

# Chapter K6: Lowest-level sanctions

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# Chapter K6: Lowest–level sanctions

## Introduction

K6001 This Chapter should be read with ADM Chapter K1 (Sanctions – general principles). This gives guidance on

1. the meaning of terms
2. the compliance condition
3. the public law principles of fairness that apply when setting work-related requirements **and**
4. what considerations apply when determining what reduction period applies.

See ADM Chapter K8 for guidance on when the reduction has effect, and ADM Chapter K9 for guidance on the amount of the reduction.

## When does a lowest–level sanction apply

K6002 A lowest–level sanction is a reduction of UC for a sanctionable failure by a claimant who<sup>1</sup>

1. falls within the work–focused interview requirement only group<sup>2</sup> **and**
2. fails without good reason to take part in a WFI<sup>3</sup>.

See ADM Chapter J2 for guidance on work–related requirements groups, and ADM Chapter J3 for guidance on work–related requirements. See ADM Chapter K1 for the meaning of a sanctionable failure and ADM Chapter K2 for guidance on good reason.

**Note:** In every case the Secretary of State has to be able to show any work-related requirement was validly imposed and adequately notified to the claimant in line with the public law principles of fairness established in case law<sup>4</sup>. For full guidance on the public law principles of fairness see ADM Chapter K1: Sanctions - general principles.

*1 WR Act 12, s 20 & 27; UC Regs, reg 105(1); 2 WR Act 12, s 13(2)(a); 3 s 15; 4 R (Reilly) v SSWP [2014] AC 453; R (Reilly 2) v SSWP [2016] ECWA Civ 413*

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## What is the reduction period

K6010 The reduction period is the number of days<sup>1</sup>

1. beginning with the date of the sanctionable failure **and**
2. ending with

- 2.1 the day before the day on which the claimant meets a compliance condition specified by the Secretary of State **or**
- 2.2 the day before the day on which the claimant falls into the “no work–related requirements” group<sup>2</sup> **or**
- 2.3 the day on which the award terminates (other than because the claimant ceases to be, or becomes, a member of a couple)

whichever is soonest.

*1 UC Regs, reg 105(2); 2 WR Act 12, s 19*

**Note:** See ADM Chapter K1 for the meaning of compliance condition, and ADM Chapter K8 for guidance on when the reduction begins, including where there is more than one sanctionable failure.

### **Example 1**

Clive is entitled to UC, and is the responsible carer for his 4 year old grandson Paul while Paul's mother is serving a prison sentence. Clive is required to take part in a WFI on 10.9.14, but fails to attend. He rings the Jobcentre on 15.9.14 to say he forgot about the interview, and makes an appointment for a further WFI. The DM determines that Clive had no good reason for the failure to attend. As Clive met the compliance condition on 15.9.14 his UC is reduced for a total period of 5 days.

### **Example 2**

Abigail is a lone parent and lives with her children Daniel aged 6 and Julie aged 3. Abigail is required to take part in a WFI on 25.11.14, but does not attend. She does not reply when asked for reasons for the failure to attend. The DM determines that a reduction should be imposed for the sanctionable failure.

Later Abigail notifies that on 20.12.14 she moved in with her partner Marco who is also entitled to UC. Abigail's assessment period begins on the 24<sup>th</sup> of the month, so her award of UC as a single claimant is terminated on 23.11.14. Marco's assessment period begins on the 19<sup>th</sup> of the month, so his entitlement as a single claimant ends on 18.12.14. Marco and Abigail are entitled to UC as joint claimants from 24.11.14. Abigail is nominated as the responsible parent, and remains in the work–focused interview requirement only group. Abigail's sanction continues until she complies with the requirement to take part in a WFI, because although her award terminated, that was only because she became a member of a couple.

### **Example 3**

Colin and Lisa are joint claimants, and foster Kerry, a child aged 11. Colin is in the all work–related requirements group, and as the responsible foster parent, Lisa falls within the work–focused interview requirement only group. Colin and Lisa's assessment period begins on the 4<sup>th</sup> of every month.

Lisa is required to attend a WFI on 10.8.14, but fails to do so. In response to a written query, she says that she forgot. She does not make a further appointment for a WFI. The DM decides to impose a reduction for the sanctionable failure.

On 27.8.14 Lisa contacts the DWP to say that on 22.8.14 she started fostering Neil, a child aged 4 months. The reduction period ends on 21.8.14, as from 22.8.14 Lisa is no longer subject to any work-related requirements.

#### **Example 4**

Heather is a lone parent with a daughter aged 3. She is entitled to UC, and is in the work-focused interview requirement only group. Heather fails to attend a WFI on 22.7.14. She does not respond to requests for reasons as to why she failed to attend. The DM imposes a reduction for the sanctionable failure.

On 7.11.14 Heather notifies that she has inherited £54,000 from a distant relative. The money was credited to her account on 29.9.14. Heather's assessment period begins on the 25<sup>th</sup> of every month, so her UC award is terminated from 25.9.14. The reduction period ends on 24.9.14, the last day of UC entitlement.

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