
DRAFT STATUTORY INSTRUMENTS

2015 No.

The Welfare Reform (Northern Ireland) Order 2015

PART 2

Universal credit

CHAPTER 2

Claimant responsibilities

Introductory

Work-related requirements: introductory

18.—(1) This Chapter provides for the Department to impose work-related requirements with which claimants must comply for the purposes of this Part.

(2) In this Part “work-related requirement” means—

- (a) a work-focused interview requirement (see Article 20);
- (b) a work preparation requirement (see Article 21);
- (c) a work search requirement (see Article 22);
- (d) a work availability requirement (see Article 23).

(3) The work-related requirements which may be imposed on a claimant depend on which of the following groups the claimant falls into—

- (a) no work-related requirements (see Article 24);
- (b) work-focused interview requirement only (see Article 25);
- (c) work-focused interview and work preparation requirements only (see Article 26);
- (d) all work-related requirements (see Article 27).

Claimant commitment

19.—(1) A claimant commitment is a record of a claimant’s responsibilities in relation to an award of universal credit.

(2) A claimant commitment is to be prepared by the Department and may be reviewed and updated as the Department thinks fit.

(3) A claimant commitment is to be in such form as the Department thinks fit.

(4) A claimant commitment is to include—

- (a) a record of the requirements that the claimant must comply with under this Part (or such of them as the Department considers it appropriate to include),
- (b) any prescribed information, and
- (c) any other information the Department considers it appropriate to include.

(5) For the purposes of this Part a claimant accepts a claimant commitment if, and only if, the claimant accepts the most up-to-date version of it in such manner as may be prescribed.

Work-related requirements

Work-focused interview requirement

20.—(1) In this Part a “work-focused interview requirement” is a requirement that a claimant participate in one or more work-focused interviews as specified by the Department.

(2) A work-focused interview is an interview for prescribed purposes relating to work or work preparation.

(3) The purposes which may be prescribed under paragraph (2) include in particular that of making it more likely in the opinion of the Department that the claimant will obtain paid work (or more paid work or better-paid work).

(4) The Department may specify how, when and where a work-focused interview is to take place.

Work preparation requirement

21.—(1) In this Part a “work preparation requirement” is a requirement that a claimant take particular action specified by the Department for the purpose of making it more likely in the opinion of the Department that the claimant will obtain paid work (or more paid work or better-paid work).

(2) The Department may under paragraph (1) specify the time to be devoted to any particular action.

(3) Action which may be specified under paragraph (1) includes in particular—

- (a) attending a skills assessment;
- (b) improving personal presentation;
- (c) participating in training;
- (d) participating in an employment programme;
- (e) undertaking work experience or a work placement;
- (f) developing a business plan;
- (g) any action prescribed for the purpose in paragraph (1).

(4) In the case of a person with limited capability for work, the action which may be specified under paragraph (1) includes taking part in a work-focused health-related assessment.

(5) In paragraph (4) “work-focused health-related assessment” means an assessment by a health care professional approved by the Department which is carried out for the purpose of assessing—

- (a) the extent to which the person’s capability for work may be improved by taking steps in relation to that person’s physical or mental condition, and
- (b) such other matters relating to that person’s physical or mental condition and the likelihood of that person obtaining or remaining in work or being able to do so as may be prescribed.

(6) In paragraph (5) “health care professional” means—

- (a) a registered medical practitioner,
- (b) a registered nurse,
- (c) an occupational therapist or physiotherapist registered with a regulatory body established by an Order in Council under section 60 of the Health Act 1999, or
- (d) a member of such other profession regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002 as may be prescribed.

Work search requirement

22.—(1) In this Part a “work search requirement” is a requirement that a claimant take—

- (a) all reasonable action, and
- (b) any particular action specified by the Department,

for the purpose of obtaining paid work (or more paid work or better-paid work).

(2) The Department may under paragraph (1)(b) specify the time to be devoted to any particular action.

(3) Action which may be specified under paragraph (1)(b) includes in particular—

- (a) carrying out work searches;
- (b) making applications;
- (c) creating and maintaining an online profile;
- (d) registering with an employment agency;
- (e) seeking references;
- (f) any action prescribed for the purpose in paragraph (1).

(4) Regulations may impose limitations on a work search requirement by reference to the work to which it relates; and the Department may in any particular case specify further such limitations on such a requirement.

(5) A limitation under paragraph (4) may in particular be by reference to—

- (a) work of a particular nature,
- (b) work with a particular level of remuneration,
- (c) work in particular locations, or
- (d) work available for a certain number of hours per week or at particular times,

and may be indefinite or for a particular period.

