

Chapter J2: Work-related groups

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Chapter J2: Work-related groups

Introduction

J2001 Depending on their circumstances, a claimant may fall into a particular work-related group. These are also known as conditionality groups or work-related requirements groups but the UC legislation describes them as work-related groups¹. The group that a claimant falls into will determine what is required of them in relation to their award of UC. ADM Chapter J3 provides guidance on the work-related requirements.

1 UC Regs, regs 89 - 92

The work-related groups

J2002 The work-related requirements which can be imposed on a claimant depend upon which group the claimant falls into¹. The groups are

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

1 WR Act 12, s 13(3)

What a work-related requirement is

J2003 A work-related requirement means¹ a

1. work-focused interview requirement
2. work preparation requirement
3. work search requirement
4. work availability requirement.

1 WR Act 12, s 13(2)

J2004 The Secretary of State can impose a work-related requirement on a claimant which the claimant must comply with¹. If a claimant does not comply with a work-related requirement then there may be a reduction in their award of UC². ADM Chapters K1 – K9 provide guidance on reductions and sanctions.

1 WR Act 12, s 13(1); 2 s 26 & 27

J2005 In this guidance, references to obtaining paid work include¹ obtaining

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

“Work” includes employed earner’s employment and self-employment.

1 UC Regs, reg 87

J2006 - J2029

Carers

J2030 The requirements that a claimant may be subject to can be affected by their caring responsibilities. In this guidance the following terms are defined.

Adopters

J2031 An adopter means¹ a person who has been matched with a child for adoption who is, or is intended to be, the responsible carer for the child. This does not include a

1. foster parent **or**
2. close relative

of the child.

Note: A person is matched with a child for adoption when it is decided by an adoption agency that the person would be a suitable adoptive parent for the child².

1 UC Regs, reg 89(3)(a); 2 reg 89(3)(b)

Close relative

J2032 A close relative in relation to a person means¹

1. parent
2. parent-in-law
3. son
4. son-in-law
5. daughter
6. daughter-in-law
7. step-parent
8. step-son
9. step-daughter
10. brother
11. sister
12. where any of 1. - 11. is a member of a couple, the other member of the couple.

1 UC Regs, reg 2

Foster parent

J2033 Foster parent means¹

1. in England and Wales, a person with whom a child is placed under relevant legislation² **and**

2. in Scotland, a foster carer or kinship carer with whom a child is placed under relevant legislation³.

1 UC Regs, reg 2; 2 Fostering Services Regulations 2011 & Fostering Services (Wales) Regulations 2003; 3 Looked After Children (Scotland) Regulations 2009

Relevant carer

J2034 A relevant carer means¹

1. a parent of a child who is not the responsible carer but does have 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.

1 UC Regs, reg 85(a) & (b)

Responsible carer

J2035 A claimant is a responsible carer where¹ they are a

1. single person who is responsible for the child **or**
2. member of a couple where
 - 2.1 the claimant or the other member of the couple is responsible for the child **and**
 - 2.2 the claimant has been nominated by the couple jointly as responsible for the child.

1 WR Act 12, s 19(6)

Responsible foster parent

J2036 In relation to a child, a responsible foster parent means¹

1. a person who is the only foster parent of that child **or**
2. a person who is a member of a couple where
 - 2.1 the couple are foster parents in relation to that child **and**
 - 2.2 the person has been nominated by the couple jointly as the responsible foster parent.

1 UC Regs, reg 85

Responsible carer and responsible foster parent – couples and nominations

J2037 Joint claimants can nominate¹ which one of them can be regarded as either the

1. responsible carer **or**
2. responsible foster parent.

1 UC Regs, reg 86(1)

J2038 At any one time, only one of the joint claimants can be nominated as a responsible carer or a responsible foster parent¹.

1 UC Regs, reg 86(2)

J2039 Where there is more than one child, the nomination applies to all the children for whom either of the joint claimants is responsible¹.

1 UC Regs, reg 86(3)

J2040 Joint claimants can change¹ which member is nominated

1. once in a 12 month period starting from the date of the previous nomination
or
2. on any occasion where the Secretary of State considers that there has been a change of circumstances which is relevant to the nomination.

1 UC Regs, reg 86(4)

J2041 - J2049

Claimants subject to no work-related requirements

Introduction

J2050 There are certain claimants who cannot have work-related requirements imposed on them¹. This is because

1. they are of a prescribed description **or**
2. their earnings are equal to or exceed their individual threshold.

