STATUTORY RULES OF NORTHERN IRELAND

2016 No. 216

The Universal Credit Regulations (Northern Ireland) 2016

PART 8

CLAIMANT RESPONSIBILITIES

CHAPTER 1

WORK-RELATED REQUIREMENTS

The work-related requirements

Purposes of a work-focused interview

91. The purposes of a work-focused interview are any or all of the following—

(a) assessing the claimant's prospects for remaining in or obtaining paid work;

(b) assisting or encouraging the claimant to remain in or obtain paid work;

(c) identifying activities that the claimant may undertake that will make remaining in or obtaining paid work more likely;

(d) identifying training, educational or rehabilitation opportunities for the claimant which may make it more likely that the claimant will remain in or obtain paid work or be able to do so;

(e) identifying current or future work opportunities for the claimant that are relevant to the claimant's needs and abilities;

(f) ascertaining whether a claimant is in gainful self-employment or meets the conditions in regulation 64 (start-up period).

Work search requirement - interviews

92. A claimant is to be treated as not having complied with a work search requirement to apply for a particular vacancy for paid work where the claimant fails to participate in an interview offered to the claimant in connection with the vacancy.

Work search requirement - all reasonable action

93.—(1) A claimant is to be treated as not having complied with a work search requirement to take all reasonable action for the purpose of obtaining paid work in any week unless—

(a) either—

(i) the time which the claimant spends taking action for the purpose of obtaining paid work is at least the claimant's expected number of hours per week minus any relevant deductions, or

(ii) the Department is satisfied that the claimant has taken all reasonable action for the purpose of obtaining paid work despite the number of hours that the claimant spends taking such action being lower than the expected number of hours per week; and

(b) that action gives the claimant the best prospects of obtaining work.

(2) In this regulation "relevant deductions" means the total of any time agreed by the Department—

(a) for the claimant to carry out paid work, voluntary work, a work preparation requirement, or voluntary work preparation, in that week; or

(b) for the claimant to deal with temporary childcare responsibilities, a domestic emergency, funeral arrangements or other temporary circumstances.

(3) For the purpose of paragraph (2)(a) the time agreed by the Department for the claimant to carry out voluntary work must not exceed 50 percent of the claimant's expected number of hours per week.

(4) "Voluntary work preparation" means particular action taken by a claimant and agreed by the Department for the purpose of making it more likely that the claimant will obtain paid work, but which is not specified by it as a work preparation requirement under Article 21 of the Order.

Work availability requirement - able and willing immediately to take up paid work

94.—(1) Subject to paragraph (2) a claimant is to be treated as not having complied with a work availability requirement if the claimant is not able and willing immediately to attend an interview offered to the claimant in connection with obtaining paid work.

(2) A claimant is to be treated as having complied with a work availability requirement despite not being able immediately to take up paid work, if paragraph (3), (4) or (5) applies.

(3) This paragraph applies where—

(a) a claimant is a responsible carer or a relevant carer,

(b) the Department is satisfied that, as a consequence the claimant needs a longer period of up to one month to take up paid work, or up to 48 hours to attend an interview in connection with obtaining work, taking into account alternative care arrangements, and

(c) the claimant is able and willing to take up paid work, or attend an interview, on being given notice for that period.

(4) This paragraph applies where—

(a) a claimant is carrying out voluntary work,

(b) the Department is satisfied that, as a consequence, the claimant needs a longer period of up to one week to take up paid work, or up to 48 hours to attend an interview in connection with obtaining work, and

(c) the claimant is able and willing to take up paid work, or attend an interview, on being given notice for that period.

(5) This paragraph applies where a claimant—

(a) is employed under a contract of service,

(b) is required by Article 118 of the Employment Rights (Northern Ireland) Order 1996(**1**), or by the contract of service, to give notice to terminate the contract,

(c) is able and willing to take up paid work once the notice period has expired, and

(d) is able and willing to attend an interview on being given 48 hours notice.

(**1**) S.I. 1996/1919 (N.I. 16); Article 118 was amended by paragraph 2(5) of Schedule 2 to, S.R. 2002 No. 298.

Work search requirement and work availability requirement - limitations

95.—(1) Paragraphs (2) to (5) set out the limitations on a work search requirement and a work availability requirement.

(2) In the case of a claimant who is a relevant carer or a responsible carer or who has a physical or mental impairment, a work search and work availability requirement must be limited to the number of hours that is determined to be the claimant's expected number of hours per week in accordance with regulation 87.

(3) A work search and work availability requirement must be limited to work that is in a location which would normally take the claimant—

(a) a maximum of 90 minutes to travel from home to the location, and

(b) a maximum of 90 minutes to travel from the location to home.

(4) Where a claimant has previously carried out work of a particular nature, or at a particular level of remuneration, a work search requirement and a work availability requirement must be limited to work of a similar nature, or level of remuneration, for such period as the Department considers appropriate; but only if it is satisfied that the claimant will have reasonable prospects of obtaining paid work in spite of such limitation.