Work availability requirement

23.—(1) In this Part a “work availability requirement” is a requirement that a claimant be available for work.

(2) For the purposes of this Article “available for work” means able and willing immediately to take up paid work (or more paid work or better-paid work).

(3) Regulations may impose limitations on a work availability requirement by reference to the work to which it relates; and the Department may in any particular case specify further such limitations on such a requirement.

(4) A limitation under paragraph (3) may in particular be by reference to—

- (a) work of a particular nature,
- (b) work with a particular level of remuneration,
- (c) work in particular locations, or
- (d) work available for a certain number of hours per week or at particular times,

and may be indefinite or for a particular period.

(5) Regulations may for the purposes of paragraph (2) define what is meant by a person being able and willing immediately to take up work.

Application of work-related requirements

Claimants subject to no work-related requirements

24.—(1) The Department may not impose any work-related requirement on a claimant falling within this Article.

(2) A claimant falls within this Article if—

- (a) the claimant has limited capability for work and work-related activity,
- (b) the claimant has regular and substantial caring responsibilities for a severely disabled person,
- (c) the claimant is the responsible carer for a child under the age of one, or
- (d) the claimant is of a prescribed description.

(3) Regulations under paragraph (2)(d) may in particular make provision by reference to one or more of the following—

- (a) hours worked;
- (b) earnings or income;
- (c) the amount of universal credit payable.

(4) Regulations under paragraph (3) may—

- (a) in the case of a claimant who is a member of a couple, make provision by reference to the claimant alone or by reference to the members of the couple together;
- (b) make provision for estimating or calculating any matter for the purpose of the regulations.

(5) Where a claimant falls within this Article, any work-related requirement previously applying to the claimant ceases to have effect.

(6) In this Part “responsible carer”, in relation to a child means—

- (a) a single person who is responsible for the child, or
- (b) a person who is a member of a couple where—
 - (i) the person or the other member of the couple is responsible for the child, and
 - (ii) the person has been nominated by the couple jointly as responsible for the child.

Claimants subject to work-focused interview requirement only

25.—(1) A claimant falls within this Article if—

- (a) the claimant is the responsible carer for a child who is aged at least one and is under a prescribed age (which may not be less than 3), or
- (b) the claimant is of a prescribed description.

(2) The Department may, subject to this Part, impose a work-focused interview requirement on a claimant falling within this Article.

(3) The Department may not impose any other work-related requirement on a claimant falling within this Article (and, where a claimant falls within this Article, any other work-related requirement previously applying to the claimant ceases to have effect).

Claimants subject to work preparation requirement

26.—(1) A claimant falls within this Article if the claimant does not fall within Article 24 or 25 and—

- (a) the claimant has limited capability for work, or
- (b) the claimant is of a prescribed description.

(2) The Department may, subject to this Part, impose a work preparation requirement on a claimant falling within this Article.

(3) The Department may also, subject to this Part, impose a work-focused interview requirement on a claimant falling within this Article.

(4) The Department may not impose any other work-related requirement on a claimant falling within this Article (and, where a claimant falls within this Article, any other work-related requirement previously applying to the claimant ceases to have effect).

(5) Regulations under paragraph (1)(b) must prescribe a claimant who is the responsible carer for a child aged 3 or 4 if the claimant does not fall within Article 25.

Claimants subject to all work-related requirements

27.—(1) A claimant not falling within any of Articles 24 to 26 falls within this Article.

(2) The Department must, except in prescribed circumstances, impose on a claimant falling within this Article—

- (a) a work search requirement, and
- (b) a work availability requirement.

(3) The Department may, subject to this Part, impose either or both of the following on a claimant falling within this Article—

- (a) a work-focused interview requirement;
- (b) a work preparation requirement.

Work-related requirements: supplementary

Connected requirements

28.—(1) The Department may require a claimant to participate in an interview for any purpose relating to—

- (a) the imposition of a work-related requirement on the claimant;
- (b) verifying the claimant's compliance with a work-related requirement;
- (c) assisting the claimant to comply with a work-related requirement.

(2) The Department may specify how, when and where such an interview is to take place.

(3) The Department may, for the purpose of verifying the claimant's compliance with a work-related requirement, require a claimant to—

- (a) provide to the Department information and evidence specified by the Department in a manner so specified;
- (b) confirm compliance in a manner so specified.

(4) The Department may require a claimant to report to the Department any specified changes in the claimant's circumstances which are relevant to—

- (a) the imposition of work-related requirements on the claimant;
- (b) the claimant's compliance with a work-related requirement.

