

HOUSING SYSTEMS: BRIEFING

04/2016:

Universal Credit - Work Related Requirements being imposed incorrectly on some working claimants

Key Points

- 1. Work related requirements should be totally suspended for the majority of working UC claimants.**
- 2. DWP mistakes may have led to hardship because some claimants have been told that they need to continue looking for work/attending interviews (despite the Universal Credit Regulations stating that this is not required in their situation); and they have:**
 - Withdrawn their Universal Credit claim and come off Universal Credit altogether – even though they have an entitlement, and/or**
 - Been sanctioned for failure to comply with work search conditionality that should never have been imposed, and/or**
 - Incurred costs / stress by continuing to look for work when they did not need to.**
- 3. These mistakes could date back to February 2015.**
- 4. These claimants should be encouraged to (as appropriate):**
 - Make a new claim for Universal Credit,**
 - Appeal against any sanction, and / or**
 - Claim compensation for maladministration.**
- 5. We have devised a series of Standard Letters for you to use to assist claimants affected by this mistake.**

If you believe you have a claimant who has been affected by this we would be grateful if you could let us know – we would like to gauge how much of a problem this actually is. Please contact us – info@housingsystems.co.uk.

UC and Work Related Requirements whilst working

Whilst it is the government's intention that UC claimants who are working and not meeting their Conditionality Earnings Threshold* should have some work related requirements as part of their claimant commitment, this requirement was 'suspended' in February 2015 for the majority of working UC claimants. *ie minimum wage/living wage multiplied by the number of hours deemed able to work.

The only working UC claimants who should have any work related requirements imposed on them are those:

- Earning less than their Administrative Earnings Threshold which is £338.43 a month for a single claimant and £541.02 a month for a couple (calculated as described in Regulation 99 – see Appendix A), or
- Living in a 'In-Work Progression' pilot area and chosen to be part of the pilot (see below).

However, we are aware that the UC Helpline is not giving the correct advice and work coaches are not always removing all work related requirements for claimants whose monthly earnings are above their Administrative Earnings Threshold but below their Conditionality Earnings Threshold.

This has led to some claimants:

- Withdrawing their Universal Credit claim and coming off Universal Credit altogether – even though they have an entitlement, and/or
- Being sanctioned for failure to comply with work search conditionality that should never have been imposed.
- Incurring costs / stress by continuing to look for work when they do not need to.

Withdrawn claim for Universal Credit

A claimant who decided to end their Universal Credit claim solely on the advice that they would need to continue to look for work and has lost out because of this should seek compensation for the Universal Credit they have missed out on (see Standard Letter UC CD7 in Appendix B), and may wish to make a new claim for Universal Credit (see below).

Sanctioned

A claimant who has been wrongly sanctioned should challenge this sanction: the Regulations were changed in February 2015, and as the imposition of the sanction is an official error there is no time limit on challenging it. If the challenge is successful, the DWP will have to reimburse any Universal Credit the claimant is owed and strike the sanction from the claimant's records. Please see Standard Letter UC CD9 in Appendix B. They may wish to request financial compensation (or redress) for any expenses incurred due to the imposition of the sanction eg court costs, telephone calls etc. Please see Standard Letter UC CD8.

Continuing to look for work / attend interviews with work coach

A Universal Credit claimant who is working and earning above their Administrative Earnings Threshold who still has work related requirements linked to their claim should write to their local Job Centre requesting that these be removed. Please see Standard Letter UC CD11 in Appendix B. (And when someone starts work they can use UC CD10).

Making a new claim for Universal Credit

If the claimant is not getting any of the benefits Universal Credit is replacing~ and they are entitled to some Universal Credit then they should make a new claim for Universal Credit.

If they live in a 'Gateway' area ie one that has not yet gone live on the Digital Service, then due to the level of their earnings they will not meet the 'Gateway Conditions'. They should therefore make the claim by calling the UC Helpline, explaining why they are making a new claim - ie because they withdrew their previous claim after receiving the wrong information from the UC Helpline or their work coach - and ask to speak to a supervisor if necessary. If they are not allowed to make a new claim then please contact us.

If the claimant is getting one or more of the benefits Universal Credit is replacing~ then these would come to an end if they made a claim for Universal Credit. They should get advice about whether they will be better off financially making a claim for Universal Credit. If they do wish to make a claim for Universal Credit and live in a 'Gateway' area then see advice above.

~ Universal Credit is replacing: Housing Benefit, Working Tax Credit, Child Tax Credit, Income Based JSA, Income Related ESA and Income Support.