1 WR Act 12, s 19(1)

Claimants of a prescribed description

J2051 The Secretary of State may not impose a work-related requirement on claimants¹ who

1. have LCW who also have LCWRA²
2. have regular and substantial caring responsibilities for a severely disabled person³
3. are the responsible carer for a child under the age of one⁴
4. have reached the qualifying age for SPC⁵

5. have caring responsibilities for one or more severely disabled persons for at least 35 hours a week but are not entitled to CA and it would be unreasonable for the claimant to comply with a
 - 5.1 work search requirement even a limited requirement **and**
 - 5.2 work availability requirement even a limited requirement⁶
6. are pregnant and it is 11 weeks or less before the expected week of confinement⁷
7. were pregnant and it is 15 weeks or less since the date of confinement⁸
8. are adopters where
 - 8.1 it is 12 months or less since the date that the child was placed with the claimant⁹ **or**
 - 8.2 the claimant chose that the 12 months (referred to in 8.1) should run from a date within 14 days before the child was expected to be placed with them. Work-related requirements should not be imposed from that date¹⁰
9. is a claimant entitled to UC jointly as a member of a couple¹¹ **and**
 - 9.1 is receiving education¹² **and**
 - 9.2 does not meet any of the exceptions¹³ **and**
 - 9.3 has student income which is taken into account in the calculation of UC¹⁴

then they will be subject to no work-related requirements¹⁵.
10. are in a certain type of education and do not have to meet the education condition of entitlement for UC where¹⁶
 - 10.1 they are aged under 21, in non-advanced education and without parental support **or**
 - 10.2 they are receiving education and has student income in relation to that course **except**
 - 10.3 where that student income is a postgraduate master's degree loan¹⁷ **and**
 - 10.4 the course which the loan in 9.3 is paid for is not a full-time course¹⁸
11. are the responsible foster parent of a child aged under one¹⁹.

1 WR Act 12, s 19(1); 2 s 19(2)(a); 3 s 19(2)(b); 4 s 19(2)(c); 5 UC Regs, reg 89(1)(a); 6 reg 89(1)(b); 7 reg 89(1)(c); 8 reg 89(1)(c); 9 reg 89(1)(d)(i); 10 reg 89(1)(d)(ii); 11 reg 3(2)(b); 12 reg 12(2); 13 reg 14; 14 reg 68(1); 15 reg 89(1)(da); 16 reg 89(1)(e); 17 reg 68; 18 regs 89(4 & 5); 19 reg 89(1)(f)

Claimants with LCWRA

J2052 A claimant who has LCWRA cannot have a work-related requirement imposed on them¹.

Example

Mark has claimed UC. When making his claim for UC, he indicated that the state of his health would limit his capability for work. The DM requires that Mark attend a

WCA in order to assess his capability for work. Following the WCA, the DM takes into account the findings of the HCP and determines that Mark has LCWRA. Mark cannot have any work-related requirement imposed on him.

Caring responsibilities

Severely disabled

J2053 Where the claimant has

1. regular **and**
2. substantial

caring responsibilities for a severely disabled person then work-related requirements cannot be imposed on them¹.

1 WR Act 12, s 19(2)(b)

J2054 Regular and substantial caring responsibilities for a severely disabled person in J2053 means¹ that the carer

1. satisfies the conditions of entitlement for CA **or**
2. would satisfy the conditions of entitlement for CA if their earnings did not exceed the prescribed limit for CA.

This definition applies regardless of whether or not that the carer has made a claim for CA². This definition does not apply to a person who derives earned income from those caring responsibilities³.

1 UC Regs, reg 30(1); 2 reg 30(2); 3 reg 30(3)

Example 1

Andre has claimed UC. He works for a company providing care for disabled elderly people. It is Andre's job to care for a client. With regards to his award of UC, Andre is not in the no work-related requirements group because the caring he does is due to his employment and is performed under a contract of service. He is in receipt of earned income from his caring work.

Example 2

Kath has claimed UC. She is the carer for her elderly father who is in receipt of AA. Although Kath is caring for her father for at least 35 hours a week, she has not claimed CA and does not want to. With regards to her award of UC, Kath is placed in the no work-related requirements group and this means that work-related requirements cannot be imposed on her.

J2055 Where the claimant

1. has caring responsibilities for one or more severely disabled persons for at least 35 hours a week **and**

2. does not satisfy the conditions of entitlement to CA and it would be unreasonable for the claimant to comply with a
 - 2.1 work search requirement including a limited requirement **and**
 - 2.2 work availability requirement including a limited requirement

then work-related requirements cannot be imposed on them¹.

1 UC Regs, reg 89(1)(b)

J2056 A severely disabled person in J2055 means¹ a person for whom

1. AA² **or**
2. the care component of DLA at the highest or middle rate³ **or**
3. CAA payable as
 - 3.1 an increase of IIDB⁴ **or**
 - 3.2 an increase of an old scheme allowance⁵ **or**
 - 3.3 an increase of WC⁶ **or**
 - 3.4 a WDisP⁷
4. the daily living component of PIP at the standard or enhanced rate⁸
5. AFIP⁹

is payable provided that it is payable at a weekly rate of at least that specified in legislation¹⁰.

Note: The meaning of WDisP is prescribed¹¹.