Imposition of requirements

29.—(1) Regulations may make provision—

- (a) where the Department may impose a requirement under this Part, as to when the requirement must or must not be imposed;

- (b) where the Department may specify any action to be taken in relation to a requirement under this Part, as to what action must or must not be specified;
 - (c) where the Department may specify any other matter in relation to a requirement under this Part, as to what must or must not be specified in respect of that matter.
- (2) Where the Department may impose a work-focused interview requirement, the Department must have regard to such matters as may be prescribed.
- (3) Where the Department may specify a particular action under Article 21(1) or 22(1)(b), the Department must have regard to such matters as may be prescribed.
- (4) Where the Department may impose a requirement under this Part, the Department may revoke or change what has been imposed or specified.
- (5) Where the Department may specify any action to be taken in relation to a requirement imposed under this Part, the Department may revoke or change what has been specified.
- (6) Notification of a requirement imposed under this Part (or any change to or revocation of such a requirement) is, if not included in the claimant commitment, to be in such manner as the Department may determine.
- (7) Regulations must make provision to secure that, in prescribed circumstances, where a claimant has recently been a victim of domestic violence—
- (a) a requirement imposed on that claimant under this Part ceases to have effect for a period of 13 weeks, and
 - (b) the Department may not impose any other requirement under this Part on that claimant during that period.
- (8) For the purposes of paragraph (7)—
- (a) “domestic violence” has such meaning as may be prescribed;
 - (b) “victim of domestic violence” means a person on or against whom domestic violence is inflicted or threatened (and regulations under paragraph (7) may prescribe circumstances in which a person is to be treated as being or not being a victim of domestic violence);
 - (c) a person has recently been a victim of domestic violence if a prescribed period has not expired since the violence was inflicted or threatened.

Compliance with requirements

30. Regulations may make provision as to circumstances in which a claimant is to be treated as having—

- (a) complied with or not complied with any requirement imposed under this Part or any aspect of such a requirement, or
- (b) taken or not taken any particular action specified by the Department in relation to such a requirement.

Reduction of benefit

Higher-level sanctions

31.—(1) The amount of an award of universal credit is to be reduced in accordance with this Article in the event of a failure by a claimant which is sanctionable under this Article.

- (2) It is a failure sanctionable under this Article if a claimant falling within Article 27—
 - (a) fails for no good reason to comply with a requirement imposed under a work preparation requirement to undertake a work placement of a prescribed description;

- (b) fails for no good reason to comply with a requirement imposed under a work search requirement to apply for a particular vacancy for paid work;
 - (c) fails for no good reason to comply with a work availability requirement by not taking up an offer of paid work;
 - (d) by reason of misconduct, or voluntarily and for no good reason, ceases paid work or loses pay.
- (3) It is a failure sanctionable under this Article if by reason of misconduct, or voluntarily and for no good reason, a claimant falling within Article 24 by virtue of paragraph (3) of that Article ceases paid work or loses pay so as to cease to fall within that Article and to fall within Article 27 instead.
- (4) It is a failure sanctionable under this Article if, at any time before making the claim by reference to which the award is made, the claimant—
- (a) for no good reason failed to take up an offer of paid work, or
 - (b) by reason of misconduct, or voluntarily and for no good reason, ceased paid work or lost pay,
- and at the time the award is made the claimant falls within Article 27.
- (5) For the purposes of paragraphs (2) to (4) regulations may provide—
- (a) for circumstances in which ceasing to work or losing pay is to be treated as occurring or not occurring by reason of misconduct or voluntarily;
 - (b) for loss of pay below a prescribed level to be disregarded.
- (6) Regulations are to provide for—
- (a) the amount of a reduction under this Article;
 - (b) the period for which such a reduction has effect, not exceeding 18 months in relation to any failure sanctionable under this Article.
- (7) Regulations under paragraph (6)(b) may in particular provide for the period of a reduction to depend on either or both of the following—
- (a) the number of failures by the claimant sanctionable under this Article;
 - (b) the period between such failures.
- (8) Regulations may provide—
- (a) for cases in which no reduction is to be made under this Article;
 - (b) for a reduction under this Article made in relation to an award that is terminated to be applied to any new award made within a prescribed period of the termination;
 - (c) for the termination or suspension of a reduction under this Article.

