



The effectiveness of the claimant commitment in Universal Credit

**A study by the Social Security Advisory Committee
Occasional Paper No. 21**

9 September 2019

About this report

This project was conducted as part of the Social Security Advisory Committee's Independent Work Programme, under which the Committee investigates issues relating to the operation of the benefits system.

We are very grateful for the assistance and expertise of WPI Economics who we commissioned to prepare the paper for us, and to officials from the Department for Work and Pensions who provided factual information. As ever, we are also grateful to our extensive stakeholder community for their active engagement with this project. We also thank the Jobcentres who hosted our visits and all the staff and claimants who contributed to our discussions.

The views expressed and recommendations reached in the report are solely those of the Committee.

Table of Contents

Foreword 3

Executive summary 4

1. Introduction 7

2. The claimant commitment..... 12

3. A framework for assessing the effectiveness of the commitment 15

4. Evidence: what happens in practice 21

5. Recommendations 32

Annex A: Membership of the Social Security Advisory Committee..... 37

Foreword

The claimant commitment is a central component of Universal Credit. It is, effectively, part of the claim for benefit. It should set out what the claimant undertakes to do in return for benefit, and the claimant's own understanding of what could happen if he or she does not do it. It is both individualised, and generic – setting out both general requirements and specific actions. It replaces and builds on the Jobseeker's Agreement, which in the words of one work coach: 'had become little more than a checklist'. It is an intrinsic part of a benefit which is intended to help people take control of their lives and to become independent.

Given its importance, we wanted to find out how well they are working. How effective are claimant commitments in supporting people into work or progression within work? Do they set out clear expectations of what actions are needed in return for benefit payments? How do work coaches use commitments in interacting with claimants?

Overall, we found that work coaches are working hard to develop effective Commitments, in what can be very challenging circumstances. We found many good examples of Claimant Commitments which were developed effectively, with work coaches applying discretion fairly and appropriately.

However, we also found evidence of commitments that had not been developed or used effectively. It is impossible, with existing information, to identify the true scale, cause, or location of the problems identified in the report as DWP does not collect sufficient data. Based on the evidence we have, it is our view that unless action is taken there is a risk that the claimant commitment will not help all claimants to achieve better labour market outcomes and, in some cases, could have a detrimental impact, especially on claimants in vulnerable circumstances. For some it could simply become a checklist – a document which claimants have to agree to get their benefit paid - rather than something which builds understanding, and which supports and motivates claimants.

Our engagement with DWP suggests a real desire to ensure the commitment is an effective tool to support claimants into work. The Committee's recommendations focus on ways to improve the commitment and so should support DWP's ambitions. The Committee recognises there will be challenges in implementing the recommendations, but a more effective claimant commitment will help Universal Credit to be more effective, so requires investment, research and action.

Liz Sayce
Interim Chair

Executive summary

This report assesses the effectiveness of the claimant commitment in Universal Credit (UC). It builds on existing work on conditionality, sanctions and the operation of UC, recently undertaken by the Work and Pensions Select Committee and National Audit Office (NAO). In doing so, it provides an objective assessment of one of the central elements of UC policy, and outlines a set of recommendations through which we believe the functioning of the claimant commitment could be improved.

The claimant commitment is a core part of the conditionality regime under UC. It is meant to define a set of individually tailored requirements that must be met in return for UC payments. We looked at how the claimant commitment operates for people who are required to look for work as a condition of receiving UC, and for this group the commitment is generally intended to set out what they have to do to find work. It is also a live document which should be continuously reviewed to ensure it remains tailored to the claimant throughout their UC claim.

Our assessment is based on a set of potential principles for an effective claimant commitment, defined using existing evidence and stakeholder input. We drew on a range of evidence, including a public consultation, semi-structured interviews with third-sector organisations and Jobcentre visits, to consider how well each of the principles are being met in practice.

We found many good examples of claimant commitments which were developed effectively, with work coaches applying discretion fairly and appropriately to match the needs and circumstances of claimants. Overall, we found that work coaches are trying their best to develop effective commitments and in what can be very challenging circumstances – they have large and growing caseloads and engage with a range of claimants with varying circumstances, including some with very complex needs that may not be immediately apparent.

However, we also found evidence of commitments not being developed and used effectively. Our evidence points to a range of possible underlying reasons as to why this may be happening. However, with existing information, it is impossible to identify the true scale of the problems that we have identified and their causes, or where they are happening and whether they are becoming more or less frequent. DWP doesn't collect data centrally on the quality of claimant commitments to allow for such an assessment.

Whilst better data and more analysis would allow for a more detailed assessment of these issues, based on the evidence we do have, we believe there is a strong case for the Department to act now to address them. Without this action to improve quality where needed, we are concerned that there is a real risk that the claimant commitment will not help all claimants to achieve better labour market outcomes and, in some cases, could be having a detrimental impact, especially on claimants in vulnerable circumstances.

Our engagement with DWP suggests a real desire to ensure the claimant commitment is an effective tool to support claimants into work. We have seen that DWP has a drive for continuous improvement which has already led to change. We

also know that DWP is aware of many of the issues highlighted in our report and are considering how best to address them. We think our research and recommendations can contribute to DWP's work in addressing these issues and support its drive for continuous improvement.

We recommend that:

1. DWP should provide a clear articulation of its views of the objectives and principles underpinning the claimant commitment and how these vary by different claimant groups. It should also set out how it believes these objectives can be best delivered and work with a wide range of stakeholders to improve the design and delivery of the claimant commitment.
2. Based on the results of the engagement in Recommendation 1, DWP should develop and publish an evaluation strategy and provide an assessment, and ongoing monitoring and publication, of performance against the claimant commitment principles and objectives.
3. DWP should define, and then test, a list of new approaches to improve the design and development of the claimant commitment. This list should draw on the findings of the engagement exercise in Recommendation 1. DWP should publish this list and a timeline for when test results can be expected.
4. DWP should develop a more rigorous approach to ensure discretion is applied fairly and systematically. Specifically, DWP should prioritise data collection and analysis on the application of discretion (and easements) to inform their understanding of how well it's working and to help DWP consider ways to address challenges highlighted in the data. This analysis, including the statistics from the data, should be made publicly available. For instance, publishing and analysing where easements are used across Jobcentres to understand where and how practice varies.

While this happens, we recommend that DWP should:

- provide clarity on when they'll be trialing new approaches to ensure discretion is applied fairly and a timetable of when improvements can be expected. This includes the use of a framework for work coaches to apply discretion, as recommended by the National Audit Office; and
 - urgently act to ensure requirements placed on claimant commitments are just work-related and do not inappropriately include requirements related to a claimant's health or medicine.
5. DWP should act to understand why (and where) claimant commitments are not being regularly and frequently reviewed by work coaches and claimants, and then publish steps for how best to ensure they are.

Social Security Advisory Committee

We appreciate that there will be cost and capacity implications of implementing these recommendations, as well as in implementing any new initiatives that are tested and proved to be effective. We also know that work coaches are already under pressure with high and growing caseloads, and that delivering change across a significant number of Jobcentres (in the context of the continued roll-out of UC) is challenging. However, DWP are clear that the claimant commitment is a key tool for helping people to achieve better labour market outcomes, so it is crucial that it is designed and developed well. A more effective claimant commitment should also deliver exchequer savings and could deliver wider societal benefits and so we see this as a priority area for where more investment and research are needed.

Our research also highlighted the essential role of the work coach for developing an effective claimant commitment and we heard views that the use of coaching as opposed to monitoring conditions could be essential to developing effective outcomes. Given their importance, we will investigate the role of the work coach, including recruitment and training, as part of our future research programme.

1. Introduction

The Claimant Commitment

“The Claimant Commitment marks the start of a redefinition of the relationship between the welfare state and claimants. In return for state support, we expect claimants to do all they can to meet their responsibilities to return to work.

It also strengthens the ability of Jobcentre Plus staff to support claimants back into work at the earliest opportunity. Work coaches and jobseekers will agree regular specific tasks and training opportunities and the penalties claimants could face for failing to meet their responsibilities to get into work will be clearly spelt out.”

Esther McVey, 2013, then Employment Minister¹

The Government introduced Universal Credit (UC) in 2013, with the aim of providing an income for people out of work, making work pay as people move into and progress in work and helping lift people out of poverty.² Conditionality and its underpinning sanctions regime are key elements of UC; the two combined aim to incentivise claimants to engage with the employment support “...to look actively for work and thereby to move into work.”³ Conditionality means UC claimants who can look for or prepare for work are required to do so as a condition of receiving UC payments. The level and intensity of conditionality depends on an individual’s circumstances, such as whether they have caring responsibilities or a disability and on their household earnings. If a claimant fails to meet their agreed requirements without good reason, they may face a financial sanction – their UC payments may be reduced for a set period.