1 UC Regs, reg 89(2); 2 SS CB Act 92, s 70(2); 3 s 70(2); 4 SS (ICA) Regs, reg 3(1)(a); 5 reg 3(1)(b); 6 reg 3(1)(c); 7 reg 3(1)(d); 8 SS Act 92, s 70(2); 9 s 70(2); 10 reg 3(1); SS CB Act 92, Sch 4, Part V, para 2(a); 11 SS (ICA) Regs, reg 3(2)

J2057 The conditions for entitlement to CA are that the claimant

1. is engaged in caring for a severely disabled person for any day¹ **and**
2. is regularly and substantially engaged in caring for that person² **and**
3. is not gainfully employed³ **and**
4. is aged 16 or over⁴ **and**
5. is not in FTE⁵ **and**
6. satisfies prescribed conditions of residence or presence in GB⁶.

Note 1: The claimant does not have to be related to the severely disabled person⁷.

Note 2: DMG Chapter 60 provides guidance on CA.

1 SS CB Act 92, s 70(1); 2 s 70(1)(a); 3 s 70(1)(b); 4 s 70(3); 5 s 70(3); 6 s 70(4); 7 SS (ICA) Regs, reg 6

Caring for a child under the age of one

J2058 Where the claimant is the responsible carer for a child under the age of one then no work-related requirements can be imposed on them¹.

J2059 - J2060

Adopters

J2061 Work-related requirements cannot be placed on a claimant who is an adopter where it is 12 months or less since the date that the child was placed with the claimant¹.

1 UC Regs, reg 89(1)(d)(i)

J2062 Where a claimant who is an adopter chooses that the 12 month period should start from a date within 14 days before the child was expected to be placed, then the 52 week period runs from that date¹.

1 UC Regs, reg 89(1)(d)(ii)

Example

Chloe is in receipt of UC. She is due to adopt a child on 2.12.13. She is aware that her work-related requirements can be lifted for a period of 12 months. She asks her adviser that she would like the 12 month period to run from 25.11.13 because she needs to get things ready at home for when she adopts her child. Chloe is not subject to work-related requirements for a period of 12 months from 25.11.13.

Foster parents

J2063 Work-related requirements cannot be placed on a claimant who is the responsible foster parent of a child aged less than one year old¹.

1 UC Regs, reg 89(1)(f)

Pregnant claimants

J2064 Work-related requirements cannot be placed on certain claimants who

1. are or
2. were

pregnant.

J2065 A woman who is pregnant and it is 11 weeks or less before her expected week of confinement cannot be subject to work-related requirements¹.

1 UC Regs, reg 89(1)(c)

J2066 A woman who was pregnant and it is 15 weeks or less since the date of their confinement cannot be subject to work-related requirements¹.

1 UC Regs, reg 89(1)(c)

Example

Tessa gave birth to her daughter on 18.11.13. She makes a successful claim for UC on 16.12.13. This means that work-related requirements cannot be placed on Tessa until 3.3.14.

Reaching the qualifying age for SPC

- J2067 A claimant who has reached the qualifying age for SPC should have no work-related requirements imposed on them¹. The qualifying age for SPC means²
1. for a woman - pensionable age **or**
 2. for a man - the age which would be pensionable age for a woman born on the same date as the man.

Note: See DMG Chapter 75 for guidance on pensionable age.

1 UC Regs, reg 89(1)(a) ; 2 SPC Act 02, s 1(6)

- J2068 The guidance in J2067 will apply in cases where UC has been awarded to joint claimants where one member of that couple has reached the qualifying age for SPC whilst the other member is below that age. A single claimant who has reached the qualifying age for SPC is not entitled to UC¹.

1 WR Act 12, s 4(1)(b)

Claimants in certain types of education

- J2069 It is a condition of entitlement for UC that a person is not receiving education¹. However, some claimants receiving education can be entitled to UC. ADM Chapter H6 provides guidance on the education condition.

1 WR Act 12, s 4(1)(d)

- J2070 A person who is receiving education but is entitled to UC who
1. is undertaking a full-time course of study or training which is not a course of advanced education **and**
 2. is under the age of 21 or is 21 and reached that age whilst undertaking the course **and**
 3. is without parental support
- cannot have work-related requirements placed on them¹.

1 UC Regs, reg 89(1)(e)(i)

- J2071 A person who is receiving education but is entitled to UC who
1. is in receipt of student income in respect of the course they are undertaking **and**
 2. has student income taken into account in the calculation of their award of UC
- cannot have work-related requirements placed on them¹.

1 UC Regs, reg 89(1)(e)(ii)

- J2072 The circumstances in J2070 – 71 will not apply and a person will **not** be treated as having student income where:

1. that income is a postgraduate master's degree loan¹ **and**
2. the course which the loan in (a) is paid for is not a full-time course²

This means that from September 2016, part-time postgraduate students from can have appropriate work-related requirements imposed upon them, dependant on the work-related group³ they are placed in.