Other sanctions

- 32.**—(1) The amount of an award of universal credit is to be reduced in accordance with this Article in the event of a failure by a claimant which is sanctionable under this Article.
- (2) It is a failure sanctionable under this Article if a claimant—
- (a) fails for no good reason to comply with a work-related requirement;
 - (b) fails for no good reason to comply with a requirement under Article 28.
- (3) But a failure by a claimant is not sanctionable under this Article if it is also a failure sanctionable under Article 31.
- (4) Regulations are to provide for—
- (a) the amount of a reduction under this Article, and

- (b) the period for which such a reduction has effect.
- (5) Regulations under paragraph (4)(b) may provide that a reduction under this Article in relation to any failure is to have effect for—
 - (a) a period continuing until the claimant meets a compliance condition specified by the Department,
 - (b) a fixed period not exceeding 26 weeks which is—
 - (i) specified in the regulations, or
 - (ii) determined in any case by the Department, or
 - (c) a combination of both.
- (6) In paragraph (5)(a) “compliance condition” means—
 - (a) a condition that the failure ceases, or
 - (b) a condition relating to future compliance with a work-related requirement or a requirement under Article 28.
- (7) A compliance condition specified under paragraph (5)(a) may be—
 - (a) revoked or varied by the Department;
 - (b) notified to the claimant in such manner as the Department may determine.
- (8) A period fixed under paragraph (5)(b) may in particular depend on either or both the following—
 - (a) the number of failures by the claimant sanctionable under this Article;
 - (b) the period between such failures.
- (9) Regulations may provide—
 - (a) for cases in which no reduction is to be made under this Article;
 - (b) for a reduction under this Article made in relation to an award that is terminated to be applied to any new award made within a prescribed period of the termination;
 - (c) for the termination or suspension of a reduction under this Article.

Hardship payments

- 33.**—(1) Regulations may make provision for the making of additional payments by way of universal credit to a claimant (“hardship payments”) where—
- (a) the amount of the claimant’s award is reduced under Article 31 or 32, and
 - (b) the claimant is or will be in hardship.
- (2) Regulations under this Article may in particular make provision as to—
- (a) circumstances in which a claimant is to be treated as being or not being in hardship;
 - (b) matters to be taken into account in determining whether a claimant is or will be in hardship;
 - (c) requirements or conditions to be met by a claimant in order to receive hardship payments;
 - (d) the amount or rate of hardship payments;
 - (e) the period for which hardship payments may be made;
 - (f) whether hardship payments are recoverable.

Administration

Concurrent exercise of certain functions by Department for Employment and Learning

34.—(1) The Department for Employment and Learning may exercise, concurrently with the Department, the functions of the Department under the provisions of this Chapter specified in paragraph (2); and references to the Department in those provisions are to be construed accordingly.

(2) The provisions are—

- (a) Article 19(2) and (4)(a) and (c);
- (b) Article 20(1), (3) and (4);
- (c) Article 21(1) and (2);
- (d) Article 22(1)(b), (2) and (4);
- (e) Article 23(3);
- (f) Article 28(1), (2), (3) and (4);
- (g) Article 29(1)(b) and (c), (3) and (5);
- (h) Article 30(b).

Delegation and contracting out

35.—(1) The functions of the Department under Articles 18 to 30 may be exercised by, or by the employees of, such person as the Department may authorise for the purpose (an “authorised person”).

(2) An authorisation given by virtue of this Article may authorise the exercise of a function—

- (a) wholly or to a limited extent;
- (b) generally or in particular cases or areas;
- (c) unconditionally or subject to conditions.

(3) An authorisation under this Article—

- (a) may specify its duration;
- (b) may be varied or revoked at any time by the Department;
- (c) does not prevent the Department or another person from exercising the function to which the authorisation relates.

(4) Anything done or omitted to be done by or in relation to an authorised person (or an employee of that person) in, or in connection with, the exercise or purported exercise of the function concerned is to be treated for all purposes as done or omitted to be done by or in relation to the Department or (as the case may be) an officer of the Department.

(5) Paragraph (4) does not apply—

- (a) for the purposes of so much of any contract made between the authorised person and the Department as relates to the exercise of the function, or
- (b) for the purposes of any criminal proceedings brought in respect of anything done or omitted to be done by the authorised person (or an employee of that person).

(6) Where—

- (a) the authorisation of an authorised person is revoked, and
- (b) at the time of the revocation so much of any contract made between the authorised person and the Department as relates to the exercise of the function is subsisting,

the authorised person is entitled to treat the contract as repudiated by the Department (and not as frustrated by reason of the revocation).

(7) This Article applies in relation to the functions exercisable by the Department for Employment and Learning by virtue of Article 34 as it applies in relation to the functions of the Department

Draft Legislation: This is a draft item of legislation and has not yet been made as a UK Statutory Instrument. This draft has been replaced by a new draft, No. 2006

mentioned in paragraph (1); and references to the Department in paragraphs (1) to (6) are to be construed accordingly.