Seeking compensation

Where the claimant has lost out financially or has incurred costs – due to the wrong advice given to them by the UC Helpline / work coach - then they have the right to ask for compensation. This can be quite a drawn out process if the complaint is not upheld initially, but if the person complaining skips a step they will be referred back so it is important to follow the stages (see website for more details).

The first stage is to contact the office that caused the problem. This could be the local Job Centre, for example if it was the claimant's work coach who gave the wrong advice. Addresses of Job Centres are given on <http://los.direct.gov.uk/default.aspx?type=1&lang=en>

Or if the advice came from another part of the DWP- such as the Universal Credit helpline, then the address is: Department for Work & Pensions, PO Box 50101, London SW1P 2WU.

The claimant, or their authorised representative, can contact by phone (in which case keep a record of date/time and if possible name of person spoke to), in person (keep a record as for phone contact), in writing (use one our letters– Appendix B - and keep a copy) or online: (<https://jsacomplaints.itsshared.net/start>)

The claimant should give their name, address, NI number, any telephone / email contact details; and describe in full what happened, how it happened, how it affected them and what they want to happen to put things right – including monetary compensation for any financial losses. In considering whether and how much financial compensation should be given, a DWP "Special Payment Officer" will consider any evidence; and where there is insufficient evidence will decide on the balance of probabilities whether the complainant's assertion of maladministration is true.

If the DWP agrees they have erred then according to the guidance they will apologise "immediately" and put things right "straightaway"- however no time limits are given.

If the issue is not satisfactorily resolved or if there is an unreasonable delay then please see the website for more details of how the complaint can be progressed – www.housingsystems.co.uk

Alerting the local MP

It may be useful for the affected claimant to highlight the problems they have experienced with their local MP.

In work Conditionality Pilots

The only working people who should have work related conditionality are those earning/s below their Administrative Earnings Threshold, and those who live in a pilot area who have been chosen to take part in a pilot.

Very little is known about the pilots. The following information is taken from our website:

*Where a Universal Credit claimant is earning - or a joint claim couple are earning - between their '**administrative earnings threshold**' and their '**conditionality earnings threshold**' and are in Group 4 (the full conditionality group), then their work related requirements will be suspended unless they are chosen to participate in the In Work Pilot Scheme which looks at how best to support low paid and part-time workers into better paid / full time work.*

The In Work Pilot Scheme is testing the extent to which imposition of work-related requirements for claimants in low paid work is likely to promote their remaining in work- or obtaining or being able to obtain more work or better paid work.

The IWP trials went live in the following 10 sites from 20th April 2015; • Wigan • Warrington • Oldham • Ashton-under-Lyme • Bath • Rugby • Harrogate • Hammersmith • Inverness • Shotton.

The In Work Pilot Scheme cannot apply to any Universal Credit claimant who:

- *is a victim of domestic violence or*
- *is a prisoner or*
- *is temporarily absent from GB for treatment or convalescence for a period not expected to (and which does not) exceed six months*
- *has - within the last six months- experienced the death of their partner, or a child or qualifying young person for whom the claimant or their partner was responsible or a child, where the claimant was the child's parent or*
- *is receiving and participating in a structured recovery-orientated course of alcohol or drug dependency treatment for a period of up to six months or*
- *is under protection due to their involvement in investigations or proceedings for a period of up to six months or*
- *is unfit for work for a period longer than 14 consecutive days.*

See [ADM 5/15](#) for more details; Cross parliamentary debate [here](#); DWP guidance to staff [here](#); guidance on the [Flexible Support Fund](#) (eg to pay for travel to the Trials in exceptional cases) [here](#).

Appendix A: UC Regulations

Universal Credit Regulation 99 paras 1 and 6 states:

Regulation 99 - Circumstances in which requirements must not be imposed

(1) Where paragraph (3), (4)2, (4A), (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)2, (4A), 3 or (6) no longer apply.

.....

(6) 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 1996); or

(b) in the case of 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).

Appendix B: Standard Letters

UC CD7: Requesting financial redress for maladministration where wrong advice given about work related requirements led to claimant withdrawing claim for Universal Credit

UC CD8: Request for financial redress for maladministration where sanctioned when work-related requirements should not have been imposed

UC CD9: Request for mandatory reconsideration when sanction wrongly applied as not subject to work-related requirements as earning above Administrative Earnings Threshold

UC CD10: Request to remove work-related requirements from claimant commitment when earning above Administrative Earnings Threshold

UC CD11: Request to remove work-related requirements from claimant commitment as they should have ceased to apply when started to work and earn above Administrative Earnings Threshold

UC CD12: Request for mandatory reconsideration as claimant commitment not varied when work-rated requirements no longer apply as earnings above Administrative Earnings Threshold

UC CD7: REQUESTING FINANCIAL REDRESS FOR MALADMINISTRATION – wrong advice given about work related requirements which led to claimant withdrawing claim for Universal Credit.