1 UC Regs, reg 68; 2 regs 89(4) &(5); 3 WR Act 12, s 13(3)

Example

Donna receives UC and on 17.10.16 she begins a postgraduate master's degree in Public Administration. Donna obtains a new loan for the course which is part-time and will run for two years. Her work coach decides that Donna will remain in the all work-related requirements group. An appropriate work availability and work search requirement are imposed upon her, which fit around her periods of study. Donna agrees a claimant commitment reflecting her changed circumstances.

- J2073 A person who is receiving education and is entitled to UC by virtue of being a member of a couple¹ (where both members of a couple are entitled to UC jointly without each of them meeting all the basic conditions of entitlement) **and**
1. does not meet any of the exceptions² **and**
 2. has student income which is taken into account in the calculation of the UC award³

cannot have work-related requirements placed on them⁴.

1 UC Regs, reg 3(2)(b); 2 reg 14; 3 reg 68(1); 4 reg 89(1)(da)

Example

Rick is aged 20 and is a full time student. He is studying for a degree and receives a student loan. He does not meet any of the exceptions to the requirement not to be receiving education. His partner Vivian, also aged 20, is unemployed. They qualify for UC under the modified rules for couples (see ADM Chapter E2). Rick cannot have any work-related requirements imposed upon him and his student loan is taken into account when calculating the UC award.

J2074 - J2079

The earnings threshold and work-related requirements

J2080 The work-related requirements do not apply to claimants where their earnings

1. are equal to **or**
2. exceed

their individual threshold¹.

Note: This is referred to as the "Conditionality Earnings Threshold (CET)".

1 UC Regs, reg 90(1)

The individual threshold

J2081 The individual threshold for a claimant is the amount that a worker of the same age would be paid at the appropriate NMW hourly rate, converted to a monthly amount¹

1 UC Regs, reg 90(1 & 2)

J2082 For an individual the earnings threshold means the hourly rate of the NMW appropriate to the claimant's age **multiplied by**

1. 16 hours per week for claimants subject to
 - 1.1 the work-focused interview group only **or**
 - 1.2 work preparation requirement¹ **or**
2. the expected number of hours of work per week for claimants who would normally be subject to all work-related requirements².
3. converted to a monthly amount (multiplied by 52 and divided by 12).

1 UC Regs, reg 90(2)(a); 2 reg 90(2)(b)

Example

Alison is in receipt of UC and also has LCW. She is subject to a work preparation requirement. Alison is aged 20 and the appropriate NMW rate for her is £5.30 per hour.

Alison's individual earnings threshold is $£5.30 \times 16 = £84.80$, converted to a monthly amount - $£84.80 \times 52 \div 12 = £367$ per month.

This means that if Alison has earnings below £367 per month then she is still subject to a work preparation requirement.

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)

Expected hours of work

J2083 When determining whether work-related requirements apply with regards to the earnings threshold, the DM has to have regard to the expected number of hours of work per week.

J2084 The general rule is that, unless an exception applies, the expected number of hours per week is normally 35¹.

1 UC Regs, reg 88(1)

Example

Shaun has claimed UC. He works in a hotel, earns £180 per week and is 27 years old. Shaun would normally fall into the all work-related requirements group but the DM has to determine whether Shaun's earnings exceed the individual earnings threshold. The calculation is as follows

$£7.50$ (NMW rate appropriate to Shaun) \times 35 hours (the expected hours of work) = $£262.50$, converted to a monthly amount ($£262.50 \times 52 \div 12$) = $£1137$ per month.

Shaun's earnings threshold is £1137 per month.

His actual earnings are also converted to a monthly amount - $£180 \times 52 \div 12 = £780$ per month. As these are below the earnings threshold, Shaun may have work-related requirements imposed on him because he is in the all work related requirements group.

Exceptions to the expected number of hours of work

J2085 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 carer **and**
2. where the Secretary of State is satisfied that the claimant has reasonable prospects of finding paid work

are the number of hours less than 35 that the Secretary of State considers is compatible with those caring responsibilities¹.

1 UC Regs, reg 88(2)(a); reg 88(2)(aa)

Example

Louise is the responsible carer for her daughter who is aged 15. They live in a remote rural area. Her daughter catches the bus to school and back but has to be dropped off at a bus stop by Louise. Louise's work coach at the jobcentre thinks that Louise's weekly expected hours of work should be 30 and that there are reasonable prospects of Louise finding paid work for those hours.

When working out Louise's earnings threshold, the calculation is the NMW rate appropriate to Louise multiplied by 30 and converted to a monthly amount - $£7.50 \times 30 = £225 \times 52 \div 12 = £975$. Therefore for conditionality purposes, Louise's monthly earnings threshold is £975.

J2086 The expected hours of work for a claimant who is a responsible carer for a child under compulsory school age are the number of hours that the Secretary of State considers compatible with their caring responsibilities¹. Where the child is over compulsory school age but under the age of 13, the number of hours are those less than 35 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)². The expectation is that this safeguard will be 25 hours a week. Where the child is between the ages of three and 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.

