

# Universal Credit Policy Briefing Note 12

## Conditionality under Universal Credit: the work search and work availability requirements

### 1. Introduction

- a) As we set out in Policy Briefing Note 11, under Universal Credit, claimants earning below their conditionality threshold will be required to be available for work and to take actions to look for work.
- b) We will set strict work search and work availability requirements as a default for all claimants subject to work-related conditionality. These will require claimants to look for and be available immediately for any work:
  - regardless of type and salary, as long as it pays at least the National Minimum Wage;
  - on a full-time basis;
  - which is within 90 minutes of their home.
- c) Claimants will also be required to treat looking for work as their full-time job.
- d) Where a claimant's circumstances mean that the default requirements are not appropriate we will be able to place limitations on them. An individual claimant's personal work search and availability requirements will be set out in the claimant commitment which they will be required to accept as a condition of entitlement at the start of a claim.
- e) This note sets out these requirements in more detail.

### 2. Work availability requirement

- a) Under Universal Credit, claimants will generally be required to be able and willing to take up employment immediately,
- b) We recognise however that in certain circumstances claimants may not be able to take up work immediately and so will be given longer. For example:
  - claimants who are volunteers will be given up to 48 hours to attend an interview and a week to take up work. This mirrors current rules;
  - claimants who need to arrange childcare before taking up work or attending an interview will be given reasonable time to do so;
  - claimants who are signed off sick (i.e. have a fit note from a doctor) will not be required to take up work until their fit note expires; and

- claimants with a contract of employment will not be required to be available until they have served their notice period.

### **3. Work search requirements**

- a) Under Universal Credit we will require claimants to take “all reasonable action” to obtain paid work, more paid work or better-paid work.
- b) Critically, we believe a claimant in the “all work related requirements” group should be spending as much time as possible looking for work – until claimants find employment this should be their job.
- c) As a minimum therefore, claimants should be engaged in work search for at least the number of hours we expect them to be available for work. For many claimants this will be the equivalent of a full time job. For others it may be lower to reflect, for example, their caring responsibilities. Claimants must also take the work search actions that give them the best prospects of securing work – it will not be enough just to spend time looking for a job, they must be doing so in an effective manner.
- d) The actions we will expect claimants to take include:
  - looking for work, which could include writing, phoning or visiting potential employers, using web-based job search tools, and searching through newspapers;
  - applying for work;
  - creating and updating an online profile to facilitate job matching;
  - registering with an employment agency;
  - seeking references from previous employers; and
  - writing and updating their CV
- e) In limited circumstances, advisers will have the option of relaxing a claimant’s work-search requirements. These circumstances could include where a claimant:
  - has undertaken all the work related activity that can reasonably be expected and it still adds up to less time than they would normally be expected to devote to work search. For example, if there were only three jobs available that fit their requirements and they had applied for all 3, their CV was up to date, they were registered with all local agencies, a training course they were enrolled on did not start until the following week and their volunteering placement had ended;
  - was engaged in voluntary work, so long as their work search remains their primary focus;
  - was temporarily sick (supported by medical evidence) making a lower requirement all that could reasonably be expected at that time; or

- faced other circumstances, such as a domestic emergency or the death of a relative or close friend, making a lower requirement all that can reasonably be expected at that time.
- f) Claimants will be required to regularly demonstrate the actions they have taken to look for work, and that they have used their time effectively in order to improve their prospects of moving into work, or into more or better paid work
- g) We expect new IT functionality and business processes to support this compliance monitoring, and to ensure that it is done in a smart, cost effective way. As this work is still under development, we will keep our approach to work-search requirements under review.

#### **4. Personalised conditionality requirements**

- a) In certain circumstances, advisers will be able to permit claimants to place limitations on the work that they must search and be available for in certain circumstances. These circumstances are set out below:
- b) For claimants with a **good work history**, advisers will have the discretion to limit their work search and availability to jobs that are similar in nature and carry a similar level of pay to their previous occupation. This limitation will be time-limited to a maximum of 13 weeks, after which the claimant will be expected to look for and be available for any job
- c) Before granting any such limitation advisers will consider:
- the length of time the claimant was employed in their previous occupation and the period since they last worked in that occupation;
  - any relevant skills or qualifications the claimant has;
  - training the claimant has undertaken in relation to the occupation;
  - the availability and location of employment in that occupation; and
  - whether – given the above – the claimant has reasonable prospects of securing work in that occupation.
- d) Claimants who are **lone parents** with responsibility for a child between the ages of 5 and 12, or for an older child who has exceptional care needs, will be able to restrict their work search and availability to work which:
- fits with the hours their child is in school;
  - provides reasonable time to take and collect their child from school; and
  - takes into account their child's care needs, including whether child care is available and affordable, in particular during the child's school holidays.

- e) A **couple with a child under 13** will be able to nominate one member of the couple who will be treated in the same way as a lone parent for conditionality purposes (i.e. who will be able to place limitations on their work availability and work search as above). Couples who choose not to nominate and who prefer to share child care and work responsibilities will be able to do so, as long as collectively the couple are looking for work at least equivalent to one person working full-time and one person working as many hours as a lone parent would be expected to. In addition, both members of the couple must continue to have reasonable prospects of finding work within this limitation.
- f) Where the **parents of a child under 13 are not a couple** only one of them can be designated a lone parent. However, the other parent may have their work search and availability requirements tailored to take account of the time the child spends with them. When determining whether any limitation is appropriate, advisers will consider:
- the amount of time the child spends in the claimant's care;
  - the pattern of time the child spends in the claimant's care; and
  - the age of the child.
- g) Claimants who **care for a disabled person**, but who do not meet the criteria to be placed in the group subject to no work related requirements, may have their work search and work availability requirements limited to jobs that would not interfere with their caring responsibilities.
- h) Claimants with a **health condition**, or who are **undergoing regular treatment to manage their health condition** (but do not have limited capability for work) will be required to provide evidence of any limitations on what work (hours, nature of work, and location) they are capable of doing. This will be taken into account when setting work search and availability requirements.
- i) In all of the circumstances listed above we are considering whether to set a minimum number of hours work a claimant will be required to look for or be available for.
- j) If claimants raise reasonable objections to their work availability and work search requirements, these will be considered by the adviser. Where the claimant and the adviser cannot agree, the claimant will be able to ask for their work search and availability requirement to be reviewed by another employment officer. This will not apply to any other requirements recorded in the claimant commitment.

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