Claimant Name
Claimant Address
NINo:
Phone:
Date

Department for Work & Pensions
PO Box 50101
London
SW1P 2WU (for maladministration by UC helpline)

OR

Jobcentre Plus Office (for maladministration by Job Centre staff)
(find address here: <http://los.direct.gov.uk/default.aspx?type=1&lang=en>)

Dear Sir / Madam

RE: Request for financial redress for maladministration by Universal Credit helpline /Job Centre Plus.

I am writing to request redress for the wrongful advice that I was given by a member of DWP staff on the Universal Credit helpline / at my JobCentre Plus on xx/xx/xxxx.

If single:

I had contacted the UC Helpline / my Job Centre to notify that them that I had started work and would be earning £xxx.xx per week/month. I was advised that because this was less than my Conditionality Earnings Threshold I would have to continue to look for work/attend interviews with my work coach.

OR

If couple:

I had contacted the UC Helpline / my Job Centre to notify that them that I/my partner had started work and that I/my partner would be earning £xxx.xx per week/month. I was advised that because this was less than our Conditionality Earnings Threshold I/my partner would have to continue to look for work/attend interviews with my/their work coach.

Provide as much information as possible about this conversation- where/when etc so the DWP can trace the advice you were given: SEE NOTES

I was told that this was a condition of me/us continuing to receive Universal Credit. As a result of this information I/we decided to withdraw my/our claim for Universal Credit.

Add any reasons why you/your partner would have found it difficult to continue to look for work/attend interviews ie why you/your partner decided to end your claim for UC.

I have since found out that this advice was incorrect.

Universal Credit Regulation 99 was amended from 19th February 2015 to suspend all work conditionality for claimants like me/us – it states:

Regulation 99 - Circumstances in which requirements must not be imposed

(1) Where paragraph (3), (4)2, (4A), (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)2, (4A), 3 or (6) no longer apply.

.....

(6) 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 1996); or

(b) in the case of 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).

I notified that **I/we/my partner** would be earning **£xxx.xx per week/month** which is more than that outlined in this Regulation, therefore **my/our** claim should not have been subject to any work related requirements. The only claimants for whom work related requirements can be imposed who have earnings of this amount are those who have been chosen to take part in the In Work Support Pilot scheme – which **I/my partner** was not.

Because this advice led **me/us** to withdraw **my/our** claim for Universal Credit, this caused financial losses for the following reason/s.

Add appropriate section/s:

My/our Universal Credit award ended meaning that **I/we** had no Universal Credit from **xx/xx/xxxx**, being the start of the monthly assessment period in which **my/our** award was withdrawn.

OR

As this was a new claim for Universal Credit, **I/we** did not receive any Universal Credit.

AND/OR

I/we then attempted to claim **Housing Benefit / Working Tax Credit / Child Tax Credit /other** but was told that **I/we was/were** not eligible.

AND/OR

I/we then made a claim for **Housing Benefit / Working Tax Credit / Child Tax Credit /other** which was awarded but was not as much as **I/we** would have got in Universal Credit.

AND/OR

I suffered further financial loss **because**

I would be grateful if you could put this matter right and arrange for me to be paid financial redress for the money I have lost as a result of this maladministration. I look forward to your prompt reply.

Yours faithfully

NOTES TO HELP YOU:

Information you should add where known, giving as much detail as possible:

- *Date / time / place / job title of staff if known.*
- *What you asked or told the member of staff. For example was this a new claim, or had you reported a change of circumstance?*
- *If you phoned the UC helpline try if possible to recall what you stated was the issue when asked by the automated answering service. This may help to trace the conversation.*
- *State whether you were referred to or called back by another member of staff.*
- *Give details - as far as you can remember – of what was said to you.*
- *What happened then- what actions you took or did not take as a result of this information.*
- *Explain why you felt unable to continue on Universal Credit. For example any particular factors such as: time taken to get to and from work, constraints of the job, voluntary work, caring responsibilities, other constraints which meant it would be difficult for you to continue to look for other work, while in employment.*
- *Any money you lost- for example Universal Credit or other benefits that you should have received such as free school meals. If possible give the amounts and/or periods for which you believe you should have been paid.*
- *Any discretionary or other awards you could have been paid for example Discretionary Housing Payments.*
- *Any additional expenses you incurred (eg phone calls, court costs due to inability to pay bills, bank charges due to unpaid direct debits/standing orders).*
- *Any distress or inconvenience this caused you.*

IF YOUR REQUEST IS REFUSED, OR MORE THAN 15 DAYS PASSES WITH NO RESPONSE, WRITE AGAIN OR PHONE (KEEPING A RECORD OF THE CALL) ASKING FOR YOUR COMPLAINT TO BE PASSED TO A COMPLAINTS RESOLUTION MANAGER.

