

UC - UNIVERSAL JOBMATCH (UJ) AND SANCTIONS

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INTRODUCTION

- 1 This memo provides guidance on Universal Jobmatch (UJ) and when sanctions can apply to UC claimants for any failure or refusal without good reason to

1. comply with a requirement by the Secretary of State to create a profile and public CV in UJ **or**
2. apply for particular identified vacancies within their UJ account (including those in the 'Saved Jobs' page) **or**
3. comply with a general work search requirement to log in to their UJ account to find and apply for suitable jobs.

BACKGROUND

- 2 UJ is DWP's web based job posting and matching service that the Secretary of State can require claimants to use as part of their work search requirements to create a profile and public CV for the purpose of obtaining work (more paid work or better paid work)¹.

1WR Act 12, sec 17

- 3 UC claimants are expected to do **all** that is reasonably expected of them to seek employment and give them the best prospects of securing employment. It is therefore expected they would look for work through as many different sources as possible including creating and maintaining an online profile¹. This may include using UJ if it is reasonable taking into account the claimant's circumstances.

1 WR Act 12, sec 17(3)(c)

- 4 Through using UJ claimants can
 1. search and view jobs
 2. set up an account
 3. build and upload their public CV
 4. receive automatic matches to employer's jobs from the profile they create
 5. allow the Work Coach to help them look for suitable vacancies and save them to their account so they can review and apply for those which are suitable
 6. achieve enough work related activity each week by enabling a claimant to fulfil a requirement to take all reasonable action for the purpose of obtaining work, in any given week.

- 5 For the majority of claimants, creating a profile and public CV in UJ will be an important part of improving employment prospects and where using UJ is required this will normally be included on the Claimant Commitment. However, mandating a claimant to create a UJ account can only be done if all the relevant criteria have been considered and are met.

REGISTERING WITH UJ FROM DAY 1 OF THE CLAIM TO UC

- 6 Some claimants who are in the AWRR and work preparation groups will be encouraged to do certain work search activities from day 1 of their claim to UC and operational processes are in place so that when a claimant makes a claim to UC online they are advised that it would be beneficial for them to create

1. a profile and public CV in UJ **and**
2. an email account **and**
3. a CV

if they haven't already done so.

- 7 Claimants are **not** mandated to complete any of these actions at this stage and therefore if they fail to do so sanction action cannot be taken and any referrals to consider a sanction should be cancelled by the DM.

- 8 There is no mandate until the claimant attends the UC outlet for an initial work search interview where the Work Coach will

1. discuss with the claimant what advised actions the claimant has done so far and the reasons why if they haven't completed any **and**
2. decide whether it is reasonable in the claimants specific circumstances to mandate the claimant to create a UJ account (see further guidance at paragraph 11) **and**
3. set and agree any actions the claimant is required to take on the Claimant Commitment (also see further guidance at paragraph 27 with regard to particular vacancies in the Saved Jobs page of the UJ account) **and**
4. issue the cookie fact sheet (see further guidance at paragraph 14) **and**
5. explain the consequences of sanctions if the claimant fails to comply with an agreed action without good reason.

Example

Dorek makes a claim to UC on line on 25.4.16. He is requested to attend the UC outlet on 27.4.16 for his initial work search interview with his work coach and is encouraged to register with UJ, create an email address and create a CV.

Dorek attends the interview on 27.4.16 and confirms he has an email address and a CV but has not registered with UJ yet, he has however used several other on line job sites to look for suitable work and has already applied for several jobs.

The Work Coach must now consider if it is reasonable for Dorek in his circumstances to open a UJ account (see guidance at paragraphs 9 and 10 of this memo). A sanction referral would not be appropriate at this stage.

MANDATING A UC CLAIMANT TO CREATE A PROFILE AND PUBLIC CV IN UJ

- 9 Claimants in the AWRR and work preparation groups can only be mandated to create a profile and public CV in UJ when
1. it has been explained to a claimant the benefits of creating a profile and public CV in UJ **and**
 2. it is reasonable in the claimant's circumstances (see paragraph 11) **and**
 3. an IAD service is reasonably available to the claimant should they need to use one (see paragraph 12) **and**
 4. they have been issued with the cookies fact sheet (see paragraph 13).