All UC claimants are placed in one of four conditionality groups and an underpinning labour market regime, depending on their individual and household information, characteristics and earnings.⁴ These define the level of support claimants can expect to receive and what can be expected of them to prepare for or find work (if appropriate). The four conditionality groups are:

- 1. All work-related requirements (AWRR)** – consists of two labour market regimes:

¹ DWP (2013), Press release, Jobseekers to start signing new Claimant Commitment today. Available at: <https://www.gov.uk/government/news/jobseekers-to-start-signing-new-claimant-commitment-today>

² DWP (2010), Universal Credit: welfare that works. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/48897/universal-credit-full-document.pdf (Accessed 30th May 2019)

³ DWP (ANC 0083)

⁴ For more information, see http://data.parliament.uk/DepositedPapers/Files/DEP2017-0556/76_Labour_Market_regimes_V6.0.pdf . It should be noted that the requirements on page 5 of this reference do not refer to the labour market regimes.

- **Intensive Work Search regime** - it includes claimants who are not working and claimants in work on very low earnings who are expected to take action to increase their earnings. This group also includes claimants with a health condition who have not completed a Work Capability Assessment (WCA), some self-employed claimants and lead carers whose youngest child is aged three or four. Requirements might include: carrying out work searches, making job applications, creating a CV and online job profiles, and obtaining references.⁵
 - **Light Touch regime** – it includes claimants on low earnings, between two thresholds set by DWP. Claimants in this regime currently face no work search related requirements.⁶
2. **Work preparation**⁷ - claimants who are expected to work in the future but are currently not expected to look for work. It includes claimants who have been assessed as having limited capability for work following a WCA and a lead carer where the youngest child is aged two. Requirements for this group may include: completing a skills assessment, creating a CV and researching childcare provision and costs.
 3. **Work focused interview** - claimants who are expected to work in the future but not expected to look for work yet as they are currently lead carers, including foster carers looking after a child aged one. It also includes claimants that have become responsible for the child of a friend or relative in the last 12 months and foster carers with children over 1 in special circumstances.⁸ Requirements for this group include: identifying training opportunities and assessing prospects for remaining in or finding paid work.
 4. **No work-related requirements** – consists of two labour market regimes for two different types of claimant: claimants who are earning enough and claimants who are currently not expected to undertake any work-related activity.⁹ The latter includes claimants with a disability or health condition

⁵ Although requirements may be paused for claimants with particular circumstances, as explained later in the report.

⁶ Claimants with or household earnings above the Administrative Earnings Threshold (AET) but earnings are not enough to take them above the relevant individual or household conditionality earnings threshold (CET). More information available here:

http://data.parliament.uk/DepositedPapers/Files/DEP2017-0556/76_Labour_Market_regimes_V6.0.pdf

⁷ The work preparation conditionality group only has one labour market regime underpinning it, which is called the work preparation regime. The work focused interview conditionality group also only has one labour market regime underpinning it, called the work focused interview regime.

⁸ Also includes foster carers who take a break from caring (e.g. because the placement ends) for up to 8 weeks, before getting another foster child. DWP were not able to give us an up to date reference setting out the different claimant circumstances by regime. More information can be found here:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/739280/universal-credit-work-programme-dwp-provider-guidance.pdf. However, recent reforms have changed the ages of the youngest child that determine the set of responsibilities for a claimant. See <https://www.gov.uk/government/publications/universal-credit-and-your-family-quick-guide/universal-credit-further-information-for-families>.

⁹ This conditionality group includes two labour market regimes. Claimants with earnings above either the individual or household Conditionality Earnings Threshold (CET) or self-employed and Minimum

which prevents them from working and claimants over the state pension age. It also includes lead carers, including foster carers with a child under the age of one and claimants with significant caring responsibilities for a severely disabled person for at least 35 hours. There are no work-related requirements for this group.

Each claimant required to undertake work-related requirements must accept their own claimant commitment before they can receive UC, which is a document that sets out a claimant's work-related responsibilities and the consequences of not meeting them. The claimant commitment evolved from its predecessor, the Jobseekers Agreement (JSAg), but compared to the JSAg, it allows flexibility to define tailored and specific goals for a claimant.

Scope of this report

This report assesses the effectiveness of the claimant commitment as a tool to support claimants into work. It focuses on its design and the process by which it is developed between a claimant and a Jobcentre work coach, in Jobcentres in England, Scotland, Wales and Northern Ireland.

The focus of the report is therefore on claimants in the strongest conditionality group (the all work-related requirements group (AWRR)) and claimants within it who are in the intensive work search regime.¹⁰

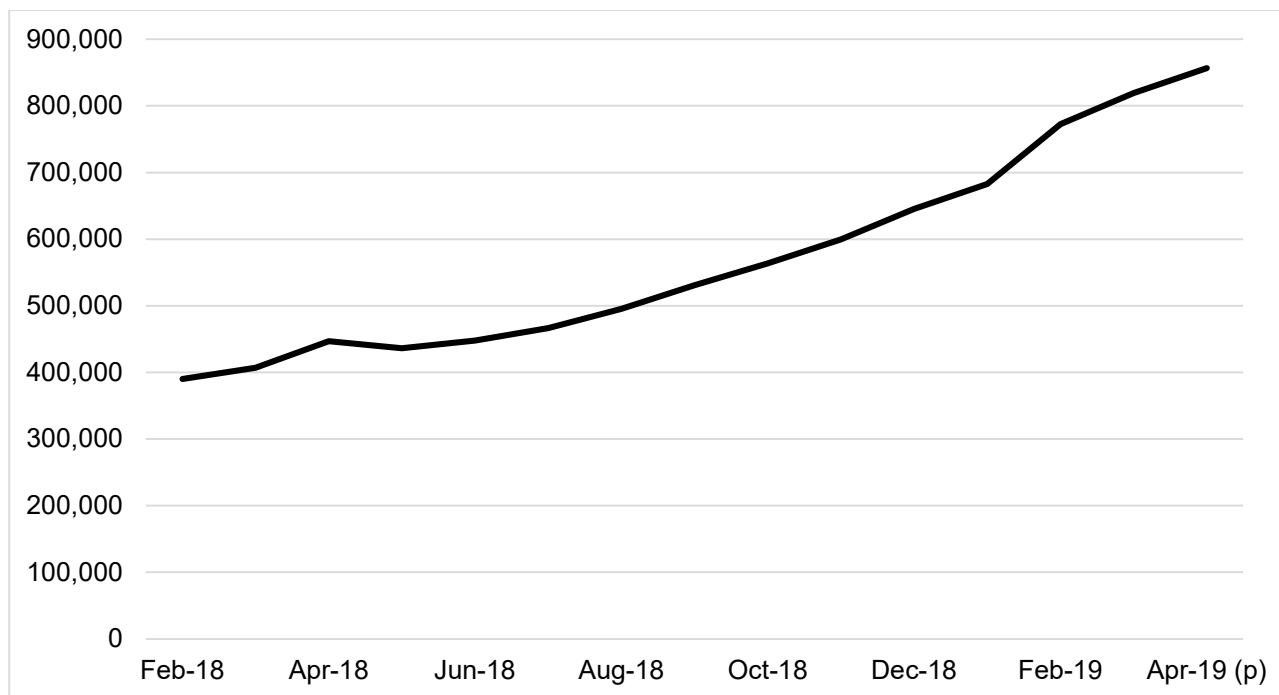
In February 2019, just under a half of all UC claimants (45%) were estimated to be in the intensive work search regime. The number of claimants in this group has increased steadily and is expected to continue increasing with the roll out of UC (Figure 1).¹¹

Income Floor are placed in the “working enough” regime. The other regime is called “no work-related requirements”. Claimants in this regime are not expected to work because, for example, they are too sick to work, have limited capability, are over State Pension age or with significant caring responsibilities.

¹⁰ Although there will be claimants in the intensive work search regime who have their work search requirements switched off for a period, as explained below.

¹¹ As claimants on the legacy benefit system are moved onto UC.

Figure 1: number of claimants in the intensive work search regime¹² in Great Britain



Source: DWP (2019)

The conditionality policy for claimants in the light touch labour market regime is still in the design phase and so they receive a generic commitment when they apply for UC and are not expected to participate in any mandatory labour market activity.¹³ As a result, we took the decision that these claimants were outside of the scope of this research.

Whilst the scope of this report explicitly excludes claimants in other conditionality groups, it is worth noting that there is a significant variety of individuals, with diverse needs and barriers to work, within the intensive labour market regime. For example, it will include large numbers of people with a range of mental and physical health conditions who are deemed able to work or who are awaiting a Work Capability Assessment (WCA). Not all claimants in this regime will be looking for work as some claimants may have their work search requirements switched off, given their circumstances.

Another area we deemed to be out of scope is the effectiveness of specific requirements made through the claimant commitment and the support services available. Each commitment is meant to be tailored to a claimant’s needs and circumstances which, together with work coach discretion, means there is a wide range of possible requirements that could go on a commitment. We recognise that the quality and relevance of those responsibilities will affect the probability that a

¹² DWP, Universal Credit statistics: claims, monthly starts and people on Universal Credit up to 11 April 2019. Published 14th May 2019. The April figure is provisional. “Searching for work” is another label for claimants in the intensive work search regime.

