
DRAFT STATUTORY INSTRUMENTS

2013 No.

The Universal Credit Regulations 2013

PART 8

CLAIMANT RESPONSIBILITIES

CHAPTER 1

WORK-RELATED REQUIREMENTS

Introductory

Introduction

84. This Chapter contains provisions about the work-related requirements under sections 15 to 25 of the Act, including the persons to whom they are to be applied, the limitations on those requirements and other related matters.

Meaning of terms relating to carers

85. In this Chapter—

“relevant carer” means—

- (a) a parent of a child who is not the responsible carer, but has caring responsibilities for the child; or
- (b) a person who has caring responsibilities for a person who has a physical or mental impairment; and

“responsible foster parent” in relation to a child means a person who is the only foster parent in relation to that child or, in the case of a couple both members of which are foster parents in relation to that child, the member who is nominated by them in accordance with regulation 86.

Nomination of responsible carer and responsible foster parent

86.—(1) This regulation makes provision for the nomination of the responsible carer or the responsible foster parent in relation to a child.

(2) Only one of joint claimants may be nominated as a responsible carer or a responsible foster parent.

(3) The nomination applies to all the children, where there is more than one, for whom either of the joint claimants is responsible.

(4) Joint claimants may change which member is nominated—

- (a) once in a 12 month period, starting from the date of the previous nomination; or
- (b) on any occasion where the Secretary of State considers that there has been a change of circumstances which is relevant to the nomination.

References to paid work

87. References in this Chapter to obtaining paid work include obtaining more paid work or better paid work.

Expected hours

88.—(1) The “expected number of hours per week” in relation to a claimant for the purposes of determining their individual threshold in regulation 90 or for the purposes of regulation 95 or 97 is 35 unless some lesser number of hours applies under paragraph (2).

(2) The lesser number of hours is—

(a) where—

- (i) the claimant is a relevant carer, a responsible carer or a responsible foster parent, and
- (ii) the Secretary of State is satisfied that the claimant has reasonable prospects of obtaining paid work,

the number of hours that the Secretary of State considers is compatible with those caring responsibilities;

- (b) where the claimant is a responsible carer for a child under the age of 13, the number of hours that the Secretary of State considers is compatible with the child’s normal school hours (including the normal time it takes the child to travel to and from school); or
- (c) where the claimant has a physical or mental impairment, the number of hours that the Secretary of State considers is reasonable in light of the impairment.

Work-related groups

Claimants subject to no work-related requirements

89.—(1) A claimant falls within section 19 of the Act (claimants subject to no work-related requirements) if—

- (a) the claimant has reached the qualifying age for state pension credit;
- (b) the claimant has caring responsibilities for one or more severely disabled persons for at least 35 hours a week but does not meet the conditions for entitlement to a carer’s allowance and the Secretary of State is satisfied that it would be unreasonable to require the claimant to comply with a work search requirement and a work availability requirement, including if such a requirement were limited in accordance with section 17(4) or 18(3) of the Act;
- (c) the claimant is pregnant and it is 11 weeks or less before her expected week of confinement, or was pregnant and it is 15 weeks or less since the date of her confinement;
- (d) the claimant is an adopter and it is 12 months or less since—
 - (i) the date that the child was placed with the claimant, or
 - (ii) if the claimant requested that the 12 months should run from a date within 14 days before the child was expected to be placed, that date;
- (e) the claimant does not have to meet the condition in section 4(1)(d) of the Act (not receiving education) by virtue of regulation 14 and—
 - (i) is a person referred to in paragraph (a) of that regulation (under 21, in non-advanced education and without parental support), or
 - (ii) has student income in relation to the course they are undertaking which is taken into account in the calculation of the award; or

- (f) the claimant is the responsible foster parent of a child under the age of 1.
- (2) In paragraph (1)(b) “severely disabled” has the meaning in section 70 of the Contributions and Benefits Act.
- (3) In paragraph (1)(d)—
 - (a) “adopter” means a person who has been matched with a child for adoption and who is, or is intended to be, the responsible carer for the child, but excluding a person who is a foster parent or close relative of the child; and
 - (b) a person is matched with a child for adoption when it is decided by an adoption agency that the person would be a suitable adoptive parent for the child.

Claimants subject to no work-related requirements - the earnings thresholds

90.—(1) A claimant falls within section 19 of the Act (claimants subject to no work-related requirements) if the claimant’s weekly earnings are equal to or exceed the claimant’s individual threshold.