Access to the claimant's UJ account

- 10 A UC claimant **cannot** be mandated to give DWP access to their UJ account; this is a voluntary action by the claimant. The Work Coach should encourage the claimant to do so, but the benefits need to be explained fully to the claimant and it needs to be exactly clear what this means and what the access will be used for.

Note: Access to the claimant's UJ account will help provide evidence of job search activity and the Work Coach can provide extra support to the claimant by looking out for and saving jobs for the claimant in the UJ 'Saved Jobs page'. Work Coaches can set this up as one of the claimants work search activities helping them achieve enough work related activity each week.

Exceptions to mandating

- 11 Creating a profile and public CV in UJ will be an important part of improving employment prospects for the majority of claimants. However, creating a profile, a public CV and using UJ may be less than straightforward for some claimants if they are not reasonably able to use the service, for example those
1. with a learning difficulty, cognitive impairment or other health-related condition **or**
 2. for whom English is their second language **or**
 3. who lack the appropriate literacy and/or numeracy skills **or**
 4. who are not reasonably able to access
 - 4.1 their own computer/device (for example, because they do not have such a device or cannot afford to access the internet) **and**
 - 4.2 an alternative internet access device in their area (for example, because of their personal circumstances, poor internet service in the area or lack of access to affordable internet access) **and**
 - 4.3 a DWP IAD in the local DWP office because for example, the office has a high number of claimants who need access to a DWP IAD and availability to access an IAD may be over subscribed or have restricted availability.

Note: The particular barrier to using UJ should be addressed first (e.g: English language or numeracy skills).

Example

Ranjit has English as a second language and is unable to use UJ. He cannot be mandated to use UJ at present. The Work Coach must address Ranjit's other barriers first and sets him a requirement to attend an English language skills course.

Reasonable access to an IAD

- 12 Before deciding whether to mandate the claimant to create a profile and public CV in UJ, the work coach must also take into account whether the claimant can reasonably access a DWP IAD should they
1. not have reasonable access to the internet **or**

2. wish to exercise their right not to accept cookies.
- 13 All the claimant's individual circumstances should be considered. For example,
1. health problems
 2. any restrictions on their availability
 3. whether they have childcare available or have other caring responsibilities **and**
 4. whether they have reasonable access to an IAD (see paragraph 11 4.).

Note 1: The list of examples is not exhaustive it is up to the Work Coach to consider all the claimant's individual circumstances and what would affect reasonable access to the internet depending on the claimants capabilities and capacity and their own resources.

Note 2: A suitable alternative IAD may not be one on a DWP site but may be located nearer or more accessible to the claimant, for example in a library or community resource site or at a friend or relatives house. If it is reasonable and has been agreed by the claimant then it could be used in a requirement.

Note 3: Claimants must be given an appointment time to access a DWP IAD that is reasonable in their circumstances so they are able to carry out the requirement if no other reasonable alternative is available to the claimant.

Example

Evelyn discusses setting up a UJ account with her Work Coach and is happy to do so but she does not have internet access at home and has restricted availability during school hours due to childcare arrangements. She lives in a remote village where there is no public library or other public IAD access. She has no family living nearby to arrange to use internet access. The Work Coach arranges for Evelyn to have access to the DWP IAD and makes her an IAD appointment which fits in with her availability.

Cookies fact sheet

- 14 When it is reasonable to require a claimant to create a profile and public CV in UJ this activity must be included as a requirement on their Claimant Commitment. The Cookies factsheet **must always** be attached to the Claimant Commitment, explaining the use of an IAD should the claimant not wish to accept cookies. A sanction will **not** be able to be imposed if the cookies fact sheet has not been issued.

Note 1: It must be recorded on the claimant history that the cookies factsheet has been issued for evidentiary reasons should it be needed in the event of any sanction determination or subsequent appeal. Failure to do this may affect whether or not a sanction can be imposed in the event of any failure to comply by the claimant.