¹³ See: <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/work-and-pensions-committee/universal-credit-inwork-progression/written/101272.html>

claimant moves into work. However, given the range of potential actions available, we have not included an assessment of those different options within the scope of this report.

Research methods

To inform this project, we:

- undertook and received over 30 responses to a **public consultation** calling for evidence;
- conducted **desk research** of national and international studies;
- **interviewed** 15 experts from **organisations** working directly with claimants;
- **consulted** analysts, policy and operational leads within **DWP**;
- conducted interviews and held focus groups with **claimants and Jobcentre staff** across the UK; and
- **reviewed** a random sample of 150 **anonymised claimant commitments**, shared with us by DWP.¹⁴

This report summarises the findings from our research. It first describes the claimant commitment. It then considers a framework for assessing its effectiveness, drawing on its policy objectives and potential principles for what a good commitment should look like. We then test the evidence against those principles. Finally, we highlight policy recommendations, based on our findings, that aim to ensure the claimant commitment is effective in supporting claimants into work.

¹⁴ DWP took the random sample from a population of people that were claiming Universal Credit, who were in the Intensive Work Search group and were associated with a site in GB (i.e. excluding Northern Ireland).

2. The claimant commitment

Each claimant required to look for work must discuss and accept their own personalised claimant commitment to receive UC payments. The commitment sets out what actions or conditions they are required to complete and should "...be set according to individual capability and circumstance."¹⁵ In most cases, the commitment is drawn up during an initial meeting¹⁶ between the claimant and Jobcentre work coach, at the local Jobcentre Plus. Within a couple, both individuals must accept their own commitment, which can be nevertheless affected by a change in the other partner's work status or circumstances.

The commitment is meant to be a live document and so should be "...reviewed and updated on an on-going basis."¹⁷ Claimants newly required to look for work have weekly work search review meetings with their work coach for the first 13 weeks, which are normally held in person. Thereafter, claimants have either weekly or fortnightly review meetings, typically 10 minutes long (if meet weekly) or 20 minutes long (if meet fortnightly), but the work coach has discretion over the frequency, length and location of the meetings.¹⁸

Claimants can access their commitment and contact their work coach through their online journal. They must also alert DWP, through their online journal or the service centre, to a change in their circumstances so their commitment can be reviewed and updated to reflect the change in circumstances if needed. Each time a commitment is updated, it needs to be accepted by the claimant as a condition of receiving UC payments.

Claimants (in the intensive work search regime) without barriers to full time work are expected to complete up to 35 hours of work search activity a week. Some of the activities include looking for and applying for jobs, updating and tailoring their CV, engaging with local employers and networking with friends and family to see if they know of opportunities. It can also include attending training and other (work-related) support options that the claimant and work coach think will ensure the claimant has the best chance of moving into work. Actions are either voluntary or mandatory; mandatory actions are subject to the sanctions regime if they are not met.

Claimants without barriers to full time work are also required to look for and be immediately available for full-time work above the National Minimum Wage and within 90 minutes of their home, by their normal method of transport. However, these are *maximum* requirements, which are lower for some claimants with a health

¹⁵ DWP (2010), Universal Credit: welfare that works. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/48897/universal-credit-full-document.pdf Accessed 30th May

¹⁶ The standard duration of the initial meeting is 50 minutes, but work coaches have discretion over the actual length depending on the claimant's circumstances, including whether to have a second appointment.

¹⁷ DWP guidance: Universal Credit and you, updated 1 April 2019. Available at: <https://www.gov.uk/government/publications/universal-credit-and-you/universal-credit-and-you-a>. Accessed 30th May 2019.

¹⁸ Although it must be weekly during the first 13 weeks of a new claim and at least fortnightly for claimants who are the "searching for work" conditionality sub-group.

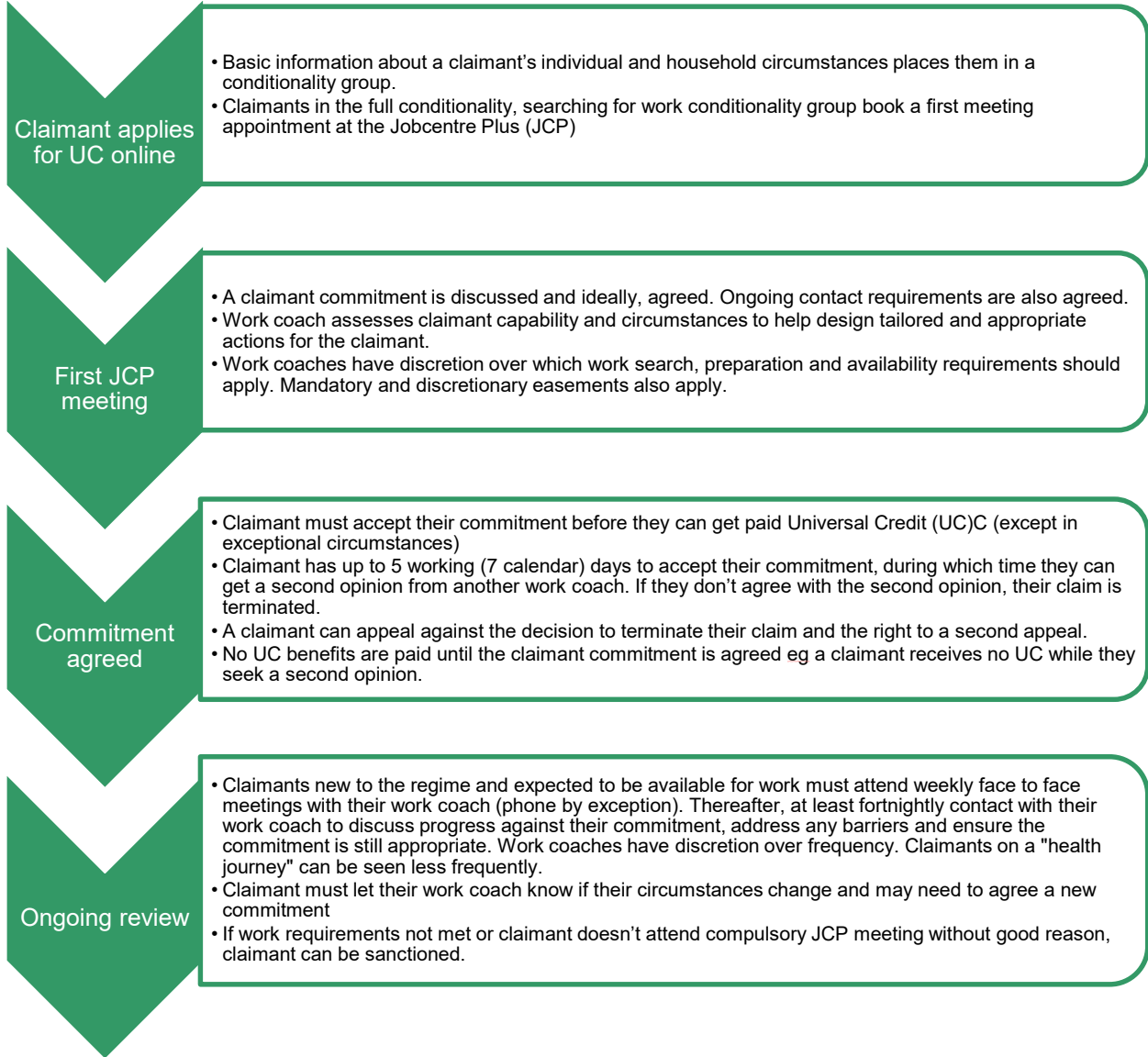
condition or caring responsibilities. For example, if the claimant is the main carer for a child aged three or four, the default maximum hours per week is 16 hours; if their youngest child is aged between 5 and 12 years old, the maximum requirement is 25 hours. A work coach has discretion to lower the number of work search and availability hours for those with a health condition or caring responsibilities. The type and volume of work-related activities should also be tailored depending on what seems appropriate, achievable and reasonable given the claimant's circumstances.

Work search and availability requirements may also be switched off altogether, for a period. Claimants with certain circumstances, as defined in legislation, are entitled to have their requirements switched off for a period. For example, a claimant receiving treatment for Drug and Alcohol Dependency, evidenced by a treatment provider, can be provided with an easement for up to 6 months. Work coaches also have discretion to apply an easement if they feel it is appropriate because the claimant needs time to manage an emergency or temporary circumstance.

Work coaches are legally required to make reasonable adjustments for claimants with a disability, under the Equality Act 2010. This includes applying appropriate discretion to requirements, such as varying or limiting types of work a claimant should look for and accept, as well as adjustments to support the claimant in accessing and engaging with their commitment and the Jobcentre.