(2) A claimant’s individual threshold is the amount that a person of the same age as the claimant would be paid at the hourly rate applicable under regulation 11 or regulation 13(1) or (2) of the National Minimum Wage Regulations for—

- (a) 16 hours per week, in the case of a claimant who would otherwise fall within section 20 (claimants subject to work-focused interview requirement only) or section 21 (claimants subject to work-preparation requirement) of the Act; or
- (b) the expected number of hours per week in the case of a claimant who would otherwise fall within section 22 of the Act (claimants subject to all work-related requirements).

(3) A claimant who is a member of a couple falls within section 19 of the Act if the couple’s combined weekly earnings are equal to or exceed whichever of the following amounts is applicable—

- (a) in the case of joint claimants, the sum of their individual thresholds; or
- (b) in the case of a claimant who claims universal credit as a single person by virtue of regulation 3(3), the sum of—
 - (i) the claimant’s individual threshold, and
 - (ii) the amount a person would be paid for 35 hours per week at the hourly rate specified in regulation 11 of the National Minimum Wage Regulations.

(4) A claimant falls within section 19 of the Act if the claimant is employed under a contract of apprenticeship and has weekly earnings that are equal to or exceed the amount they would be paid for—

- (a) 30 hours a week; or
- (b) if less, the expected number of hours per week for that claimant,

at the rate specified in regulation 13(3) of the National Minimum Wage Regulations.

(5) A claimant who is treated as having earned income in accordance with regulation 62 (minimum income floor) in respect of an assessment period is to be taken to have weekly earnings equal to their individual threshold in respect of any week falling within that assessment period.

(6) A person’s weekly earnings are the person’s earned income taken as a weekly average by reference to—

- (a) the amount of that earned income calculated or estimated in relation to the current assessment period before any deduction for income tax, national insurance contributions or relievable pension contributions; or

- (b) in a case where the person’s earned income fluctuates (or is likely to fluctuate) the amount of that income—
 - (i) where there is an identifiable cycle, over the duration of one such cycle, or
 - (ii) where there is no identifiable cycle, over three months or such other period as may, in the particular case, enable the weekly average to be determined more accurately.
- (7) In this regulation “the National Minimum Wage Regulations” means the National Minimum Wage Regulations 1999(1).

Claimants subject to work-focused interview requirement only

91.—(1) For the purposes of section 20(1)(a) of the Act (claimant is the responsible carer for a child aged at least 1 and under a prescribed age) the prescribed age is 5.

- (2) A claimant falls within section 20 of the Act if—
 - (a) the claimant is the responsible foster parent in relation to a child aged at least 1;
 - (b) the claimant is the responsible foster parent in relation to a qualifying young person, and the Secretary of State is satisfied that the qualifying young person has care needs which would make it unreasonable to require the claimant to comply with a work search requirement or a work availability requirement, including if such a requirement were limited in accordance with section 17(4) or 18(3) of the Act;
 - (c) the claimant is a foster parent, but not the responsible foster parent, in relation to a child or qualifying young person, and the Secretary of State is satisfied that the child or qualifying young person has care needs which would make it unreasonable to require the claimant to comply with a work search requirement or a work availability requirement, including if such a requirement were limited in accordance with section 17(4) or 18(3) of the Act;
 - (d) the claimant has fallen within sub-paragraph (a), (b) or (c) within the past 8 weeks and has no child or qualifying young person currently placed with them, but expects to resume being a foster parent; or
 - (e) the claimant has become a friend or family carer in relation to a child within the past 12 months and is also the responsible carer in relation to that child.

(3) In paragraph (2)(e) “friend or family carer” means a person who is responsible for a child, but is not the child’s parent or step-parent, and has undertaken the care of the child in the following circumstances—

- (a) the child has no parent or has parents who are unable to care for the child; or
- (b) it is likely that the child would otherwise be looked after by a local authority because of concerns in relation to the child’s welfare.

Claimants subject to all work-related requirements - EEA jobseekers

- 92.**—(1) A claimant who is—
 - (a) a person mentioned in regulation 6(1)(a) of the EEA Regulations;
 - (b) a person who is treated as a worker for the purposes of regulation 6(1)(b) of the EEA Regulations by reason of satisfying the conditions set out in regulation 6(2)(b) of those Regulations; or
 - (c) a person who has a right to reside by virtue of article 45 of the Treaty on the Functioning of the European Union (in a case where the person is seeking work in the United Kingdom, Channel Islands, Isle of Man or the Republic of Ireland),

(1) [S.I. 1999/584](#). Relevant amendments in [S.I. 2010/1901](#) and [S.I. 2011/2345](#).

and who would otherwise fall within section 19, 20 or 21 of the Act, is to be treated as not falling within any of those sections.