Note 2: The cookies factsheet explains what cookies are used, why, and the choices that are available to the claimant in relation to cookies.

Evidence

15 A record of

1. the advice **and**
2. issue of the cookies fact sheet **and**
3. whether the claimant agrees for DWP to access the UJ account **and**
4. any other relevant issues regarding the UJ account

should be recorded on the claimant history for evidentiary reasons should it be needed in the event of any sanction determination or subsequent appeal.

Note: Failure to record the relevant evidence may affect whether or not a sanction can be imposed in the event of any failure to comply by the claimant.

16 A claimant can be asked to produce evidence of their public CV. They can be asked to show evidence on a smart phone or to bring a screen print from the IAD or send it by email account.

Note: A sanction should not be imposed where the claimant does not send the CV by email but can produce the evidence by an alternative source, for example, by screen print from the IAD or on a smart phone. The sanctionable failure would occur for not having a public CV when required and not for the method in which they can show evidence of the CV.

SANCTIONS

17 A sanction may be imposed where the claimant has failed without a good reason to

1. comply with a requirement to create a profile and public CV in UJ¹ (see guidance at paragraph 18) **or**

2. apply for or accept if offered a particular vacancy specified by the Secretary of State² (see guidance at paragraph 20) **or**
3. take all reasonable action to obtain paid work³ (see guidance at paragraph 31).

Note: A low-level sanction will apply for failures described at **1.** (See ADM Chapter K5 for guidance on low-level sanctions).

A higher-level sanction will apply for failures described at **2.** (See ADM Chapter K3 for guidance on higher-level sanctions).

A medium level sanction will apply for failures described at **3.** (See ADM Chapter K4 for guidance on medium level sanctions).

Guidance on good reason can be found in ADM Chapter K2.

1 WR Act 12, sec 27(2)(a), sec 17(1)(b), UC Regs, reg 104; 2 WR Act 12, sec 26(2)(b), UC Regs, reg 102 ;

3 WR Act 12, sec 27(2)(b), sec 17(1)(a) & UC Regs, reg 103

Failure to comply with a requirement to open an account in UJ

18 Where the claimant refuses or fails to comply with a mandatory request to create a profile and public CV in UJ, the DM has to decide whether in the specific case the

1. request to create a profile and public CV in UJ was reasonable in the claimants particular circumstances (see guidance at paragraph 9 et seq and **Note 2** below) **and**
2. claimant can show good reason for the failure to do what they were required to do considering all the individual facts and circumstances of the case and the reasons for non-compliance.

Note 1: Guidance on good reason is in ADM Chapter K2.

Note 2: If one or more of the circumstances in paragraph 9 applies and it is considered unreasonable for the claimant to create a profile and public CV in UJ, the claimant should not be mandated to do so. However if this only comes to light after a referral to the DM, for example, in the claimants good reasons, the claimant would be able to show good reason for a refusal or failure to comply. In such cases the DM should make a decision not to sanction. The referral should not be cancelled

19 If the claimant cannot show good reason for the failure the DM will impose a low – level sanction¹.

Note: Guidance on low-level sanctions is in ADM Chapter K5. Guidance on good reason is in ADM Chapter K2.

Example

Henryk is in the AWRR group and is required to register with UJ and create a profile and public CV. He has agreed and signed his Claimant Commitment which contains the following requirement; *“I will create a profile and public CV within Universal Jobmatch as agreed with my work coach. I will use my computer. If I am unable to do this I will contact my work coach to gain access to a public computer in a Universal Credit outlet by 28.6.16”*.

Henryk fails to meet the requirement and tells his work coach at his next work search review on 28.6.16 this is because his internet connection was down and although he made several attempts at different times and on different days the system kept crashing. He also says he had no credit on his mobile phone to access the internet or to contact the work coach to gain access to the DWP IAD.

The work coach makes Henryk an appointment to access the DWP IAD in order to register and create a public CV and profile on UJ.