(5) The limitation in paragraph (4) is to apply for no more than 3 months beginning with—

(a) the date of claim, or

(b) if later, the date on which the claimant ceases paid work after falling within Article 24 of the Order by virtue of regulation 89 (claimants subject to no work-related requirements - the earnings thresholds).

(6) Where a claimant has a physical or mental impairment that has a substantial adverse effect on the claimant's ability to carry out work of a particular nature, or in particular locations, a work search or work availability requirement must not relate to work of such a nature or in such locations.

Victims of domestic violence

96.—(1) Where a claimant has recently been a victim of domestic violence, and the circumstances set out in paragraph (4) apply—

(a) a work-related requirement imposed on that claimant ceases to have effect for a period of 13 consecutive weeks starting on the date of the notification referred to in paragraph (4)(a), and

(b) the Department must not impose any other work-related requirement on that claimant during that period.

(2) Where a claimant referred to in paragraph (1) is a person who falls within Article 27 of the Order (claimants subject to all work-related requirements) and is the responsible carer of a child, the Department must not impose a work search requirement or a work availability requirement on that claimant for a further period of 13 consecutive weeks beginning on the day after the period in paragraph (1)(a) expires.

(3) A person has recently been a victim of domestic violence if a period of 6 months has not expired since the violence was inflicted or threatened.

(4) The circumstances are that—

(a) the claimant notifies the Department, in such manner as it specifies, that domestic violence has been inflicted on or threatened against the claimant by the claimant's partner or former partner or by a family member during the period of 6 months ending on the date of the notification,

(b) this regulation has not applied to the claimant for a period of 12 months before the date of the notification,

(c) on the date of the notification the claimant is not living at the same address as the person who inflicted or threatened the domestic violence, and

(d) as soon as possible, and no later than one month after the date of the notification, the claimant provides evidence from a person acting in an official capacity which demonstrates that—

(i) the claimant's circumstances are consistent with those of a person who has had domestic violence inflicted or threatened against them during the period of 6 months ending on the date of the notification, and

(ii) the claimant has made contact with the person acting in an official capacity in relation to such an incident, which occurred during that period.

(5) In this regulation—

"coercive behaviour" means an act of assault, humiliation or intimidation or other abuse that is used to harm, punish or frighten the victim;

"controlling behaviour" means an act designed to make a person subordinate or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance or escape or regulating their everyday behaviour;

"domestic violence" means any incident, or pattern of incidents, of controlling behaviour, coercive behaviour, violence or abuse, including but not limited to—

(a) psychological abuse;

(b) physical abuse;

(c) sexual abuse;

(d) emotional abuse;

(e) financial abuse,

regardless of gender or sexuality of the victim;

"family member" in relation to a claimant, means the claimant's grandparent, grandchild. parent, step-parent, parent-in-law, son, step-son, son-in-law, daughter, step-daughter, daughter-in-law, brother, step-brother, brother-in-law, sister, step-sister, sister-in-law and if any of those persons is a member of a couple, the other member of the couple;

"health care professional" means a person who is a member of a profession regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002(**2**);

"person acting in an official capacity" means a health care professional, a police officer, a registered social worker, the claimant's employer, a representative of the claimant's trade union, or any public, voluntary or charitable body which has had direct contact with the claimant in connection with domestic violence;

"registered social worker" means a person registered as a social worker in a register maintained by—

(a) the Northern Ireland Social Care Council(**3**);

(b) the Health and Care Professions Council;

(**2**) 2002 c. 17; section 25(3) was amended by the Health and Social Care Act 2008 (c.14) and S.I. 2010/231.

(**3**) The Northern Ireland Social Care Council was established under section 1 of the Health and Personal Services Act (Northern Ireland) 2001 c.3. (NI).

(c) the Care Council for Wales, or

(d) the Scottish Social Services Council.

Circumstances in which requirements must not be imposed

97.—(1) Where paragraph (6), (7), (8) or (14) applies—

(a) the Department must not impose a work search requirement on a claimant, and

(b) "able and willing to immediately take up work" under a work availability requirement means able and willing to take up paid work, or attend an interview, immediately once the circumstances set out in paragraph (6), (7), (8), or (14) no longer apply.

(2) A work search requirement previously applying to the claimant ceases to have effect from the date on which the circumstances set out in paragraph (6), (7), (8), or (14) begin to apply.

(3) Where paragraph (11) applies—

(a) the Department must not impose a work search requirement on a claimant, and

(b) a work search requirement previously applying to the claimant ceases to have effect from the date on which the circumstances set out in paragraph (11) begin to apply.

(4) Where paragraph (12) applies "able and willing to immediately take up work" under a work availability requirement means able and willing to take up paid work or to attend an interview, immediately once the circumstances set out in paragraph (12) no longer apply.

(5) Where paragraph (13) applies "able and willing to immediately take up work" under a work availability requirement means—

(a) able and willing to take up paid work immediately once the circumstances set out in paragraph (13) no longer apply, and

(b) able and willing to attend an interview before those circumstances no longer apply.