The claimant commitment needs to be accepted by the claimant before UC payments can start, although this requirement may be lifted in exceptional circumstances. For example, if the claimant is undergoing medical treatment as an in-patient in hospital, is terminally ill or is judged to lack the physical or mental capacity to accept their commitment. Otherwise, claimants have up to five working (seven calendar days) to accept their claimant commitment or to ask for a second opinion from another work coach if they don't agree with its content. If the claimant disagrees with the outcome of that second opinion, the claim is ended. The claimant can request a Mandatory Reconsideration (MR) of the decision to end the claim if they disagree with the decision to end their claim. Figure 2 provides an illustration of this process.

Figure 2: process for developing and agreeing a claimant commitment, for claimants in the intensive work search regime



3. A framework for assessing the effectiveness of the claimant commitment

i. Assessment against the objectives of the claimant commitment

The first step in understanding the effectiveness of the claimant commitment is to outline its specific objectives and how it is meant to achieve those objectives.

However, we could not find a clear articulation of the *specific* objectives of the commitment and while DWP have published a theory of change for UC, it did not include a theory of change for the claimant commitment.¹⁹ DWP's response to a Freedom of Information (FOI) request for information on the claimant commitment in 2013 suggests the objectives for the commitment are around behaviour change:

"...a personalised approach to labour market activity, together with appropriate sanctions, will encourage and incentivise claimants to take responsibility for preparing for work, finding work and taking up more and better paid work"

DWP, FOI (2013)²⁰

However, it does not clearly articulate the intended outcomes, which are needed to assess the commitment's effectiveness, nor distinguish the claimant commitment's objectives from UC as a whole, which includes encouraging "more people into work and to make even small amounts of work pay and be seen to pay."²¹

We accept that the claimant commitment is just one part of the wider changes being implemented in the UK's social security system, and it is important to understand the overall impact these changes have. However, it is also clear that the claimant commitment is a central part of the whole system, and without a clear theory of change for how it contributes to the overall goals of the system and evaluation of how it is performing, there is a real risk that it will be significantly less effective than it could and should be.

¹⁹ A theory of change sets out how and why a desired change, and set of outcomes, is expected to happen. DWP's theory of change sets out the underlying theoretical drivers of the intended outcomes of UC. They defined a theory of change to help "evaluate, shape and fine-tune UC." "*The overarching theory of change for UC is that it will transform the way in which claimants interact with, and perceive the benefits system, both in terms of in-work and out-of-work benefits.*" DWP (2017), Understanding how Universal Credit influences employment behaviour. Findings from qualitative and experimental research with claimants. Available at: <https://www.gov.uk/government/publications/universal-credit-understanding-how-it-influences-employment-behaviour>

²⁰ Available at:

https://www.whatdotheyknow.com/request/163018/response/398294/attach/3/CC%20Narrative%20short.pdf?cookie_passthrough=1

²¹ Ibid

ii. Principles of the claimant commitment

With this in mind, we developed a different approach to understanding the likely effectiveness of the claimant commitment. This involved defining a set of principles for what a good claimant commitment may look like and using those principles to assess its effectiveness. For the purpose of this report, we have assumed that the intended outcomes of the commitment are to move people ultimately into sustained employment.²² Our principles, set out below, are based on existing evidence about what works for moving people into work and feedback from stakeholders. These principles are not a definitive list, but instead are meant to be a helpful starting position for defining a more definitive set of principles against which the commitment can be tested and transparently evaluated in future.

Figure 3: Potential principles for an effective claimant commitment, for claimants in the intensive work search regime

Principles	
Overarching principle	<p>Evidence based and reasonable</p> <p>The design and the process by which the claimant commitment is developed between the work coach and claimant should be reasonable and based on evidence of what works to help people move into sustained employment.</p>
	<p>Principle 1: Accessible A claimant commitment should be easily accessible.</p>
	<p>Principle 2: Clear A claimant should be clear about what actions are required, which are voluntary and mandatory, and when the actions need to be completed. The claimant should feel ownership of their actions and outcomes.</p>
	<p>Principle 3: Tailored The requirements in a claimant commitment should be tailored to the needs of each claimant and the labour market, and continuously reflect a claimant’s circumstances and relevant stage of job search.</p>
	<p>Principle 4: Accepted A claimant commitment should be accepted by both parties. There should also be a clear challenge process available to claimants who do not agree on the content of their commitment.</p>
	<p>Principle 5: Informed Claimants should have the right information to be able to make decisions, which includes knowing the implications of non-compliance.</p>

²² Of course, for some people in the intensive work search regime, moving into work may be a long-term goal. In the short term, their goals may be different. For example, because their circumstances mean they are unable to complete work search related activity at that time.

Overarching principle: Evidence-based and reasonable

We have an overarching principle for the commitment because we believe that evidence should be at the heart of its design and ongoing use, to ensure the commitment has the best possible chance of achieving its objectives and that requirements are fair and reasonable.

The remaining five principles were developed based on a range of academic and practitioner evidence of what works in relation to behaviour change in job search and employment progression (see Box 1 for a brief summary), alongside insights provided through our consultation exercise and stakeholder engagement.²³

²³ Although the evidence cited is based on average behaviour change, it does not consider what the evidence says for claimants with a disability or health condition, which is likely to be different.

Box 1: Evidence on goal setting and behaviour change

Evidence from HR performance management shows goal setting can improve focus and inspire action¹ and lead to better outcomes if they are specific, personally meaningful and achievable.^{2,3} People must also understand why the goals are important, feel they align with their interests and values and that goals are co-designed between the goal setter and manager. It also means people must feel they have the tools, knowledge and resources available to achieve their goals and that managers regularly check in on progress and help to remove any potential barriers. In a work environment, evidence shows that monitoring progress and effective coaching is also important for performance, where managers give constructive, two-way feedback⁴ and empower the recipient to solve their own problems.⁵

There is less evidence about what works specifically in a work search context. Generally, the evidence suggests that job search assistance and monitoring can lower unemployment duration.⁶ One behavioural insights study found that if job seekers and coaches worked together to agree specific, tailored goals around job attainment, rather than focus on administration, compliance and penalty avoidance, claimants moved off benefits more quickly.⁷ Relationship building between the work coach and claimant was also important, alongside simple and clear communication with effective prompts, for improving job search behaviour; the claimant should also feel a sense of ownership of the agreed outcomes and the action necessary to achieve them.^{8,9} Another study found that using reciprocity and personalisation in text messages from work coaches to claimants increased attendance at job fairs.¹⁰

1. Latham, G. P., & Locke, E. A. (2006). Enhancing the benefits and overcoming the pitfalls of goal setting. *Organizational Dynamics*, 35, 332-340 and Kleingeld, A., Van Mierlo, H. and Arends, I. (2011). The effect of goal setting on group performance: a meta-analysis. *Journal of Applied Psychology*. Vol 96, No 6. p1289
2. Challenging but achievable goals also drive better performance, but this may not be appropriate in setting the claimant commitment, given the accompanying sanctions regime. There is a risk that overlying challenging goals and sanctions could reduce work search effort if the claimant feels unable to complete their actions.
3. Latham G. P., & Locke E. A. (2006). New directions in goal setting theory. *Current Directions in Psychological Science*, 15, 265-268; Locke, E. A., & Latham, G. P. (1990). *A theory of goal setting and task performance*. Englewood Cliffs, NJ: Prentice-Hall.
4. CIPD (2016), Research Report: Could do better? Assessing what works in performance management. Available at: https://www.cipd.co.uk/Images/could-do-better_2016-assessing-what-works-in-performance-management_tcm18-16874.pdf
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9. Briscese, G. and Tan, C. (2018), Applying behavioural insights to labour markets. Available at: <https://www.bi.team/wp-content/uploads/2018/11/TheBehaviouralInsightsTeam-LabourMarketsReport.pdf>
10. Ibid

Principle 1: Accessible

It is reasonable and fair to ensure all claimants have access to their commitment so that they can refer to it to check the actions they are required to complete, to ensure they remain focused on their agreed actions. For claimants with a disability, this means ensuring their commitment is available in accessible formats, in line with the Equalities Act 2010. Accessibility is particularly important for the claimant commitment, when failing to complete some actions can lead to a financial sanction.

Principle 2: Clear

A claimant must be clear about the actions they are required to take, so they are aware of what is expected of them and by when. It should also be clear which requirements are voluntary and which are mandatory and so subject to a sanction if they are not met. If claimants don't understand their requirements, they cannot be expected to meet their requirements or adapt their behaviour – and if they don't understand the consequences, they risk being 'caught out' by a sanction, which is both unfair and risks undermining the relationship with their work coach. Clarity should also help a claimant feel ownership of their actions and outcomes, which in of itself is an important part of this principle and reflects the evidence around behaviour change, cited above.

