

# THE UNIVERSAL CREDIT (WORK-RELATED REQUIREMENTS) IN WORK PILOT SCHEME AND AMENDMENT REGULATIONS 2015

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## INTRODUCTION

- 1 This memo provides guidance on the Universal Credit (Work-Related Requirements) In Work Pilot Scheme and Amendment Regulations 2015 ([S.I. 2015 / 89](#)). The regulations came into force on 19.02.15<sup>1</sup> and were extended on 2.2.18<sup>2</sup> by the Universal Credit (Work-Related Requirements) In Work Progression Scheme (Extension) Order 2018 ([S.I. 2018 / 168](#)).

*1 Universal Credit (Work-Related Requirements) In Work Pilot Scheme and Amendment Regulations 2015, reg 1;  
2 Universal Credit (Work-Related Requirements) In Work Progression (Extension) Order 2018, reg 2.*

## AMENDMENT TO THE UNIVERSAL CREDIT REGULATIONS

### Circumstances in which requirements must not be imposed: weekly earnings

- 2 [ADM J3192](#) et seq provides guidance on the circumstances in which work-related requirements must not be imposed. ADM [J3231 - J3233](#) provides guidance on when the work search and work availability requirements should not be imposed because the DM is satisfied that the claimant has weekly earnings, or where the claimant is a member of a couple, the claimant and their partner have combined weekly earnings at a (undefined) level where they should not be required to meet those requirements at the present time.
- 3 From 19.02.15, the work search requirement and work availability requirement must not be imposed where<sup>1</sup>
  1. the claimant has weekly earnings that are equal to, or more than, £5 plus the applicable amount of the JSA personal allowance for a single person aged 25 or over or
  2. the claimant is a member of a couple whose combined weekly earnings are equal to, or more than, £10 plus the applicable amount of the JSA personal allowance for a couple where both members are aged 18 or over.

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

**Note:** The weekly earnings in 1. and 2. only include earnings that are employed earnings. See ADM Chapter [H3](#) for the meaning of employed earnings<sup>2</sup>.

*1 UC Regs, reg 99(6); 2 reg 99(6A)*

#### Example

Anton is a single claimant in receipt of UC and is subject to all work-related requirements. He starts work in a café and receives net weekly earnings of £90 a week. The JSA personal allowance for a person aged 25 or over is £72.40. Anton’s earnings are in excess of £5 plus £72.40 therefore a work search and a work availability requirement cannot now be imposed on him.

## **THE IN WORK PILOT SCHEME**

### **Purpose of the In Work Pilot Scheme**

- 4 The purpose of the scheme is to test the extent to which the imposition of work-related requirements on claimants in low-paid work is likely to promote their
1. remaining in work or
  2. obtaining or being able to obtain more work or better-paid work<sup>1</sup>.

The work-focused interview and work preparation requirements continue to apply as normal.

*1 WR Act 12, s 41; Universal Credit (Work-Related Requirements) In Work Pilot Scheme and Amendment Regulations 2015, reg 4(1)*

### **Claimants participating in the In Work Pilot Scheme to be subject to work-related requirements**

- 5 The suspension of work-related requirements for claimants whose weekly earnings reach a certain level, as described in paragraph 3 above, will not apply to those claimants who are chosen to participate in the In Work Pilot Scheme and notified accordingly<sup>1</sup>.

*1 Universal Credit (Work-Related Requirements) In Work Pilot Scheme and Amendment Regulations 2015, reg 4(2)*

- 6 Claimants who participate in the In Work Pilot Scheme will be subject to the same requirements (including the same limitations and safeguards) as claimants who are not in work or earning below the Administrative Earnings Threshold.

### **Selection of participants**

- 7 The Secretary of State may select claimants to participate in the In Work Pilot Scheme on a random sampling basis<sup>1</sup>. The Secretary of State may make a selection on more than one occasion and may limit each selection to qualifying claimants
1. living in a particular geographical area or
  2. who have become qualifying claimants within a particular period of time as determined by the Secretary of State<sup>2</sup>.