Failure or refusal to apply for a specified vacancy in the UJ account

20 Where the claimant

1. is subject to the all work requirements¹ **and**
2. fails for no good reason to comply with a requirement imposed by the Secretary of State under a work-search requirement to apply for a particular vacancy for paid work²

the claimant has to have been clearly informed of that vacancy (see further guidance at paragraphs 21 to 30).

1 WR Act 12, sec 22; 2 sec 26(2)(b)

The meaning of a ‘particular’ vacancy

21 ‘Particular’ is not defined in legislation and so takes its ordinary meaning which would be *‘an individual item’*. In this context within the legislation this would be an identified individual vacancy that is *‘specified’* by the Secretary of State and has to be reasonable and suitable in the claimant’s individual circumstances.

Note: The jobs a claimant can be required to apply for in order that a higher-level sanction can be applied for any failure to comply, must be jobs that the claimant can

reasonably do based on their individual skills, ability, location, capabilities and capacity and their own resource and should normally be discussed with the claimant at the work search review. The claimant would have to show a good reason why a particular vacancy is unsuitable in their good reasons for any failure, for example, the job required a skill or qualification the claimant did not have.

The meaning of specified

22 The word specified is also not defined in legislation and therefore has to be given its ordinary meaning. The context here is that it allows a sanction to be imposed on a claimant who fails or refuses to apply for a particular job vacancy or accept a job when offered it. That context does not require a special meaning to be given to it, so '*specified*' must be given its ordinary meaning.

23 In its ordinary meaning, '*specified*' means to '*identify clearly and definitely*'. Therefore in order for a higher -level sanction to be imposed¹ the claimant should be **clearly** informed of

1. the particular vacancy **and**
2. what is expected of him **and**
3. by when he has to comply **and**
4. the consequences of failing to comply.

24 The principles outlined at paragraphs 21 to 23 have been established in existing case law with respect to job vacancies and sanctionable failures in JSA legacy benefit and equally apply to UC claimants. Therefore a claimant can **only** be mandated (i.e. under warning of a higher-level sanction) to apply for an individual vacancy that is reasonable in his circumstances and has been clearly identified and defined to the claimant.

Note: Further guidance on higher-level sanctions and refusal of employment can be found in ADM Chapter K3.

Informing the claimant of a particular vacancy

25 Legislation does not prescribe how a claimant is to be informed of a particular suitable vacancy. The claimant may be informed

1. personally when attending the UC outlet or elsewhere **or**

2. by letter **or**
3. by telephone **or**
4. by electronic means (such as by text or email if agreed with the claimant as the preferred method of contact) **or**
5. by setting the requirement on the Claimant Commitment (see further guidance at paragraph 27) **or**
6. via their “To do” list (this applies to digital claimants only).

26 The most important thing is that however the claimant is notified of the vacancy, a record that all the criteria has been met is kept in the claimant history should it be required for evidence purposes later should a decision maker be required to make a sanction determination or in the event of an appeal.

Note 1: If the claimant is informed by signing the Claimant Commitment a copy should be retained and available for 3 years. Once agreed and signed, the Claimant Commitment is proof for both parties of what was discussed and what requirements were agreed.

Note 2: A failure to record the relevant evidence could result in a sanction not being able to be imposed where appropriate.

Vacancies identified on the Claimant Commitment

27 A generic requirement on the Claimant Commitment, (for example; “*Log in to my Universal Jobmatch account to find and apply for jobs I can do*”) will not fit the criteria to consider a higher-level sanction as it is not specific enough. Only vacancies informed to the claimant which meet the requirements in paragraph 23 can attract a higher-level sanction if the claimant fails or refuses to apply without a good reason. A general failure to apply for vacancies within the UJ account will be considered when determining whether the claimant did everything reasonable to obtain work in any relevant week (see further guidance at paragraph 30).

Note: In live-services, for example, a specific vacancy will normally be added to the Claimant Commitment at Section 4: ‘Jobs I must apply for’. These vacancies should have been checked as suitable and reasonable for the individual claimant (see paragraph 21) and the claimant must have been given enough details to enable them to pursue the vacancy (see paragraph 23).