Note: Compulsory school age in England generally begins in the school term following the child's 5th birthday.

Example 1

Richard is a 27 year old single parent and is the responsible carer for his three year old son, Cassius. It has been agreed with Richard's work coach at the jobcentre that his expected hours of work should be 16 hours per week because this fits in with his caring responsibilities for Cassius. Richard does not have to show he has reasonable prospects of obtaining paid work.

When working out Richard's earnings threshold, the calculation is the NMW rate appropriate to Richard multiplied by 16 and converted to a monthly amount - $£7.50 \times 16 = £120 \times 52 \div 12 = £520$. Therefore for conditionality purposes, Richard's monthly earnings threshold is £520.

Example 2

Laura is the responsible carer for her son who is aged 9 years old. It has been agreed with Laura's work coach at the Jobcentre that Laura's expected hours of work should be 25 hours a week because this fits in with her son's normal school hours including the normal time it takes the child to travel to and from school.

When working out Laura's earnings threshold, the calculation is the NMW rate appropriate to Laura multiplied by 25 and converted to a monthly amount - $£7.05 \times 25 = £176.25 \times 52 \div 12 = £763.25$. Therefore for conditionality purposes, Laura's monthly earnings threshold is £763.

J2087 The expected hours of work for a claimant who has a

1. physical **or**
2. mental

impairment are the number of hours that the Secretary of State considers is reasonable as a result of the impairment¹.

1 UC Regs, reg 88(2)(c)

Couples

J2088 A claimant who is a member of a couple is not subject to work-related requirements where

1. in the case of joint claimants, the couple's combined monthly earnings are equal to or exceed the sum of their individual thresholds¹ **or**
2. in the case of a claimant who is a member of a couple (see ADM Chapter E2) but who can claim UC as a single person, the couple's combined monthly earnings are equal to or exceed the sum of
 - 2.1 the claimant's individual threshold **and**
 - 2.2 the amount a worker would be paid for 35 hours a week at the single NMW standard rate², converted to a monthly amount (multiplied by 52 and divided by 12).

Apprentices

J2089 Where a claimant is working under a contract of apprenticeship then no work-related requirements can be placed on them if their monthly earnings are equal to or exceed the amount which would be paid at the NMW rate for apprentices working

1. 30 hours a week **or**
2. the expected number of hours per week for that claimant, if less than 30¹.

Note: in 1. and 2. above the amount should be calculated as a monthly amount (multiplied by 52 and divided by 12).

1 UC Regs, reg 90(4)

The self-employed and the minimum income floor

J2090 A claimant

1. who is engaged in self-employment **and**
2. to whom the minimum income floor applies (see ADM Chapter H4)

has to be treated as having monthly earnings at a level equal to their individual threshold¹. This means that no work-related requirements can be placed on them.

1 UC Regs, reg 90(5)

Calculating monthly earnings for the purpose of work-related requirements

J2091 In order to determine a person's monthly earnings to decide whether work-related requirements apply, a monthly average of their earnings should be used.

J2092 The person's monthly average should be determined

1. by the amount of the earned income calculated or estimated in relation to the current assessment period **before** any deduction for
 - 1.1 income tax
 - 1.2 national insurance contributions
 - 1.3 relievable pension contributions¹ **or**
2. where the earned income fluctuates (or is likely to), the amount of that income, calculated or estimated **before** any deduction for
 - 2.1 income tax
 - 2.2 national insurance contributions
 - 2.3 relievable pension contributionstaken as a monthly average
 - 2.4 where there is an identifiable cycle, over the duration of one cycle **or**
 - 2.5 where there is no identifiable cycle, over three months or such other period to enable a weekly average to be determined more accurately².

Final earnings and work-related groups

J2093 When considering earnings for conditionality purposes, earned income¹ received from a job that has ended may be disregarded if the Secretary of State considers this would be more appropriate in ensuring that the correct work-related requirements are imposed. This ensures that where a claimant becomes unemployed and it is appropriate and beneficial to their individual circumstances, taking into account whether or not they have new job to move into shortly, or are expected to remain unemployed for some time, they can be offered immediate support, where otherwise that earned income would increase their monthly earnings amount and exempt them from conditionality².

Note 1: This income will still be taken into account for the purposes of calculating any award of UC³.

Note 2: If the claimant has left work or loses pay without good reason or through misconduct, a sanction may apply. See ADM Chapter K3 for more advice.