Principle 3: Tailored

This principle draws largely on the behavioural insights evidence, noted in Box 1 above, which suggests that tailoring actions to a claimant's circumstances and needs is an important component of an effective commitment. Developing a truly tailored commitment relies on a number of inter-related factors, which include:

- **Environment** – tailoring to a claimant's circumstances requires the work coach to know what the claimant's true circumstances are, which in turn depends on whether the claimant reveals their personal information. That can depend on whether they feel comfortable revealing their information to their work coach. We heard the Jobcentre's environment, including the time and space available, is important in determining whether a claimant feels comfortable or not.
- **Work coach** – skills, knowledge, experience and personal qualities. A work coach needs to be able to build rapport and trust quickly with claimants, to coach effectively to elicit the right information, and to support and encourage claimants as they engage in their work search. Work coaches also need confidence and the knowledge to develop appropriate actions that are tailored to a specific claimant's circumstances.
- **Support services** – the ability to define actions that are truly tailored for some claimants will depend on the support services available. For example, if a claimant needs basic digital skills training to be able to compete in their local labour market. Whether that is possible depends on whether there is training available for that claimant in their area (and that the work coach is aware of it).

And to ensure the claimant commitment consistently reflects a claimant's circumstances, there needs to be a relatively quick and easy process to update the commitment if they do change. A long process for changing a claimant commitment could result in a claimant being subject to conditions that are no longer appropriate which if they fail to meet, could put them at risk of a financial sanction.

Principle 4: Accepted

A claimant is unlikely to complete the actions in their commitment if they don't accept it. Where claimants don't accept their commitment, they should also have a right to a second opinion. The importance of this is clear; any decision-making system, however carefully designed and well-administered, will make errors. Work coaches are also operating in a relatively challenging environment, where they are expected to define tailored and appropriate requirements for claimants with varying circumstances, from the relatively straightforward to those with very complex needs. As failure to meet these requirements can lead to a financial sanction, it is important that claimants are able to challenge their claimant commitment quickly and have access to independent review.

Principle 5: Informed

We all need the right information to be able to make effective decisions, especially if there are potentially severe financial implications of those decisions. Based on the evidence from the Oakley review²⁴ we think that, at a minimum, this means ensuring claimants are made aware of the implications of non-compliance (i.e. sanctions).

It is less clear how much information is needed on the commitment itself and what other information is needed to elicit behaviour change. For example, requirements of work coaches, rights of the claimants on easements and reductions to work search activity; and the way in which that information is given and at what stage in the development process of the commitment.

²⁴ Oakley, M. (2014), Independent review of the operation of Jobseeker's Allowance sanctions validated by the Jobseekers Act 2013. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/335144/jsa-sanctions-independent-review.pdf

4. Evidence: what happens in practice

In this chapter, we take each of the principles in turn and highlight our evidence of how well those principles are being met in practice, drawing heavily on views from stakeholders and consultees and our Jobcentre visits.

Overarching principle - *The design and the process by which the claimant commitment is developed between the work coach and claimant should be reasonable and based on evidence of what works to help people move into sustained employment.*

We found a real desire in DWP to ensure the claimant commitment's design and use is underpinned by evidence. In designing the claimant commitment, DWP drew from existing evidence and commissioned its own research and user-testing.²⁵ In particular, the behavioural insights trials, which were at the core of its original design.²⁶ And we understand that user testing helped shape the content and language used on the commitment's digital platform.

DWP also appear to have regular, ongoing and proactive feedback loops from the front line to the centre and an ethos about continuous improvement. For example, DWP heard that private rooms could help some claimants, with particularly sensitive and complex needs, feel more willing to engage in a conversation with their work coach. As a result, DWP has sought to introduce private rooms in Jobcentres where possible and DWP told us that arrangements can be made to see claimants in an alternative location to the Jobcentre if needed. Feedback from front line staff and evaluations of the use of training by work coaches also helps shape the design of DWP's training material for work coaches and team leaders in Jobcentres. We also saw good examples of sharing best practice amongst work coaches within one of the Jobcentres we visited.

However, we are not sure that the framework of requirements within the claimant commitment are evidence-based. For example, there is no evidence underpinning the requirement to do 35 hours work search a week. And as highlighted above, there is no evidence of a formal set of objectives or theory of change that underpins the development of the existing claimant commitment. In short, this means that it is impossible to understand whether the right evidence has been used to design the claimant commitment and, as a result, whether it is operating as effectively as it should be.

²⁵ DWP (2012), Insight to support Universal Credit user-centred design, Research report 799 completed by Rotik, M and Perry, L. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/192592/rrep799.pdf

²⁶ Ibid

Principle 1: Accessible - *A claimant commitment should be easily accessible.*

Most claimants will need to accept and access their commitment online, unless there are exceptional circumstances which prevent them from doing so. Claimants are also expected to update their progress against required actions using their online account.

Our evidence suggests that most claimants find their commitment easily accessible. A DWP survey found just under eight in ten claimants agreed their online journal was easy to use and three quarters found it a useful way to keep a record of their progress and to communicate with their work coach.²⁷ We also saw work coaches and claimants interacting well through the online journal, for example, rearranging meetings.

However, perceived accessibility was lower amongst claimants with a long-term health condition or without regular internet access, which aligns with feedback from our stakeholders who highlighted learning difficulties or poor digital skills as a barrier for some claimants, especially if they don't have digital support from friends and family.

We also heard that claimants often forget their log-in details to access their online journal, especially those with low literacy skills, who can struggle to read and engage with their commitment at home. Visits to Jobcentres also demonstrated the challenges that claimants without English as a first language can experience in understanding how to access the claimant commitment.

There are usually computers at the Jobcentre or library. However, we heard from claimants and staff that computers are not always working, or if they do work, are not available for the full amount of time a claimant needs to be able to meet their work search hours requirement. Claimants also complained about the low specification of computers, arguing this limited the productivity of their work search. Positively, DWP told us they are looking to improve the service and support, although were unable to share more information with us at this stage.

We also heard that some more vulnerable claimants are less able to use publicly available computers. For example, one interviewee from a third sector organisation highlighted that those fleeing domestic violence may fear that their abuser will be there.

In exceptional circumstances, DWP policy allows claimants to engage with their commitment and work coach by telephone and face to face, but we heard evidence to suggest this isn't always made clear to claimants.

Principle 2: Clear. *A claimant should be clear about what actions are required, which are voluntary and mandatory, and when the actions need to be completed. The claimant should feel ownership of their actions and outcomes.*

²⁷ DWP (2018), Full service survey, Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/714842/universal-credit-full-service-claimant-survey.pdf

There was significant variation in the clarity of the claimant commitments we sampled. Some claimant commitments had clear time-bound activities that outlined what the claimant needed to achieve daily, weekly and over specific longer periods. Others simply had statements like “local agencies” or “social media”, with little detail on the type or level of activity required and when it was required by.

It is important that work coaches explain the activities and requirements clearly to claimants to ensure they have understood. A DWP survey found just over three quarters of all claimants felt their requirements were explained well, although that proportion fell for claimants in the intensive work search regime with a long-term health condition (68%) and without regular internet access (61%).²⁸ We also heard from stakeholders that not all work coaches explain requirements to claimants clearly; a Citizens Advice survey showed two in five of the people they help don't understand how much work/work search is expected from them.²⁹

Several stakeholders told us that it is not always clear which actions are mandatory and so subject to a financial sanction if they are not met. The commitment has sections that set out the “work I can do” and “what I'll do”, which defines a claimant's personalised work search actions to be completed each week. These actions are mandatory. There is a separate section called “extra activities” which should list any voluntary activities, but it is not clear that they are indeed voluntary from just looking at the commitment.

One particularly concerning finding from the sample of claimant commitments that we viewed was the inclusion of activities relating to the claimants' management or treatment of a medical condition. For example, we saw commitments outlining that medical appointments should be attended, or that medication should be taken. It is DWP policy that only work-related activities should go on the claimant commitment. However, it is clear that this is not happening in all cases. One reason this may be happening is the desire of work coaches to help the claimant. For example, where work coaches feel that full conditionality requirements are inappropriate for the claimant, but they lack the confidence, knowledge or support to apply easements, we heard that work coaches might include medical related activities in order to dial-down conditionality whilst still completing a commitment for the claimant to accept and receive UC payments.

Whilst this represents a well-intentioned reduction in conditionality requirements for the claimants involved, consultees highlighted both the inappropriate nature of the requirements and the fact that the claimant is left confused about whether the actions relating to their medical condition are mandatory or voluntary. For some claimants, we heard that this causes stress which in some cases could risk exacerbating a pre-existing medical condition.

A related issue is that it is not clear, based on the commitment alone, what happens if a claimant meets (or goes beyond) the voluntary activities but not all the activities

²⁸ DWP (2018), Universal Credit full-service survey. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/714842/universal-credit-full-service-claimant-survey.pdf

²⁹ Citizens Advice, Universal Credit full-service monitoring survey, Nov 2017- May 2018

described in the “what I’ll do” (i.e. mandatory) section. A claimant would have to rely on a careful explanation of the different sections by their work coach and remember the difference after the meeting to be clear what is required of them. We understand that DWP are aware of this issue and are looking at ways to make the distinction between voluntary and mandatory activities clearer on the commitment.