(6) This paragraph applies where—

(a) the claimant is attending court or tribunal as a party to any proceedings or as a witness,

(b) the claimant is a prisoner,

(c) regulation 11(3) (temporary absence from Northern Ireland for treatment or convalescence) applies to the claimant,

(d) any of the following persons has died within the past 6 months—

(i) where the claimant was a member of a couple, the other member,

(ii) a child or qualifying young person for whom the claimant or, where the claimant is a member of a couple, the other member, was responsible, or

(iii) a child, where the claimant was the child's parent,

(e) the claimant is, and has been for no more than 6 months, receiving and participating in a structured recovery-orientated course of alcohol or drug dependency treatment,

(f) the claimant is, and has been for no more than 3 months, a person for whom arrangements have been made by a protection provider under section 82 of the Serious Organised Crime and Police Act 2005(**4**), or

(g) the claimant is engaged in an activity of a kind approved by the Department as being in the nature of a public duty.

(7) This paragraph applies where the claimant—

(a) is unfit for work—

(**4**) 2005 c. 15.

(i) for a period of no more than 14 consecutive days after the date that the evidence referred to in sub-paragraph (b) is provided, and

(ii) for no more than 2 such periods in any period of 12 months, and

(b) provides to the Department the following evidence—

(i) for the first 7 days when they are unfit for work, a declaration made by the claimant in such manner and form as the Department approves that the claimant is unfit for work, and

(ii) for any further days when they are unfit for work, if requested by the Department, a statement given by a doctor in accordance with the rules set out in Part 1 of Schedule 1 to the Medical Evidence Regulations()which provides that the person is not fit for work.

(8) This paragraph applies for one or more periods of one month, as provided for in paragraphs (9) and (10), where the claimant is the responsible carer of a child and an event referred to in subparagraph (a) or (b) has taken place in the last 24 months and has resulted in significant disruption to the claimant's normal childcare responsibilities-

(a) any of the following persons has died-

(i) a person who was previously the responsible carer of that child,

(ii) a parent of that child,

(iii) a brother or sister of that child, or

(iv) any other person who, at the time of their death, normally lived in the same accommodation as that child and was not a person who was liable to make payments on a commercial basis in respect of that accommodation, or

(b) the child has been the victim of, or witness to, an incident of violence or abuse and the claimant is not the perpetrator of that violence or abuse.

(9) Paragraph (8) is not to apply for more than one period of one month in each of the 4 consecutive periods of 6 months following the event (and, if regulation 96 or paragraph (6)(d) of this regulation applies in respect of the same event, that month is to run concurrently with any period for which that regulation or paragraph applies).

(10) Each period of one month begins on the date specified by the Department after the claimant has notified it of the circumstances in paragraph (8) provided that it is satisfied that the circumstances apply.

(11) This paragraph applies where the Department is satisfied that it would be unreasonable to require the claimant to comply with a work search requirement including if such a requirement were limited in accordance with Article 22(4) of the Order, because the claimant—

(a) is carrying out a work preparation requirement or voluntary work preparation (as defined in regulation 93(4) (work search requirement – all reasonable action)),

(b) has temporary child care responsibilities or is dealing with a domestic emergency, funeral arrangements or other temporary circumstances, or

(c) is unfit for work for longer than the period of 14 days specified in paragraph (7)(a) or for more than 2 such periods in any period of 12 months and, where requested by the Department, provides the evidence mentioned in paragraph (7)(b)(ii).

(12) This paragraph applies where the Department is satisfied that it would be unreasonable to require the claimant to comply with a work availability requirement to be able and willing to—

(a) take up paid work, and

(b) attend an interview,

(including if such a requirement were limited in accordance with Article 23(3) of the Order) because the claimant falls within sub-paragraph (a), (b) or (c) of paragraph (11).

(13) This paragraph applies where the Department is satisfied that it would be—

(a) unreasonable to require the claimant to comply with a work availability requirement to be able and willing to take up paid work because the claimant falls within paragraph (11) (a), (b) or (c), and

(b) reasonable to require the claimant to comply with a work availability requirement to be able and willing to attend an interview,

including if such requirement were limited in accordance with Article 23(3) of the Order.

(14) This paragraph applies where the claimant has monthly earnings or, if the claimant is a member of a couple, the couple has combined monthly earnings (excluding in either case any that are not employed earnings) that are equal to, or more than, the following amount multiplied by 52 and divided by 12—

(a) in the case of a single claimant, £5 plus the applicable amount of the personal allowance in a jobseeker's allowance for a single person aged 25 or over (as set out in Part 1 of Schedule 1 to the Jobseeker's Allowance Regulations (Northern Ireland) 1996(**5**)), or

(b) in the case of a claimant who is a member of a couple, £10 plus the applicable amount of the personal allowance in a jobseeker's allowance for a couple where both members are aged 18 or over (as set out in that Part).

(15) In paragraph (14) "employed earnings" has the meaning in regulation 55 (employed earnings).

(16) In this regulation "tribunal" means any tribunal listed in Schedule 1 to the Tribunals and Inquiries Act 1992(**6**).

(**5**) S.R.1996 No. 198.
(**6**) 1992 c. 53.