*1 Universal Credit (Work-Related Requirements) In Work Pilot Scheme and Amendment Regulations 2015, reg 5(1);  
reg 5(2)*

## Qualifying claimants

- 8 A qualifying claimant means<sup>1</sup> a person who
1. is subject to all work-related requirements **and**
  2. has weekly earnings, or, if the person is a member of a couple, the couple has combined weekly earnings above the Administrative Earnings Threshold, so that if they are not selected for the pilot scheme, the work search and work availability requirement would not be imposed **and**
  3. is not a person where work-related requirements must not be imposed due to them
    - 3.1 being a victim of domestic violence
    - 3.2 being a prisoner **or**
    - 3.3 being temporarily absent from GB for treatment or convalescence for a period not expected to (and which does not) exceed six months **or**
    - 3.4 having within the last six months experienced the death of
      - 3.4.a the other member of the couple, where the claimant is a member of a couple **or**
      - 3.4.b a child or qualifying young person for whom the claimant or where the claimant is a member of a couple, the other member was responsible **or**
      - 3.4.c a child, where the claimant was the child's parent **or**
    - 3.5 receiving and participating in a structured recovery-orientated course of alcohol or drug dependency treatment for a period of up to six months **or**
    - 3.6 being under protection due to their involvement in investigations or proceedings for a period of up to six months **or**
    - 3.7 being unfit for work for a period longer than 14 consecutive days.

ADM [J3180](#) et seq provides guidance on the above categories.

*1 Universal Credit (Work-Related Requirements) In Work Pilot Scheme and Amendment Regulations 2015, reg 7*

## **Circumstances in which the Pilot Scheme will no longer apply to selected claimants**

- 9 A claimant who has been selected for the Pilot Scheme in accordance with paragraph 7 of this memo will no longer be required to participate in the pilot scheme if
1. the claimant ceases to be a qualifying claimant under paragraph 8 above or
  2. the Secretary of State decides that the claimant should no longer participate in the pilot scheme because
    - 2.1 the claimant has moved to live in a different geographical area or
    - 2.2 the Secretary of State has decided that the testing of work-related requirements which have been imposed on the claimant has concluded.
- 10 Where a claimant has only ceased to be a qualifying claimant under paragraph 8 because of a change in their weekly earnings (or combined weekly earnings where the claimant is a member of a couple), the claimant will be subject to the Pilot Scheme again if the claimant becomes a qualifying claimant unless in the intervening period
1. the Pilot Scheme has ceased to apply to the claimant for some other reason or
  2. the claimant has ceased to be entitled to UC for a continuous period of six months or more.

## **Notification**

- 11 A claimant must be notified in writing that they have been selected for the Pilot Scheme in accordance with paragraph 7<sup>1</sup>.

*1 Universal Credit (Work-Related Requirements) In Work Pilot Scheme and Amendment Regulations 2015, reg 6(1)*

- 12 A claimant must also be notified when they are no longer required to participate in the Pilot Scheme where
1. they are no longer a qualifying claimant (unless the claimant is no longer a qualifying claimant only because of a change in earnings) or
  2. the Secretary of State has determined that the claimant should no longer participate in the Pilot Scheme because
    - 2.1 they have moved to live in a different geographical area or

2.2 the Secretary of State has determined that the testing of particular work-related requirements that have been imposed on that person has concluded.

A notification sent by post to a claimant's last known address is treated as having been given or sent on the day that it was posted<sup>1</sup>.

*1 Universal Credit (Work-Related Requirements) In Work Pilot Scheme and Amendment Regulations 2015, reg 6(2)*

- 13 The guidance in [Appendix 1](#) to ADM Chapter A2 applies to the delivery of notifications by electronic means<sup>1</sup>.

*1 Universal Credit (Work-Related Requirements) In Work Pilot Scheme and Amendment Regulations 2015, reg 6(3)*

## **Expiry of the In Work Pilot scheme**

- 14 The original pilot scheme has been extended and continues to have effect until the end of the period of twelve months beginning with 19.2.18<sup>1</sup>

*1 Universal Credit (Work-Related Requirements) In Work Pilot Scheme (Extension) Order 2018, reg 2.*

## **ANNOTATIONS**

Please annotate the number of this memo (ADM 6/18) against the following ADM paragraphs:

J3192, J3231

## **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: February 2018**

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