28 In addition to the requirements in paragraph 23, the Work Coach will need to ensure that the claimant knows how

1. vacancies appear on UJ **and**
2. to access the “Saved Jobs” section **and**
3. to apply for vacancies from there.

A note should be made in the claimant history that the claimant has been made aware of **1. to 3.**

Note: If the claimant did not know how to access the vacancies and apply for them they may be able to show good reason for any failure to apply and a sanction could not be imposed.

- 29 If the claimant fails or refuses to apply for any particular suitable vacancy without a good reason by the relevant date and the vacancy was correctly informed to the claimant, the Decision Maker will consider whether a higher-level sanction should be imposed. A copy of the requirement to apply for a particular vacancy should be available to the Decision Maker (for example, the Claimant Commitment) along with the claimant’s reasons for any failure to comply.

Note 1: The relevant date will be the date set by the Work Coach by when the claimant has to comply. This is not necessarily the closing date for the application (see guidance at ADM K3).

Note 2: Full guidance on refusal of employment and higher-level sanctions can be found in ADM Chapter K3 and guidance on good reason is in ADM Chapter K2.

Note 3: Consideration should be given as to whether more than one failure has occurred and more than one sanction applies (see further guidance at paragraph 32).

Failure or refusal to apply for vacancies in UJ – consideration of general work search activity

- 30 Where the Claimant Commitment has a generic requirement to apply for vacancies in the UJ account, (for example; *“Log in to my Universal Jobmatch account to find and apply for jobs I can do”*), before considering a referral for sanction, the Work Coach should review compliance considering

1. what was reasonable for the claimant to do in context of all they have done during the relevant week **and**
2. whether they have done everything they reasonably could to give them the best prospects of employment.

Note: It is important that the DM considers the quality of **all** the claimant's work search activities in the relevant week. It is not just about whether they have applied for all the jobs listed in their UJ account (including those in the 'Saved Jobs' page).

31 The DM makes a consideration of

1. what was reasonable for the individual claimant in their circumstances **and**
2. gave them the best prospects of getting into work

along with all the other work search they may have taken in that week¹. Just because those jobs were available and the claimant did not apply for all of them would not necessarily mean a sanction would apply.

Note 1: As in all sanction determinations the DM would consider all the facts and circumstances of the individual case and what is reasonable in the claimant's individual circumstances. For detailed guidance on the work search requirement see ADM Chapter J3.

Note 2: If the DM decides the claimant has not met the work search requirement in any one week, a medium-level sanction will apply. For full guidance on medium-level sanctions see ADM Chapter K4.

1 WR Act 12, s 17

Example

There are 11 jobs in the 'Saved Jobs' page of Lorian's UJ account and the 'Application History' shows he applied for 6.

There is a generic requirement on his Claimant Commitment that he will "*log in to my Universal Jobmatch account to find and apply for jobs I can do*".

Lorian states he has not applied for 5 vacancies in the 'Saved Jobs' page because the closing date for applications for 4 of them has not yet passed and he intends to apply for those in the next week. One vacancy was not suitable as it required as a minimum a qualification Lorian did not have. The 6 jobs he applied for had closing dates during this week and it took him several hours to complete the applications.

Lorian can show he has done sufficient work search during this week as in addition to the 6 jobs he has applied for from the 'Saved Jobs' page of his UJ account, he has checked the internet daily and also applied for several other suitable jobs advertised on other on line sites and in newspapers which had deadlines for applications this week, he has attended a job interview and a Jobs Fair and spent several hours

scanning newspapers and jobs boards.

He has another job interview tomorrow and has spent several hours researching the employer and preparing for the interview. He also spent time researching on line the possibility of how to gain the specific qualification required for one of the vacancies as it is of particular interest to him.