IF THIS IS REFUSED/ TAKES OVER 15 DAYS YOU CAN THEN PASS THE COMPLAINT TO A MORE SENIOR OFFICER.

IF THIS IS REFUSED/ TAKES OVER 15 DAYS TAKE YOUR COMPLAINT TO THE INDEPENDENT CASE EXAMINER.

More information on [gov.uk / government/organisations/departments-for-work-pensions/about/complaints-procedure](https://www.gov.uk/government/organisations/departments-for-work-pensions/about/complaints-procedure).

YOU COULD ALSO WRITE TO YOUR MP.

UC CD8: REQUEST FOR FINANCIAL REDRESS FOR MALADMINISTRATION –Sanctioned when work-related requirements should not have applied

Claimant Name
Claimant Address
Phone no
Date
NIno

Jobcentre Plus Office

(find address here: <http://los.direct.gov.uk/default.aspx?type=1&lang=en>)

Dear Sir / Madam

RE: Maladministration by Job Centre Plus

I am writing to request redress for the maladministration that led to me being incorrectly sanctioned for failing to undertake work related activities / work search.

Please note that I am also submitting a letter appealing against the sanction.

At the time I was working and earning £xxx.xx which is more than £338.43 a month, the Administrative Earnings Threshold. I was not part of the In Work Support Pilot scheme.

OR

At the time I/my partner was working and I/we were earning £xxx.xx, which is more than our Administrative Earnings Threshold of £541.02 a month. We were not part of the In Work Support Pilot scheme.

However, I/my partner was advised on xx/xx/xxxx by the Universal Credit helpline/my/my partner's Work Coach/other member of staff at Name Jobcentre Plus that I/my partner/both of us must take action to prepare for further work / look for further work as a condition of receiving Universal Credit, and this was detailed in my/my partner's claimant commitment despite being in work and earning above my/our Administrative Earnings Threshold.

As I/my partner failed to take all the actions required, on xx/xx/xxxx, I/my partner was sanctioned for time period. From xx/xx/xxxx, £xx.xx was taken off my/our Universal Credit award.

I have since found out that Universal Credit Regulation 99 was amended from 19th February 2015 to suspend all work conditionality for claimants like me/us – it states:

Regulation 99 - Circumstances in which requirements must not be imposed

(1) Where paragraph (3), (4)2, (4A), (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)2, (4A), 3 or (6) no longer apply.

.....
(6) 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 1996); or

(b) in the case of 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).

Because of the incorrectly applied sanction I/we have had little money to live on, incurring further financial losses, as follows:

(Detail any further financial problems that resulted eg: phone charges, bank charges, unmet bills, increased interest charges, increased debt, rent arrears, court action, repossession, etc - with amounts where possible.)

As a result of the sanction I/we have suffered distress and inconvenience as well as considerable financial hardship.

(Give details here)

I/we would be grateful if you could put this matter right – including ensuring that the sanction is lifted and erased from my/our records - and arrange for me/us to be paid financial redress for the money I/we have lost as a result of this maladministration as detailed above.

Thank you for your help. I look forward to your prompt reply.

Yours faithfully

UC CD9: REQUEST FOR MANDATORY RECONSIDERATION – Sanction wrongly applied as not subject to work related requirements – as earnings above Administrative Earnings Threshold

Claimant Name
Claimant Address
Date
NIno

Universal Credit,
UC Post Handling Site B,
Wolverhampton,
WV99 1AJ.

Dear Sir / Madam

RE: Request for Mandatory Reconsideration – Sanction wrongly applied as not subject to work-related requirements

I am writing to ask you: to revise your decision dated **xx/xx/xxxx** to sanction my Universal Credit award from **xx/xx/xxxx** for failure to undertake work- related activities / work search, to cancel the sanction and strike it from my records, and to repay me the money I should have received.

If single:

At the time the sanction was applied I was working and earning **£xxx.xx** per week/month which is more than **£338.43** a week, my Administrative Earnings Threshold. I was not part of the In Work Support Pilot scheme.

