

# Chapter J1: The claimant commitment

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# Chapter J1: The claimant Commitment

## What the claimant commitment is

### Introduction

J1001 It is a condition of entitlement to UC that a claimant has accepted a claimant commitment<sup>1</sup>. For joint claimants, it is a condition of entitlement that each of them has accepted a claimant commitment<sup>2</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 UC. For joint claimants if either member of the couple refuses to accept a claimant commitment then the couple are not entitled to UC.

*1 WR Act 12, s 4(1)(e); 2 s 3(2)(a) & s 4(1)(e)*

J1002 A claimant commitment is a record of a claimant's responsibilities in relation to an award of UC<sup>1</sup>. In order to receive UC without a reduction the claimant is expected to carry out what is required of them as recorded on their claimant commitment.

*1 WR Act 12, s 14(1)*

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

1. reviewed and
2. updated

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

*1 WR Act 12, s 14(2)*

### Information included in the claimant commitment

J1004 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 UC, or such of them as the Secretary of State considers it appropriate to include and
2. any information specified in regulations and
3. any other information that the Secretary of State considers appropriate.

**Note:** the claimant commitment may also include a connected requirement<sup>2</sup> see ADM chapter J3 for more information.

*1 WR Act 12, s 14(4), 2 s 23(4)*

J1005 The claimant commitment can be in any form as the Secretary of State sees fit<sup>1</sup>. The claimant commitment will be a written document which can be accepted in various ways (see J1007).

*1 WR Act 12, s 14(3)*

## Accepting the claimant commitment

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

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

*1 WR Act 12, s 14(5); UC Regs, reg 15(4)*

### Example 1

Brian is in receipt of UC. He accepted a claimant commitment dated 1.11.13 when he first made a claim for UC. At that time Brian was in the work-focused interview group and his claimant commitment reflected what was required of him in that group. On 9.2.14 a new claimant commitment for Brian was drawn up by his adviser following a change of circumstance which meant Brian was now subject to all work-related requirements. This new claimant commitment has a greater number of activities specified on it. Brian has accepted this updated claimant commitment and still satisfies the conditions of entitlement for UC.

### Example 2

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

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

1. electronically **or**
2. by telephone **or**
3. in 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 UC Regs, reg 15(4)*

## Date of acceptance of the claimant commitment

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

1. claim **and**
2. acceptance

of the claimant commitment.

- J1009 Where there is such a gap then the claimant can be treated as having accepted the claimant commitment on the first day in respect of which the claim has been made. However, the claimant commitment has to be accepted within a time specified by the Secretary of State<sup>1</sup>. This may be referred to as a “cooling off” period.

*1 UC Regs, reg 15(1)*

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

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

#### **Example 1**

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

#### **Example 2**

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

#### **Example 3**

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

J1012 Where an award of UC may be made

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

the claimant commitment is treated as having been accepted on the first day of the first assessment period of that award<sup>1</sup>.

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

*1 UC Regs, reg 15(2)*

### **Example**

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

J1013 – J1014

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

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

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

can be extended.

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

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

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

*1 UC Regs, reg 15(3)*

J1017 – J1019

## Exceptions to the requirement to accept the claimant commitment

J1020 A claimant is not required to meet the basic condition of entitlement of having to accept a claimant commitment 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 UC Regs, reg 16*

### Lacking capacity

J1021 A claimant does not have to meet the basic condition of accepting a claimant commitment where they lack the capacity to do so<sup>1</sup>.

*1 UC Regs, reg 16(a)*

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

#### Example 1

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

#### Example 2

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

#### Example 3

Donald has learning difficulties and has an appointee in place. He lives in supported accommodation and is unable to manage his financial affairs. Donald is able to work but requires support to manage his finances. Although Donald has an appointee the DM decides that he is able to engage with a work coach and undertake appropriate

work-related activity. Therefore, Donald is considered to have the capacity to accept his Claimant Commitment and will be expected to do so.

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

J1024

### **Exceptional circumstances**

J1025 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 UC Regs, reg 16(b)*

J1026 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.
4. the claimant is terminally ill<sup>1</sup>

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:** Except in J2016 4. above, once the exceptional circumstances have passed then the claimant is required to accept a claimant commitment.

*1 UC Regs, reg 2*

J1027 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**

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

#### **Example 2**

Rose has made a claim to UC. On the day that she is due to meet her adviser to accept her claimant commitment she is, at short notice, given an appointment at her

hospital to have a long awaited operation. Rose is expected to be in hospital for some time but is unsure for exactly how long at this stage. It would be unreasonable to expect Rose to cancel her operation in order to accept her claimant commitment. Once she has been discharged from hospital, another appointment can be booked with her adviser to accept her claimant commitment.

### **Example 3**

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

J1028 – J1029

## **Reviewing the claimant commitment**

J1030 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 WR Act 12, s 14(2)*

### **Example**

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

J1031 Where a claimant commitment has been reviewed and updated then the claimant must accept it in order to maintain entitlement to UC<sup>1</sup>.

*1 WR Act 12, s 14(5)*

**Note:** a 'cooling off' period (see J1009) can apply when a claimant commitment is reviewed. During this period the claimant commitment previously accepted remains in place and the claimant will be expected to comply with any work-related requirements agreed as part of that.

J1032 – J1999



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