at all. This has all been recorded in his business plan.

Jud is confident as soon as public events are allowed he will be able to start trading straight away and the bookings will come.

Jud's work-related requirements are turned off and are to be reviewed once restrictions are lifted and he can resume trading. Also see ADM Chapter H4 regarding self -employment.

Example 3

Colleen claims UC. She is aged 44 years and recently redundant when overnight the entertainment business which she has worked in for many years collapsed due to the coronavirus pandemic and government imposed restrictions.

Colleen is horrified at her current situation and the very real prospect she could become homeless as she cannot afford her household bills on benefit.

Colleen takes immune suppressants for atopic dermatitis. This doesn't normally affect her ability to work but she has a letter from the NHS that says she is classed as clinically vulnerable during the coronavirus pandemic and must follow shielding procedures due to her reduced immunity.

Colleen feels very isolated as she lives alone in a top floor flat and has had no face to face contact with any family or friends for a year. She keeps in contact with work associates, friends and family through social media but she is feeling very lonely and has low mood and self-esteem. Her regular job in the theatre as stage manager is not a job that can be done from home. She has an on line shopping slot with a local supermarket who deliver her essential shopping to the door weekly.

Colleen's work -related requirements are turned off. She is advised by her work coach that as soon as she receives any updated instructions from the NHS regarding the end of shielding she is required to let the Jobcentre know so her commitments can be reviewed.

Easing and lifting of coronavirus restrictions

J3317 As local and national restrictions are eased and lifted it will be necessary in many cases to review the claimant commitment and set new work-related requirements, particularly those claimant's who had an auto-generated claimant commitment during the period 30.3.20 to 30.6.20 or where conditionality was turned off or paused during the pandemic.

J3318 Any work-related requirements set in the new claimant commitment would have to be reasonable for the 'new normal' and acknowledge the reality of the local jobs market and personal circumstances. Claimants with a health condition or disability, including those who are immunocompromised, should continue to have tailored commitments based on their personal circumstances, including considering the impact of their health and wider situation.

Note: Any work-related requirements are set in discussion with the claimant, tailored to their individual capability and circumstances, making them realistic and achievable. For full guidance on the claimant commitment see ADM Chapter J1.

J3319 Coronavirus remains a serious health risk and all claimants have to be allowed to adhere to the latest public health advice. Citizens are advised to continue to

- 1)** stay cautious to help protect themselves and others,
- 2)** consider the risks of close contact with others especially if they, or those they live with, are clinically extremely vulnerable or not yet fully vaccinated,
- 3)** practice social distancing if that feels right for them, including regular washing of hands,

sanitising, wearing face coverings indoors and in public places and restricting their contact with others,

4) take additional precautions to reduce the risk of catching the virus or spreading it for those who were shielding clinically extremely vulnerable people.

Note: The DM should check what the current advice is regarding Coronavirus on gov.uk at the time of setting claimant commitments in discussion with the claimant and their personal requirements to ensure any requirements set are tailored to individual needs.

J3320 The risk is higher of passing on or catching Covid19 in crowded spaces, in enclosed indoor spaces or in geographical areas where levels of infection are notably high. For example a claimant may still have genuine and reasonable concerns over attending the Jobcentre or travelling on public transport if they or someone they live with falls into a high risk group or are not fully vaccinated.

Note : It is important to respect and be considerate of those who may wish to retain a more cautious approach to protect themselves and others when setting work-related requirements as restrictions are eased and lifted. The claimant commitment should reflect any personal limitations, restrictions and special requirements the individual claimant may have. The guidance on reviewing the claimant commitment should be followed in ADM Chapter J1 at J1030 et seq.

J3321 - J3330

Afghan citizens on the Resettlement Scheme and Ukrainian citizens on the Homes for Ukraine or Ukraine Families Scheme

J3331 When considering setting work-related requirements for

- 1.** Afghan Citizens who have been placed in bridging accommodation waiting to be permanently housed **or**
 - 2.** Ukrainians sponsored under the Homes for Ukraine or housed under the Ukrainian Families Scheme,
- while they may be considered 'job ready', they may still face complicated barriers to work.

J3332 When setting any work-related requirements it is crucial therefore that

1. full consideration is given to all the facts and circumstances of the individual case
2. any requirements accepted by the claimant are reasonable and tailored to individual circumstances and any account of complex needs or vulnerabilities are fully taken into account in particular their temporary accommodation status
3. checks are made to ensure there hasn't been any change of circumstance that would mean a requirement is not appropriate at the relevant time of any failure to comply with a work-related requirement before making a referral for consideration of a sanction
4. full consideration is given to any easements that may be appropriate where necessary (see guidance at J3192 and J3250 et seq) **and**
5. the claimant fully understands what is expected of them and any consequences of failure.

Note: Even though a claimant may be considered 'job ready' they may have genuine concerns about taking a job before they have permanent housing and have other complex needs which contribute to them not being able to take a job at the relevant time. Each case will be assessed on its own merits but due to the complexity of this claimant groups' needs and the temporary nature of their accommodation it will need careful consideration before referring to a decision maker to consider a sanction where any failure to comply with work-related requirements occurs or they fail or refuse to take up a job offer or leave a job. A decision maker might recommend a discretionary easement to work-related requirements until the claimant is permanently housed either by the Home Office as part of their matching scheme for Afghans, re-located by Local Authorities or the Devolved Administrations or because securing permanent accommodation involves moving to another part of the country, for example for affordability purposes. Any work undertaken may well be unsustainable due to commuting distance once the claimant is re housed. See further guidance in ADM Chapter K3 and K2.

J3333 - J3999

Appendix

Examples of domestic abuse

1 Victims of domestic violence are not confined to one gender or ethnic group. Domestic violence can encompass, but is not limited to, the following types of abuse.

Psychological	Includes intimidation, insulting, isolating a person from friends and family, criticising, denying the abuse, treating a person as an inferior, threatening to harm children or take them away, forced marriage.
Physical	Includes shaking, smacking, punching, kicking, presence of finger or bite marks, starving, tying up, stabbing, suffocation, throwing things, using objects as weapons, genital mutilation, “honour violence”. Physical effects are often in areas of the body that are covered and hidden (i.e. breasts, legs or stomach).
Sexual	Includes forced sex, forced prostitution, ignoring religious prohibitions about sex, refusal to practise safe sex, sexual insults, sexually transmitted diseases, preventing breastfeeding.
Emotional	Includes swearing, undermining confidence, making racist remarks, making a person feel unattractive, calling a person stupid or useless, eroding a person’s independence.
Financial	Includes not letting a person work, undermining efforts to find work or study, refusing to give money, asking for an explanation of how every penny is spent, making a person beg for money, gambling, not paying bills.

The content of the examples in this document (including use of imagery) is for illustrative purposes only