Finally, the commitment says a claimant must check their online account “frequently.” However, we heard from stakeholders that the fact this isn’t clearly defined leaves claimants confused. Some claimants with mental health conditions find this particularly stressful, thinking they may need to check very frequently, such as every 30 minutes.

Principle 3: Tailored - *The requirements in a claimant commitment should be tailored to the needs of each claimant and the labour market, and continuously reflect a claimant’s circumstances and relevant stage of job search.*

A claimant commitment needs to be tailored to the circumstances and needs of an individual as well as the labour market to ensure their actions are reasonable and appropriate. As discussed above, there are several components of the commitment that can be “tailored”, such as the type of work a claimant looks for, the activities they need to complete and weekly hours of work search. The work coach has discretion to define these tailored actions, although up to a point for claimants with certain circumstances as legislation defines their maximum work search requirements and whether their work search requirements should be switched off (i.e. an easement is applied).

Our Tailored principle consists of two parts and the next section considers evidence against each: first, we consider evidence of whether the requirements in a claimant commitment are tailored to the needs of each claimant. We then examine whether commitments are continuously updated to reflect the claimant’s circumstances and relevant stage of job search.

*Are the requirements in a claimant commitment tailored to the needs of each claimant?*³⁰

Overall, we found mixed evidence of effective tailoring. Our findings are also backed up by survey evidence from DWP, which found around a half of claimants felt their personal circumstances had been considered. Just over 60% felt their commitment was achievable, meaning a significant minority did not and so may not be inspired to act (see Box 1). Claimants with physical and mental health problems were less likely than other claimants to feel that their commitment reflected their circumstances.³¹ One consultee highlighted an online survey of disabled people on UC which found only a quarter felt their work coach had taken account of their impairment or condition in planning activities. When they raised this with their work coach, a third felt they

³⁰ We didn’t collect enough evidence to make a fair assessment of whether requirements were tailored to the needs of the labour market, so the focus in this section is whether requirements were tailored to the needs of each claimant.

³¹ DWP (2018), Universal Credit full-service survey. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/714842/universal-credit-full-service-claimant-survey.pdf

were not listened to, while less than a third felt they were. Failing to take impairments into account would be in breach of the Equality Act 2010.

Aside from the tailoring of the level of conditionality, we also found a lack of tailoring of activities. Many of the claimant commitments we saw both in Jobcentres and the sample provided by the Department had a range of generic requirements, for instance around signing up to and using a jobsite.

As described above, this may reflect a range of interconnecting factors, including the Jobcentre environment, skills and experience of the work coach and specialist support.

a. Jobcentre environment

Our evidence suggests that work coaches are trying their best to tailor effectively, despite working in what can be a challenging environment. Work coaches support a range of claimants, some have very complex needs or lack the digital, English language or literacy skills needed to engage in the development and use of their commitment. Work coaches also highlighted that meetings are often taken up by them needing to tackle administrative problems, such as payment blocks, which reduces the time available for development of the commitment.

We saw and heard examples of work coaches managing this environment well; helping to build trusting and supportive relationships with claimants. For example, allowing time to build trust so claimants in vulnerable situations feel comfortable revealing their circumstances before defining mandatory work-related actions (while generally using sanctions as a last resort).

However, we also heard the Jobcentre environment can act as a barrier. For example, we heard that private rooms aren't always available, or claimants weren't made aware they could use a private room. Stakeholders also pointed to the power imbalance between the work coach and claimant and that claimants aren't made aware of the reasons why they should reveal their circumstances. As a result, some claimants with complex needs, who initially present themselves as able and willing to engage, are faced with full conditionality, even though it's unlikely to be appropriate given their circumstances. Several stakeholders felt work coaches don't have the time to explore all the potential elements of a claimant's situation if it's complex – the first meeting is typically just 50 minutes during which time a commitment is meant to be developed and agreed.

b. Work coach skills, experience and personal qualities

Most of our stakeholders felt that the quality of commitments is largely determined by the experience, skills and personal qualities of a work coach. This places significant responsibility on work coaches who are generalists, face heavy caseloads and a range of claimants with different needs and circumstances. In addition to building trust and rapport with claimants, work coaches need to be aware of how and when they can (and should) apply discretion and feel empowered to apply discretion so that the commitment is truly tailored and effective. They also need a reasonable understanding of the local labour market and support available to be able to define

realistic and appropriate actions. In essence, the role of the work coach is essential for developing an effective claimant commitment and we heard views that the use of coaching as opposed to monitoring conditions could be essential to developing effective outcomes. Given their importance, we will investigate the role of the work coach, including recruitment and training, as part of our future research programme.

Our evidence suggests a lot of work coaches try very hard to tailor commitments. We heard and saw good examples of work coaches appropriately applying easements and reducing work search requirements. For example, lowering requirements for claimants with limiting health conditions, who are waiting for a Work Capability Assessment. The sample of claimant commitments we viewed also had significant evidence of tailoring in action, around half of the commitments we saw had requirements that were below the “standard” full-conditionality level. This ranged from requirements that have been completely “turned off”, to reductions in job search hours required and variations in requirements around how long a claimant might be expected to take travelling to work.

However, this is not a consistent picture - we heard from several stakeholders and consultees that not all work coaches are using discretion fairly or reasonably and opt for generic, rather than tailored, actions. We saw examples of work coaches copying and pasting actions from a shared document which had become standard in their local Jobcentre and many of the claimant commitments we sampled had generic requirements. We also heard of work coaches recommending inappropriate courses and work search actions given the local labour market and some coaches using rules of thumb (for example reducing the hours requirement to 16 hours automatically if a claimant had previously claimed a disability benefit) to define actions instead of truly tailoring. This is perhaps understandable, given the pressures referred to above that work coaches face, but is not giving claimants bespoke plans.

Our evidence again points to a range of possible underlying factors: lack of confidence in applying discretion for conditionality requirements for people with physical and mental health problems³² and a lack of awareness of how or when to apply discretion appropriately. For example, we heard of work coaches placing soft requirements, such as coming to the Jobcentre, on the commitment for claimants with mental health conditions. Some work coaches said this is because they knew the claimant was unable to engage in work search activities at that time, but felt they had to put something on the commitment to trigger a UC payment. However, we heard from expert third sector organisations that such actions, once written down and therefore mandatory, can be incredibly stressful for some claimants and become counter-productive as a result.

c. Specialist support

Some claimants will need access to specialist support to help them address barriers to work. Whether claimants are able to access that support depends on whether it is

³² NAO (2019), Supporting disabled people to work. Available at: <https://www.nao.org.uk/wp-content/uploads/2019/03/Supporting-disabled-people-to-work.pdf>

available and whether the work coach is aware of how and where they can access the support as well as identify whether it is needed.

We found evidence of Jobcentres working in partnership with third party organisations to build up the skills and knowledge of work coaches around claimants with complex needs. For example, Oxfam and DWP in Wales worked together to deliver interactive training to work coaches to help them understand the experiences and risk factors of people living in poverty and how they relate to finding and staying in work. They also developed a toolkit for work coaches to help them build rapport with claimants and consider suitable requirements. In Newcastle, some Jobcentres are piloting a multi-team support approach for homeless claimants, which helps work coaches define tailored commitments that align with additional support plans the claimant may have in place (Box 2).

Box 2: Newcastle's Homelessness Prevention Pilot with Jobcentre Plus

Newcastle is piloting a joined-up approach to reducing the risk of homelessness in the city. Jobcentres, the Local Authority, Crisis and a Housing Association are working together to help prevent homelessness and move people into sustained employment. As part of the pilot, work coaches are trained in accommodation, advice and support, information sharing and referral arrangements for homeless claimants and those at risk of homelessness.

Work coaches form part of a multi-disciplinary team of support, which includes a welfare rights advisor and debt advisor, while data and feedback loops within the team and wider service providers help to ensure all members have the right information about the claimant. The work coach can use the information and advice from other team members to help design a suitable claimant commitment, while also ensuring it aligns with the claimant's support plan (from the accommodation provider which sets out support and steps to take to prevent them becoming homeless).

We visited Jobcentres that used disability employment advisors to help coaches, through training and coaching sessions, deliver a good service for claimants with a health condition or disability. We also saw Jobcentres with specialist work coaches, who had built up knowledge on a specific area, such as the Youth Obligation (the Government's youth unemployment programme for 18-21 year olds with intensive support to help them into work) or the local support available to claimants with learning disabilities; specialist coaches shared their knowledge by running training sessions, speaking at team meetings and being an approachable information point for other work coaches.