(2) A claimant who is a family member of a person mentioned in paragraph (1)(a) or (c) and who would otherwise fall within section 19, 20 or 21 of the Act, is to be treated as not falling within any of those sections.

(3) In this regulation “family member” has the same meaning as in regulation 7(1)(a), (b) or (c) of the EEA Regulations

The work-related requirements

Purposes of a work-focused interview

- 93.** 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 63 (start-up period).

Work search requirement - interviews

94. 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

95.—(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 Secretary of State 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 Secretary of State—

- (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 Secretary of State for the claimant to carry out voluntary work must not exceed 50% 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 Secretary of State for the purpose of making it more likely that the claimant will obtain paid work, but which is not specified by the Secretary of State as a work preparation requirement under section 16 of the Act.

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

96.—(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) But 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 Secretary of State is satisfied that, as a consequence the claimant needs a longer period of up to 1 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 Secretary of State is satisfied that, as a consequence, the claimant needs a longer period of up to 1 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 section 86 of the Employment Rights Act 1996(2), 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.

Work search requirement and work availability requirement - limitations

97.—(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 88.

(2) 1996 c.18.

(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 Secretary of State considers appropriate, but only if the Secretary of State 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 section 19 of the Act by virtue of regulation 90 (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

98.—(1) Where a claimant has recently been a victim of domestic violence, and the circumstances set out in paragraph (3) 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 (3) (a); and
- (b) the Secretary of State must not impose any other work-related requirement on that claimant during that period.

(2) 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.

(3) The circumstances are that—

- (a) the claimant notifies the Secretary of State, in such manner as the Secretary of State 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 1 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.

(4) In this regulation—

“domestic violence” means abuse of a kind specified on page 11, of section 2.2. of ‘Responding to domestic abuse: a handbook for health professionals’ published by the Department of Health in December 2005⁽³⁾;

“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 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⁽⁴⁾;

“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 General Social Care Council;
- (b) The Care Council for Wales;
- (c) The Scottish Social Services Council; or
- (d) The Northern Ireland Social Care Council.

Circumstances in which requirements must not be imposed

99.—(1) Where paragraph (3), (4), (5) or (6) applies—

- (a) the Secretary of State must not impose a work search requirement on a claimant; and
- (b) “able and willing immediately to 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 (3), (4), (5) or (6) 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 (3), (4), (5) or (6) begin to apply.

(3) This paragraph applies where—

- (a) the claimant is attending a 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 Great Britain 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;

⁽³⁾ The handbook is available on the Department of Health website www.dh.gov.uk at en/Publicationsandstatistics/PublicationsPolicyAndGuidance/DH-4126161 and from Department of Health Publications PO Box 777, London SE1 6XH.

⁽⁴⁾ 2002 c.17.

- (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⁽⁵⁾; or
 - (g) the claimant is engaged in an activity of a kind approved by the Secretary of State as being in the nature of a public duty.
- (4) This paragraph applies where the claimant —
- (a) is unfit for work—
 - (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 Secretary of State 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 Secretary of State approves that the claimant is unfit for work, and
 - (ii) for any further days when they are unfit for work, if requested by the Secretary of State, 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.
- (5) This paragraph applies where the Secretary of State is satisfied that it would be unreasonable to require the claimant to comply with a work search requirement or a work availability requirement, including if such a requirement were limited in accordance with section 17(4) or 18(3) of the Act, because the claimant—
- (a) is carrying out a work preparation requirement or voluntary work preparation (as defined in regulation 95(4));
 - (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 (4)(a) or for more than 2 such periods in any period of 12 months and, where requested by the Secretary of State, provides the evidence mentioned in paragraph (4)(b)(ii).
- (6) This paragraph applies where the claimant’s weekly earnings or, if the claimant is a member of a couple, the couple’s combined weekly earnings are at a level where the Secretary of State is satisfied that a work search requirement or work availability requirement should not be imposed at the present time.
- (7) In this regulation “tribunal” means any tribunal listed in Schedule 1 to the Tribunals and Inquiries Act 1992⁽⁶⁾.

(5) 2005 c.15.
(6) 1992 c.53.