1 UC Regs, reg 52; 2 reg 90(6)(b); 3 reg 22

Example 1

Jeff is not in receipt of UC as he is in full time employment. On 5.2.16 Jeff becomes unemployed and he claims UC that day. Jeff's Assessment Period runs from the 5th of each month and his first Assessment Period runs from 5.2.16 to 4.3.16. Jeff receives a payment of final earnings on 12.2.16. Whilst the final earnings do not nil his UC award entirely for that Assessment Period, they are above the CET (see J2080) and would normally place him in the no work-related requirements group for that Assessment Period. As there remains some entitlement to UC and Jeff does not have a new job to move into in the near future, the DM decides that Jeff would benefit from immediate support and therefore disregards his final earnings in order to place him in the all work-related requirements group from 5.2.16. Jeff attends a work focused interview on 8.2.16 and agrees a claimant commitment which includes a work availability and work search requirement.

Example 2

Walter is in receipt of UC and his Assessment Period runs from the 1st of each month. On 2.2.16 Walter begins a job in which his earnings take him above the administrative earnings threshold (AET – see J2096) but below the CET. The change takes place in the Assessment Period running from 1.2.16 to 29.2.16. Walter remains in the all work-related requirements group whilst working but no work availability or work search requirements are imposed upon him. He agrees a new claimant commitment on 4.2.16 reflecting his changed circumstances.

On 6.4.16, Walter reports that his job has ended (that day) and that he has received a payment of final earnings (which do not reduce his UC award to zero in that Assessment Period). The change takes place in the Assessment Period running from 1.4.16 to 30.4.16. Since Walter does not have a job to move into shortly, the

DM decides to disregard Walter's final earnings and places him into the all work-related requirements group so that he can receive immediate support now that he is unemployed again. On 8.4.16 Walter attends a work focused interview and agrees a new claimant commitment which includes a work search and work availability requirement, both of which take effect from that date.

Example 3

Donny is in receipt of UC and his Assessment Period runs from the 15th of each month. On 17.3.16 Donny begins a job from which his earnings exceed the AET but not the CET. The change takes place in the Assessment Period running from 15.3.16 to 14.4.16. Donny remains in the all work-related requirements group whilst working but no work availability or work search requirements are imposed upon him. He agrees a new claimant commitment on 21.3.16 reflecting his changed circumstances.

On 23.5.16 Donny reports that his job has ended that day and that he has been paid final earnings. Donny also reports that he has secured a new job which starts on 25.5.16. The DM decides that as Donny has secured further employment, there is no benefit to imposing full conditionality on him in the short period between the end of his previous job and the beginning of his new job. In this case therefore, the DM does not disregard the final earnings from the earlier job in order to keep Donny in the no work-related requirements group for the remainder of that Assessment Period.

Example 4

Larry and Maude receive UC as a couple and their Assessment Period runs from the 20th of each month. Larry already works but his earnings are below the household AET. They are in the all work-related requirements group. On the 22.2.16 Maude begins a job from which her earnings take their combined employed earnings above the AET but still below the CET. The change takes place in the Assessment Period running from 20.2.16 to 19.3.16. They remain in the all work-related requirements group whilst working but no work availability or work search requirements are imposed upon them. On 21.3.16 they both agree new claimant commitments which include a work-focused interview¹ requirement only, reflecting the change in their overall circumstances.

On 27.6.16 Maude reports that her job ended on 24.6.16 and she received a payment of final earnings the same day. The change takes place in the Assessment Period running from 20.6.16 to 19.7.16. The DM decides to disregard Maude's final earnings, which would otherwise exceed the CET (but do not nil the UC award entirely). Larry's earnings have remained the same and in conjunction with the end of Maude's job, the DM decides that they would benefit from the additional support provided for those in the all work-related requirements group. On 30.6.16 they each attend a separate work focused interview and agree new claimant commitments. These include a work availability and a work search requirement for each of them and these take effect from the same day.

Treatment of Final earnings in a re-award (Live Service) and re-claim (Digital/Full Service) period

J2094 A claimant whose UC award has ended due to an increase in earnings can qualify for an automatic re-award of UC in Live Service areas or make a re-claim to UC in Digital (Full) Service areas if their

1. earnings decrease **or**
2. circumstances change for any other reason and they become re-entitled to UC

as long as that change occurs within six months of their UC award ending¹.

Note: see ADM Chapter A2 for more information on re-awards and re-claims.

1 UC, PIP, JSA & ESA (C&P) Regs, reg 6 & UC Regs, regs 21 & 22A

J2095 In Live service, the claimant's earnings are automatically monitored via HMRC's Real Time Information system during the re-award period to check whether the claimant has become entitled to UC again following a reduction in earnings. In Live service only, the claimant will not be required to submit a new claim¹. However in both service areas the claimant will still need to

1. meet the basic conditions of entitlement **and**
2. agree a new claimant commitment reflecting their changed circumstances.

Note: Where a claimant becomes entitled to UC in this manner, they retain the same Assessment Period and pay day as that which applied in their previous award².

1 UC, PIP, JSA & ESA (C&P) Regs, reg 6; 2 UC Regs, reg 21

J2096 If the claimant receives final earnings (in either service area) which exceed the CET but do not nil the award overall, the DM may, after considering the factors referred to in J2093, apply the disregard to final earnings and place the claimant in the all work-related requirements group immediately.

