

# Chapter R3: JSA claimant responsibilities – the claimant commitment

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# Chapter R3: JSA claimant responsibilities - the claimant commitment

## What the claimant commitment is

### Introduction

R3001 It is a condition of entitlement to JSA that a claimant has accepted a claimant commitment<sup>1</sup>. Unless a claimant commitment

1. has been accepted **or**
2. can be treated as having been accepted

then there can be no entitlement to JSA.

*1 JS Act 95, s 2(1)(b)*

R3002 A claimant commitment is a record of a claimant's responsibilities in relation to an award of JSA<sup>1</sup>. In order to receive JSA without a reduction the claimant is expected to carry out what is required of them as recorded on their claimant commitment.

*1 JS Act 95, s 6A(1)*

R3003 It is the responsibility of the Secretary of State to prepare for a JSA claimant a claimant commitment. A claimant commitment can be

1. reviewed **and**
2. updated

at such times as the Secretary of State sees fit<sup>1</sup>.

*1 JS Act 95, s 6A(2)*

### Information included in the claimant commitment

R3004 A claimant commitment must include<sup>1</sup>

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

*1 JS Act 95, s 6A(4)*

R3005 The claimant commitment can be in any form as the Secretary of State sees fit<sup>1</sup>. The claimant commitment will be a written document which can be accepted in various ways (see R3007).

*1 JS Act 95, s 6A(3)*

## Accepting the claimant commitment

R3006 In order to be entitled to JSA, a claimant can only be said to have accepted a claimant commitment where it is

1. the most up-to-date version **and**
2. accepted by the claimant in the manner specified in regulations and further by the Secretary of State<sup>1</sup>.

*1 JS Act 95, s 6A(5); JSA Regs 13, reg 7(3)*

### Example

Jenny is in receipt of JSA. Her claimant commitment recorded that Jenny had to complete some specific actions with regard to work search. Jenny has now completed those actions so a new claimant commitment needs to be drawn up reflecting the new actions which are required of her.

R3007 The methods by which a claimant commitment can be accepted by a person is set out in regulations as

1. electronically **or**
2. by telephone **or**
3. in writing<sup>1</sup>.

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

*1 JSA Regs 13, reg 7(3)*

## Date of acceptance of the claimant commitment

R3008 There will often be a gap of time between the date of

1. claim **and**
2. acceptance

of the claimant commitment.

R3009 Where there is such a gap then the claimant can be treated as having accepted the claimant commitment on the first day in respect of which the claim has been made. However, the claimant commitment has to be accepted within a time specified by the Secretary of State<sup>1</sup>. This may be referred to as a “cooling off” period.

*1 JSA Regs 13, reg 7(1)*

R3010 The claimant commitment is generated as a result of a conversation with the claimant. There may be occasions where the claimant refuses to accept their claimant commitment. The claimant must be offered a cooling off period so that they can reconsider. The cooling off period should be a maximum of seven calendar days.

**Example 1**

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

**Example 2**

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

**Example 3**

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

R3011 – R3014

**Extending the period of time to accept the claimant commitment**

R3015 The period of time within which a person is required to accept

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

can be extended.

R3016 The extended period of time applies where the claimant has requested that the Secretary of State review

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

so long as the Secretary of State considers the request as reasonable<sup>1</sup>.

*1 JSA Regs 13, reg 7(2)*

R3017 – R3019

## **Exceptions to the requirement to accept the claimant commitment**

R3020 A claimant is not required to meet the basic condition of entitlement of having to accept a claimant commitment if<sup>1</sup>

1. they lack capacity to do so **or**
2. exceptional conditions apply and it would be unreasonable to expect the claimant to accept one.

*1 JSA Regs 13, reg 8*

### **Lacking capacity**

R3021 A claimant does not have to meet the basic condition of accepting a claimant commitment where they lack the capacity to do so<sup>1</sup>.

*1 JSA Regs 13, reg 8(a)*

R3022 In this context, “lack the capacity” primarily relates to those claimants with an appointee acting on their behalf. However, a decision should be made based on the available evidence as to whether or not a claimant lacks the capacity to accept a claimant commitment.

#### **Example 1**

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

## Example 2

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

R3023 Where it is accepted that a claimant lacks capacity then the requirement to accept a claimant commitment is lifted. An appointee is not required to accept a claimant commitment on the claimant's behalf and should not be asked to do so.

R3024

## Exceptional circumstances

R3025 The claimant is not required to accept a claimant commitment where<sup>1</sup>

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

*1 JSA Regs 13, reg 8(b)*

R3026 Examples of when exceptional circumstances apply may include where

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

This list is not exhaustive. When determining whether or not exceptional circumstances apply, the DM should remember that the normal everyday meaning of "exceptional" is "unusual; not typical".

**Note:** Once the exceptional circumstances have passed then the claimant is required to accept a claimant commitment.

R3027 The DM has to take into account the circumstances of each individual case in deciding whether it is also unreasonable to expect the claimant to accept the claimant commitment.

## Example 1

Norma made a claim to JSA but due to a fire at the Jobcentre was unable to attend the meeting with her adviser to accept her claimant commitment. The DM treated Norma as having accepted her claimant commitment and so Norma became entitled

to JSA. Now that the Jobcentre is re-opened, Norma is required to accept a claimant commitment drawn up by her adviser.

### **Example 2**

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

### **Example 3**

Ken has made a claim to JSA. On the day that he is due to accept his claimant commitment, he phones the Jobcentre to say that he cannot attend because his washing machine has broken and an engineer is due to fix it that day. However, Ken lives with his unemployed mother and she can be at home for the engineer. The DM does not treat Ken as having accepted his claimant commitment because it is not unreasonable to expect Ken to arrange with his mother to deal with the engineer.

R3028 – R3029

## **Reviewing the claimant commitment**

R3030 A claimant commitment can be reviewed and updated at such time as the Secretary of State sees fit<sup>1</sup>. Where the claimant's work-related requirements change then the claimant commitment should record this.

*1 JS Act 95, s 6A(2)*

### **Example**

Roger has been in receipt of JSA for three months. He has no work and has failed to find any since losing his job in retail prior to his claim for JSA. Roger has worked in retail for all of his working life. Roger's claimant commitment includes his work search requirements which are mainly centred on looking for work in his former occupation. Roger's adviser at the Jobcentre decides that Roger's work search should be broadened to also include work other than just retail work. Roger's claimant commitment is updated to reflect this wider work search requirement and Roger has to accept the updated claimant commitment in order to retain entitlement to JSA.

R3031 Where a claimant commitment has been reviewed and updated then the claimant must accept it in order to maintain entitlement to JSA<sup>1</sup>.

*1 JS Act 95, s 6A(5)*

R3032 – R3999

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