In consideration of whether Lorian has met the work search requirement for the week, the jobs he has applied for gave him the best prospects of moving into work as the deadlines for applications were due in this week. He still has the opportunity to apply for the 4 others that were in the 'Saved Jobs' page of his UJ account during the next week as the closing dates have not yet expired. He also spent time preparing for his job interview tomorrow and researching how to gain qualifications to broaden his work search and to look for better paid work.

Lorian has met the work search requirement for that week regardless that he did not apply for all vacancies in the 'Saved Jobs' page of his UJ account.

2 separate failures and 2 sanctions apply

32 Where the claimant has

1. failed or refused to apply for a particular specified vacancy without a good reason¹ **and**
2. also failed to meet their work search requirements²

there are 2 separate failures and 2 sanctions to consider.

Note: If in one period of 7 days the claimant did not do everything they reasonably could do to give them the best chance of finding work by undertaking work search activity, nor did they apply for a specific job they had been mandated to apply for, 2 sanctions may apply.

1 WR Act 12, sec 26(2)(b); 2 sec 17(1)(a)

Example

Sydney has a generic requirement on her Claimant Commitment "*to apply for all jobs in the 'Saved Jobs' page of her UJ account*" and also a specific job detailed in Section 4 of the Claimant Commitment that the work coach discussed with her and advised her she must apply for before the closing date. Sydney signed and accepted her Claimant Commitment.

Sydney does not apply for the specified job and cannot provide a good reason for not doing so. She says she forgot when the closing date for applications to be made by was and thought she had more time to consider applying for the vacancy. She stated she had spent her time during that particular week applying for 2 jobs from the 'Saved Jobs' page that were nearer to her home address as she thought they were more suitable for her as there would have been no travelling costs to work. As the closing date has now passed Sydney has missed all opportunity to apply for the specified vacancy.

The DM considers the job was a suitable vacancy for Sydney. Sydney is primarily looking for work in retail or warehouse work and the vacancy was for a full time sales assistant in a newsagents in the local town. The travelling involved would have been 25 minutes by bus and there is a bus twice per hour from her village. Sydney was advised on the Claimant Commitment of all the relevant details of the vacancy, when the closing date was and the consequences if she failed to apply and the DM decides that a higher-level sanction is appropriate for the failure. As there has been no previous higher-level sanctions in the preceding 364 days of the current failure a 91 day sanction is applied to the TORP.

In the same 7 day period Sydney has also failed to meet her work search obligations. There are 20 suitable jobs in the 'Saved Jobs' page of her UJ account and the one specified vacancy in Section 4. Sydney applied for only 2 of the vacancies in the 'Saved Jobs' page which were the 2 nearest to her home address and would not involve any travel costs. She says she did check and read through the details of the other jobs in the 'Saved Jobs' page but did not apply for any of them and has not done any other work search.

She says she wants to work on the local industrial estate where her friend works so she can walk to work and reduce her outgoings. Sydney's friend has told her some jobs will be available for packers at the warehouse outlet where she works on the local industrial estate very soon.

The DM considers Sydney has not done everything she reasonably could do to look for work and give her the best prospects of getting work in the relevant 7 day period. The DM imposes a medium level sanction for 91 days as this is the 3rd sanctionable failure where a medium level sanction has previously been imposed within 365 days.

Therefore in this case 2 sanctions are imposed on Sydney's UC:

1) a higher-level sanction for the failure to apply without a good reason for the specified vacancy **and**

2) a medium-level sanction for the failure to do all reasonable work search in the relevant week.

ANNOTATIONS

Please annotate the number of this memo (Memo ADM 15/16) against the following ADM paragraphs:

J3050 (Heading), J3053 (Heading), J3063 (Heading), J3075 (Heading), J3076 (Heading), J3078 (Heading), J3080 (Heading), J3085 (Heading), K3051 (Heading), K4002 (Heading) and K5015 (Heading).

CONTACTS

If you have any queries about this memo, please write to Decision Making and Appeals (DMA) Leeds, GS36, Quarry House, Leeds. Existing arrangements for such referrals should be followed, as set out in [Memo DMG 03/13](#) - Obtaining legal advice and guidance on the Law.

DMA Leeds: June 2016

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