J2097 If the claimant receives final earnings (in either service area) which nil the UC award for the Assessment Period in which they are received, the discretionary powers described in J2093 will not apply. This is because the claimant does not have any entitlement to UC in the Assessment Period in which that change occurs. In these cases no conditionality will be applied until the beginning of the next Assessment Period.

J2098 If the DM does decide to disregard the final earnings, or the claimant does not receive any final earnings in the first Assessment Period after the re-award or before the re-claim, then conditionality can be imposed from the date that they agree a new claimant commitment. In these cases, the claimant is treated as having accepted a claimant commitment from the first day of that Assessment Period¹.

Note: In such cases the earliest a claimant can be required to be in any conditionality group is from the start of the first assessment period of the new award of UC.

1 UC Regs, reg 15(2)

Example 1

Marty is in receipt of UC in a Digital (Full) Service area. His Assessment Period runs from the 7th of each month. On 18.1.16 Marty begins a job in which his earnings received in the Assessment Period of 7.1.16 to 6.2.16 reduce his UC award to nil. Marty's UC award ends on 6.1.16 and he enters the re-claim period.

On 15.4.16 Marty makes a re-claim to UC and reports that his job has ended within the previous 7 days. He has also received a payment of final earnings on that day, which reduce his UC award to nil in the first Assessment Period (7.4.16 to 6.5.16) of his new claim. As there is no award of UC in this Assessment Period the DM cannot disregard Marty's final earnings.

Marty makes a further re-claim on 8.5.16 and on 10.5.16 he attends a work focused interview and agrees a new claimant commitment. Marty is placed in the all work-related requirements group and this includes a work availability and work search requirement. This takes effect from 7.5.16. Marty is still within the re-claim period so he retains the same Assessment Period as in his previous award.

Example 2

Pilar is in receipt of UC in a Digital (Full) Service area. Her Assessment Period runs from the 20th of each month. On 21.3.16 Pilar begins a job in which her earnings reduce her UC award to nil. Pilar's UC award ends on 19.3.16 and she enters the re-claim period.

On 24.6.16 Pilar makes a re-claim to UC and reports that her job has ended within the previous 7 days. Pilar retains the same assessment period as in her previous award and she is entitled to UC from 20.6.16. However, as she was paid monthly in advance, she does not receive a payment of final earnings in the first Assessment Period of her new award (20.6.16 to 19.7.16). Pilar attends a work focused interview on 27.6.16 where she agrees a new claimant commitment. She is placed in the all work-related requirements group and this includes a work availability and work search requirement. This takes effect from 20.6.16.

Note 1: If the claimant has no UC entitlement in any Assessment Period due to earnings, the DM cannot impose any work related requirements or sanctions on that claimant.

Note 2: See ADM chapters K1 – K9 for more information on sanctions.

Previous work-related requirements

J2101 Where a claimant

1. falls into the no work-related requirements group **and**
2. was previously subject to any work-related requirement

then those work-related requirements no longer apply¹.

1 WR Act 12, s 19(5)

Claimants with earnings below the threshold

J2103 Claimants with earnings below their threshold are not in the no work-related requirements group. This means that work-related requirements may be placed on them. However, the work-related requirements expected of them will generally depend on the level of their earnings.

J2104 Where the claimant's level of earnings are below a level at which JSA is paid then it will normally be the case that these claimants will be required to comply with work search and work availability requirements.

Note: this is referred to as the Administrative Earnings Threshold.

Claimants subject to a work-focused interview requirement only

J2105 A work-focused interview requirement is a requirement that the claimant is required to participate in one or more work-focused interviews¹.

1 WR Act 12, s 15(1)

What is a work-focused interview

J2106 A work-focused interview is an interview which the claimant is required to participate in 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.

1 WR Act 12, s 15(2); 2 s 15(4)

J2107 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 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 it 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 for the S/E start-up period.

1 WR Act 12, s 15(3); UC Regs, reg 93

Who is subject to a work-focused interview requirement only

J2108 Claimants who

1. are the responsible carer for a child aged one¹ **or**
2. are the responsible foster parent of a child aged at least one² **or**
3. are the responsible foster parent of a qualifying young person and it would be unreasonable for the claimant to comply with a
 - 3.1 work search requirement **or**
 - 3.2 work availability requirementbecause that young person has care needs³ **or**
4. are a foster parent (but not the responsible foster parent) of a child or qualifying young person and it would be unreasonable for the claimant to comply with a
 - 4.1 work search requirement **or**
 - 4.2 work availability requirementbecause that child or young person has care needs⁴ **or**
5. are a foster parent who
 - 5.1 does not have a child or qualifying young person placed with them but intend to **and**
 - 5.2 are within eight weeks of having fallen within **2.**, **3.** or **4.**⁵ **or**
6. have become a friend or family carer in relation to a child
 - 6.1 within the last 12 months **and**
 - 6.2 are the responsible carer for that child⁶

are subject to a work-focused interview only.