However, we also heard examples of work coaches not knowing how or where to pull in specialist support. Some stakeholders felt work coach caseloads (10 to 20 claimants in a day) meant they didn't have the time to consult specialists and some work coaches told us their caseloads left little time for ongoing learning and development.³³

Box 3: Impact on employers

Some consultees highlighted employer surveys which suggest claimant requirements can have a negative impact on businesses, as claimants feel obliged to apply for sometimes inappropriate jobs, just to meet their conditionality requirements. This can have significant resource implications, especially for small businesses without large HR functions, while also denting the confidence and hope of claimants.^{1,2}

1. Tunstall, R. Lupton, R. Green, A., Watmough, S and Bates, K. (2012), Disadvantaged young people looking for work. A job in itself? Report for the Joseph Rowntree Foundation. Available at: <https://www.jrf.org.uk/sites/default/files/jrf/files-research/young-people-disadvantage-jobseekers-full.pdf>
2. Ingold, J., Sarkar, M., Valizade, D., Garcia, R., Scholz, F. (2017) *Employer Engagement in Active Labour Market Programmes in the UK and Denmark: Final Report, CERIC Policy Report No. 8*, Leeds: Centre for Employment Relations Innovation and Change. Available at: https://business.leeds.ac.uk/downloads/download/91/ceric_-_employer_engagement_in_active_labour_market_programmes_in_the_uk_and_denmark_final_report

All Jobcentres should have a District Provision Tool, which provides access to a range of support delivered by Jobcentre plus, the skills funding agency, and other providers such as charities, but evidence from consultees suggests they are not always kept up to date or are incomplete. We also heard from work coaches and team leaders that specialist support isn't always available. For example, in some Jobcentres, specialists from partner organisations may only be available one day a week and even then, not all specialisms are represented.

Do the requirements in a claimant commitment continuously reflect a claimant's circumstances and relevant stage of job search?

The claimant commitment is meant to be a live document that continuously reflects the circumstances and needs of a claimant. Our evidence suggests this is happening in places, but not consistently. DWP's full-service survey found only a half of claimants had their conditionality reviewed in the previous three months.³⁴ Many stakeholders described review meetings as a tick box exercise, where commitments were not reviewed and many of the commitments in our sample had limited evidence of being updated. For example, several had "sign up to jobsite" still on the commitment several months after the claim had started.

³³ Work coaches are contracted to work 7 hours and 24 minutes a day.

³⁴ DWP (2018), Full Service survey, Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/714842/universal-credit-full-service-claimant-survey.pdf

Review meetings typically last ten minutes, although work coaches have discretion to extend the meetings if needed. However, not all work coaches feel they are able to do so – in one Jobcentre we visited, work coaches told us they didn't feel empowered or encouraged to extend meetings.

Some consultees noted a high turnover of work coaches and that this can have a negative impact on the well-being of claimants in vulnerable situations, who need and value consistency. It also makes it difficult to ensure a commitment continuously reflects the needs of a claimant as each time the work coach changes, they need time to build up trust and rapport with the claimant (and their own understanding of their needs). One claimant noted: "...appointments are never kept to time, often your adviser is not there so you are seen by somebody else who often gives you contradictory instructions."

Overall, whilst the evidence above highlights clear concerns over the extent to which this principle is being met, we don't have a true understanding of the extent to which discretion is being applied fairly, systematically and continuously across claimants. The challenge is that, to date, DWP has not been systematically collecting and analysing the data. In part, this is due to the challenges with collecting data from free text boxes on the commitment.

As a response, the Department told us that team leaders are meant to spend up to 80% of their time coaching and developing work coaches, which includes taking random samples of commitments and giving feedback to work coaches, while identifying and addressing learning and development needs. However, this doesn't appear to be happening consistently, given the quality of the claimant commitments we sampled.

This approach also does not produce data that can be used to highlight problem areas. Instead, some Jobcentres are producing their own data collection systems, which takes time away from working with claimants on their commitments. However, we also saw it being used effectively to create feedback loops. One of the Jobcentres we visited had created its own mechanism for compiling data from team leader's observations and discussions with work coaches; their system identified problems with using easements across work coaches, which led to more training on easements for work coaches.

Principle 4: Accepted - *A claimant commitment should be accepted by both parties. There should also be a clear challenge process available to claimants who do not agree on the content of their commitment.*

We heard from several stakeholders, including some work coaches, that many claimants feel obliged to accept their commitments just to get UC payments. So even if a claimant disagreed with the requirements set out in their commitment, they may feel unable to challenge it because it would mean adding further potential delay, above the five week wait for the first UC payment that all claimants face as a minimum.

We also heard that some claimants experiencing mental health problems find interacting with work coaches very stressful. One claimant said they just accept the commitment to enable them to “get away as quickly as possible. I say yes, yes, yes, to make it be over quicker.” We also heard of claimants feeling obliged to accept their commitment because the power imbalance between the work coach and claimant leaves the claimant too scared to challenge their commitment. And some claimants with learning disabilities may struggle to truly understand and so meaningfully accept their commitment.

Claimants are entitled to a second opinion if they disagree with their commitment, but we heard that not all claimants are aware of their right to do so. In one Jobcentre there had been no second opinions sought in the two years that the team leader had worked there. While this doesn't prove there is a problem, it is reasonable to expect at least some challenges given the scope for human error in a personalised, discretion-based system.

Principle 5: Informed - *Claimants should have the right information to be able to make decisions, which includes knowing the implications of non-compliance.*

A DWP survey³⁵ suggests many claimants don't fully understand sanctions – most claimants surveyed felt they understood what would happen to their benefits if they didn't comply, but only half of claimants correctly identified all the common reasons that could affect benefit payments. Some of the claimants we spoke to felt that the information on sanctions in the commitment was frightening and threatening, which put them off their work search. We also heard from one stakeholder who felt the tone around sanctions was unhelpful and punitive for some claimants, including the self-employed and claimants experiencing vulnerable situations.

Many stakeholders noted that claimants weren't made aware of their rights around reduced work search requirements, such as reduced travel search areas for lone parents with young children, or their right to a second opinion. Some consultees said claimants should be made aware of how/when work coaches can apply discretion, including easements. This is a reasonable proposal, but it would need testing to establish whether in practice it would make claimant commitments more effective.

Summary

Our evidence suggests a mixed picture in terms of the effectiveness of claimant commitments when assessed against our six principles. We saw clear examples of claimant commitments being developed effectively, with work coaches applying discretion fairly and appropriately to match the needs and circumstances of claimants. Many coaches try their best to develop effective commitments in what can be very challenging circumstances. They engage with a range of claimants with varying circumstances and some with very complex needs that may not be easily apparent.

³⁵ DWP (2019), Universal Credit full service omnibus survey, findings from two waves tracking research with recent Universal Credit full-service claimants. Available at: <https://www.gov.uk/government/publications/universal-credit-full-service-omnibus-survey>

However, we also found evidence of commitments not being developed and used effectively when measured against the principles set out above. In particular, we found a lack of consistency in the approach to tailoring of claimant commitments and a range of issues that could lead to significant detriment, particularly to claimants in vulnerable circumstances. We saw some excellent examples of this. But we also saw Jobcentres which did not appear to approach this with much energy or ambition.

The challenge is we don't know the true scale of the problems that are highlighted in our evidence, nor where they are happening or whether they are becoming more or less frequent. That's because DWP doesn't collect data centrally on the quality of claimant commitments. Instead, Jobcentres take a risk-based approach to quality assuring commitments through random sampling and team leader observations of work coaches. However, our evidence suggests observations are not happening consistently and where they do happen, DWP systems don't enable data collection. This means Jobcentres have to create their own data collection systems to assess and monitor the quality of commitments, which takes time away from working with claimants.

Positively, our engagement with DWP suggests a real desire to ensure the claimant commitment is an effective tool. DWP has a drive for continuous improvement which has already led to change. For example, feedback led DWP to work with third sector organisations, such as Crisis, Shelter, Women's Aid and the Royal National Institute of Blind People, to design training or guidance for work coaches. Complex needs training and guidance for work coaches was also widened recently to include modern slavery and refugees. And DWP are introducing domestic violence and abuse specialists in each Jobcentre, to support claimants who are victims of domestic abuse, and help raise awareness and upskill work coaches.

We know that DWP are aware of many of the issues highlighted above and are considering how best to address them. For example, making it clearer what actions are voluntary and mandatory on the commitment and ways to make it easier for claimants to declare relevant information about their circumstances. We think our research can contribute to DWP's work in addressing these issues as well as its drive for continuous improvement. The next chapter sets out our recommendations for how this can be done.

5. Recommendations

This chapter sets out the Committee's recommendations for improving the claimant commitment. We deliberately did not make specific recommendations for how to change the commitment because we believe that changes should be tested before being applied.

We appreciate that there will be cost and capacity implications of implementing the recommendations set out below, as well as in implementing any new initiatives that are tested and proved to be effective. We also know that work coaches are already under pressure with high caseloads, and that delivering change across a significant number of Jobcentre Plus sites (in the context of the continued roll-out of UC) is challenging. However, DWP are clear that the claimant commitment is a key tool for helping people to achieve better labour market outcomes, so it is crucial that it is designed and developed well. A more effective claimant commitment should also deliver exchequer savings and could deliver wider societal benefits and so we see this as a priority area for where more investment and research are needed.

Recommendation 1

DWP should provide a clear articulation of its views of the objectives and principles underpinning the claimant commitment and how these vary by different claimant groups. It should also set out how it believes these objectives can be best delivered and work with a wide range of stakeholders to improve the design and delivery of the claimant commitment.

Developing the optimal commitment for each claimant is not easy. Claimants have a range of barriers to work, vulnerabilities, goals and capabilities, which need to be taken into account sensitively and effectively. It is also clear that trying to drive behaviour change is inherently complex and depends on a range of different individual-specific factors. However, the Department is aware of the importance of delivering an effective commitment and current key challenges in doing so. It also has ideas for how these can be addressed and so improve the design and use of the commitment.

If the Department is going to work effectively with the full range of experts, practitioners, support groups and claimants themselves, to develop an approach to the claimant commitment that fully supports its overall objectives for UC, it needs to outline exactly what it is trying to achieve through the claimant commitment, for different claimant groups. It also needs to demonstrate a theory of change through which it believes the specific design of the claimant commitment can achieve these goals and contribute to the broader objectives of UC policy. This theory of change should be based on internal and external (to DWP) evidence about what works in achieving DWP's objectives for the commitment.

Recommendation 2

Based on the results of the engagement (in Recommendation 1), DWP should develop and publish an evaluation strategy and provide an assessment, and ongoing monitoring and publication, of performance against the claimant commitment principles and objectives.

It is important to know whether (and how well) the claimant commitment is achieving its objectives so if it isn't, the right course of action can be taken to ensure that it is. We therefore recommend that DWP defines a clear evaluation strategy, based on the results of the stakeholder engagement in Recommendation 1, and provides a public, ongoing assessment of the effectiveness of the commitment against DWP's objectives and principles.

Like DWP, we believe that feedback loops to help drive continuous improvement should be an important part of the strategy to ensure best practice is shared and lessons are learned. DWP collects feedback from front line staff about their experience of developing the claimant commitment with claimants, including ideas to drive improvements. The feedback is collated, considered and acted on by the central DWP Operational Improvement team. DWP also use national campaigns around specific themes, such as single parents and young claimants, to deliver additional guidance and training for staff.

However, better data and management information within and between Jobcentres is also needed, in particular to understand whether work coach discretion is being applied fairly and systematically and where it isn't, identify the scale and nature of the problem. This includes whether actions for claimants with a disability reflect the Equality Act and so include reasonable adjustments to help those claimants meet their conditions. Data collected could include claimant feedback, for example through mystery shopping.

Recommendation 3

DWP should define, and then test, a list of new approaches to improve the design and development of the claimant commitment. This list should draw on the findings of the engagement exercise in Recommendation 1. DWP should publish this list and a timeline for when test results can be expected.

We heard a range of ideas from stakeholders about how the design and delivery of the commitment could be improved. We think a number of these are worth exploring and testing, in addition to those that emerge as a result of the engagement exercise in Recommendation 1:

- Allowing more time to develop a truly tailored commitment before a claimant is asked to accept it. This should not stop a claimant getting their UC payments while the tailored commitment is developed and accepted;

- Ways to ensure there is a positive conversation about a claimant's long-term career goals with the work coach and that these are appropriately considered as part of the (initial and ongoing) development of the commitment. For example, a charter for claimants and work coaches that sets out the rights and responsibilities of both parties, drawing on lessons learned from the DWP customer charter;³⁶
- Adding the responsibilities of the work coach on the claimant commitment;
- Ensuring claimants are aware of their rights (around easements and a second opinion) and the range of support options available to them. DWP told us they are designing a leaflet on easements for claimants applying for UC. We welcome this step - we recommend testing this approach and whether there are more effective ways to ensure a claimant reads and understands the information. For example, whether it is more effective to discuss the information with the work coach at the initial claimant meeting;
- Ways to ensure claimants are clear about what activities are voluntary and mandatory; and
- The most effective way to ensure claimants receive the right information about sanctions and so drive the positive behaviour change that leads to better labour market outcomes.

Recommendation 4

DWP should develop a more rigorous approach to ensure discretion is applied fairly and systematically. Specifically, DWP should prioritise data collection and analysis on the application of discretion (and easements) to inform their understanding of how well it is working and to help DWP consider ways to address challenges highlighted in the data. This analysis, including the statistics from the data, should be made publicly available. For instance, publishing and analysing where easements are used across Jobcentres to understand where and how practice varies. While this happens DWP should:

- provide clarity on when they'll be trialing new approaches to ensure discretion is applied fairly and a timetable of when improvements can be expected. This includes the use of a framework for work coaches to help apply discretion, as recommended by the National Audit Office (NAO);³⁷ and
- urgently act to ensure requirements placed on claimant commitments are just work-related and do not inappropriately include requirements related to a claimant's health or medicine.

We've highlighted evidence that suggests some coaches are struggling to apply discretion fairly and systematically, leading to commitments that are not truly tailored to a claimant's needs and circumstances. Given the potential scale of the issues and fact that claimants in vulnerable situations are affected, improvements are needed. It

³⁶ <https://www.gov.uk/government/publications/our-customer-charter>

³⁷ NAO (2019), Supporting disabled people to work. Available at: <https://www.nao.org.uk/wp-content/uploads/2019/03/Supporting-disabled-people-to-work.pdf>

is vital that any improvements ensure reasonable adjustments are made available efficiently for disabled people, as required under the Equality Act 2010.

We do not know what the right answer is to ensure discretion is applied fairly and systematically. There are many reasons why it may not be happening, which makes it difficult to define the optimal solution. We do recognise that work coach flexibility and discretion are important for developing effective commitments. So, we believe that this flexibility should be protected in whatever solution is agreed.

We know DWP are aware of this issue and welcome that they plan to address it, including trialing the NAO's recommendation to develop a framework for work coaches to support them in applying discretion.³⁸ We believe that the Department should set out publicly the approach it is taking (i.e. what approaches it plans to trial) and a timeline for when improvements can be expected.

DWP are also considering a Proof of Concept for not automatically imposing conditionality on claimants before their WCA (and those assessed as having Limited Capability for Work), with work coach discretion to decide if relevant work-related requirements should be imposed.³⁹ This is also a welcome step, but there is a risk that the challenges we have highlighted with the commitment, such as some work coaches putting medical-related conditions on the commitment and confusion about what actions are voluntary and mandatory, will undermine the evaluation of the policy.

More evidence is needed in order to identify the scale and location of the problems and to understand the underlying causes. We therefore recommend that DWP should prioritise data collection and analysis on the application of discretion (and easements) to inform their understanding of how well it's working and to help DWP consider ways to address challenges highlighted in the data. This analysis, including the statistics from the data, should be made publicly available. For instance, publishing and analysing how often commitments are updated and where easements are used across Jobcentres to understand where and how practice varies. We recognise that DWP faces competing pressures on developing management information across UC, but we think this is a significant priority given the potential harm to claimants, particularly those in vulnerable situations.

We also recommend that DWP takes urgent action to ensure medical requirements are not placed on a claimant commitment, in line with DWP policy. As our evidence highlights, there is a risk that adding medical requirements can cause real harm to claimants.

³⁸ NAO (2019), Supporting disabled people to work. Available at: <https://www.nao.org.uk/wp-content/uploads/2019/03/Supporting-disabled-people-to-work.pdf>

³⁹ Benefit sanctions: Government Response to the Committee's Nineteenth Report of Session 2017–19. Available at: <https://publications.parliament.uk/pa/cm201719/cmselect/cmworpen/1949/1949.pdf>

Recommendation 5

DWP should act to understand why (and where) claimant commitments are not being regularly and frequently reviewed by work coaches and claimants, and then publish steps for how best to ensure they are.

A commitment needs to be regularly and frequently reviewed to ensure it reflects a claimant's circumstances, which may change over time and the stage in their job search. For example, if a claimant, despite faithfully undertaking the actions in their commitment, is making no progress then the original requirements should be reviewed. Otherwise, the commitment risks becoming ineffective.

In other words, the commitment should (and is meant to be) a live document. However, we heard that it very often isn't reviewed. It is not clear why that is the case, so we recommend that DWP investigates why commitments are not being consistently reviewed and then publicly sets out how best to ensure it is.

Annex A: Membership of the Social Security Advisory Committee

Liz Sayce
Bruce Calderwood*
David Chrimes
Carl Emmerson*
Chris Goulden*
Philip Jones
Jim McCormick
Gráinne McKeever*
Dominic Morris
Seyi Obakin
Charlotte Pickles*
Victoria Todd

* indicates members of the Committee's Independent Work Programme sub-group.

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