Note: In **3.** and **4.** this includes where the work search and work availability requirement would be limited⁷.

1 WR Act 12, s 20(1)(a); 2 reg 91(2)(a); 3 WR Act 12, s 17(4) & 18(3); UC Regs, reg 91(2)(b); 4 WR Act 12, s 17(4) & 18(3); UC Regs, reg 91(2)(c); 5 reg 91(2)(d); 6 reg 91(2)(e); 7 reg 91(2)(b) & (c)

Example

Julia was in the no work-related requirements group because she was the responsible carer for a child aged under one. Her child has since had his first birthday. Julia is now in the work-focused interview requirement only group and has to attend an interview or otherwise face a reduction in her UC. Julia's claimant commitment has been amended to reflect this.

- J2109 A friend or family carer in J2108 **6.** means a person caring for a child who
1. is responsible for the child but is not the child's parent or step-parent **and**
 2. has undertaken to look after the child because the child
 - 2.1 has no parents or has parents who are unable to care **or**
 - 2.2 would likely be otherwise looked after by the LA because of concerns about the child's welfare¹.

1 UC Regs, reg 91(3)

- J2110 Where a claimant falls into one or more of the categories in J2108 then no other work-related requirement should be imposed on them. Any previous work-related requirement ceases to have effect if the claimant is subject to a work-focused interview requirement only¹.

1 WR Act 12, s 20(3)

Claimants subject to work preparation requirement and work-focused interview

- J2111 Claimants
1. who do not fall into the
 - 1.1 no work-related requirements group **or**
 - 1.2 work-focused interview requirement only group **and**
 2. who
 - 2.1 have LCW¹ **or**
 - 2.2 are the responsible carer for a child aged two

are subject to a work preparation requirement².

1 WR Act 12, s 21(1); 2 WR Act 12, s 21(1)(aa)

- J2112 A claimant in this group may have a work preparation requirement imposed on them¹. They may also have a work-focused interview requirement imposed on them too².

1 WR Act 12, s 21(2); 2 s 21(3)

- J2113 Where the claimant falls within the work preparation requirement group then they cannot have a work search or work availability requirement imposed on them. Also, any work search or work availability requirement imposed before the claimant was

in this group ceases to have effect once a claimant is in the work preparation requirement group¹.

1 WR Act 12, s 21(4)

Example

Harry is in receipt of UC. When he first claimed UC, he was subject to a work search and work availability requirement. On 1.11.13, the DM determined that following a WCA, Harry has LCW. Harry is now in the work preparation group and from 1.11.13, he is no longer subject to a work search or work availability requirement.

J2114 - J2119

Claimants subject to all work-related requirements

J2120 A claimant who does **not** fall into the

1. no work-related requirements group **or**
2. work-focused interview requirements only group **or**
3. work-focused interview and work preparation group

falls into the all work-related requirements group¹.

1 WR Act 12, s 22(1)

J2121 Unless a determination has been made otherwise, claimants are subject to all work-related requirements. This means that although a claimant may in the future fall within one of the other work-related groups, until such time as a determination is made on the matter, the claimant is subject to all work-related requirements. Although a person may be subject to all work-related requirements, there will be circumstances when these should be limited or not imposed¹. ADM Chapter J3 provides guidance on those circumstances.

1 UC Regs, regs 97, 98 & 99

Example

Sharon has claimed UC and has indicated that she is too ill to work. The DM decides to refer Sharon for a WCA in order to assess whether she has LCW or LCWRA. Until a determination is made on the WCA findings, Sharon falls into the all work-related requirements group. However, the DM should follow the guidance in ADM Chapter J3 covering circumstances in which requirements must not be imposed. These circumstances include where the claimant has provided medical evidence of unfitness for work.

Note: Where a claimant's circumstances change midway through an AP and the DM **determines** that a new conditionality group applies, this will not be a supersession decision. Only an **outcome** decision can be superseded, therefore the general rule in UC that the effective date of a supersession takes effect from the first day of the AP in which the change occurs will not apply.

Example

Souleymane is in the all work-related requirements group and his AP runs from 26.9.15 to 25.10.15. Souleymane starts work on 5.10.15 and the DM determines that the claimant should now be in the no work-related requirements group from that date. The supersession rule does not apply as there has been no change to the award (unless the claimant is also paid within the same AP). The change is to the work-related requirements expected of the claimant.

J2122 Unless an exception applies, a claimant in the all work-related group must have a

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

imposed on them¹.

1 WR Act 12, s 22(2)

J2123 In addition, a claimant in the all work-related group may also have a

1. work-focused interview requirement **and/or**
2. work preparation requirement

imposed on them¹.

1 WR Act 12, s 22(3)

J2124 - J2999