OR if couple:

At the time I was working and **I / my partner / husband / wife and I** were earning **£xxx.xx** per week/month, which is more than **£541.02**, our Administrative Earnings Threshold. We were not part of the In Work Support Pilot scheme.

However I was advised on **xx/xx/xxxx** by **my Work Coach / other member of staff** at **Name** Jobcentre Plus that I must take action to prepare for further work / look for further work as a condition of receiving Universal Credit, despite already working and earning above **my/our** Administrative Earnings Threshold. On **xx/xx/xxxx** I was sanctioned for **time period**. From **xx/xx/xxxx**, **£xxx.xx** was taken off my Universal Credit award.

I have since found out that this advice was incorrect, because of Universal Credit Regulation 99 which states:

Regulation 99 - Circumstances in which requirements must not be imposed

(1) Where paragraph (3), (4)2 , (4A), (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)2 , (4A), 3 or (6) no longer apply.

.....

(6) 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 1996); or

(b) in the case of 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).

Add as necessary:

I appreciate that I am outside the normal one calendar month limit for requesting a mandatory reconsideration, but I understand that as the decision to impose the sanction was an official error there is no such time limit. I am therefore requesting an "any time" revision.

Thank you for your consideration in this matter.

Yours faithfully

UC CD10: REQUEST TO REMOVE WORK RELATED REQUIREMENTS FROM CLAIMANT COMMITMENT as work related requirements no longer apply when earning above Administrative Earnings Threshold.

Claimant Name
Claimant Address
NINo:
Phone:
Date:

Jobcentre Plus

(find address here: <http://los.direct.gov.uk/default.aspx?type=1&lang=en>)

Dear Sir / Madam

RE: Request to vary Claimant Commitment –earning above Administrative Earnings Threshold.

I am writing to ask you to agree to changes to my Claimant Commitment with effect from **xx/xx/xxxx**.

If single:

This is because from **xx/xx/xxxx** I will be working and earning **£xxx.xx** per week/month, which is above my Administrative Earnings Threshold of £338.43 a month for a single person.

If couple:

This is because from **xx/xx/xxxx** I will be working and earning **£xxx.xx** per week/month, which is above our Administrative Earnings Threshold of £541.02 a month for a couple.

(Give details of employment here- job title, place of work, hours)

Please note that **I/we** are not part of the In Work Support Pilot scheme.

The reason **I/we** should not have been subject to any work-related requirements since starting to earn this amount is because Universal Credit Regulation 99 states:

Regulation 99 - Circumstances in which requirements must not be imposed

(1) Where paragraph (3), (4)2, (4A), (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)2, (4A), 3 or (6) no longer apply.

.....

(6) 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 1996); or

(b) in the case of 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).

Should my circumstances change I will of course notify you immediately and agree a new Claimant Commitment accordingly.

Please notify me if I need to attend an interview to arrange a variation to my Claimant Commitment, or if you require further information.

Thank you for your consideration in this matter.

Yours faithfully

UC CD11: REQUEST TO REMOVE WORK RELATED REQUIREMENTS FROM CLAIMANT COMMITMENT as work related requirements should have ceased to apply when started earning above Administrative Earnings Threshold.

Claimant Name
Claimant Address
NINo:
Phone:
Date:

Jobcentre Plus

(find address here: <http://los.direct.gov.uk/default.aspx?type=1&lang=en>)

Dear Sir / Madam

RE: Request to vary Claimant Commitment – have been earning above Administrative Earnings Threshold.

I am writing to ask you to agree to changes to my Claimant Commitment with effect from today.

If single:

This is because from **xx/xx/xxxx** I have been working and earning **£xxx.xx** per week/month, which is above my Administrative Earnings Threshold of £338.43 a month for a single person.

If couple:

This is because from **xx/xx/xxxx** I have been working and earning **£xxx.xx** per week/month, which is above our Administrative Earnings Threshold of £541.02 a month for a couple.

(Give details of employment here- job title, place of work, hours)

Please note that **I/we** are not part of the In Work Support Pilot scheme.

The reason **I/we** should not have been subject to any work-related requirements since starting to earn this amount is because Universal Credit Regulation 99 states:

Regulation 99 - Circumstances in which requirements must not be imposed

(1) Where paragraph (3), (4)2, (4A), (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)2, (4A), 3 or (6) no longer apply.

.....

(6) 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 1996); or

(b) in the case of 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).

Should my circumstances change I will of course notify you immediately and agree a new Claimant Commitment accordingly.

Please notify me if I need to attend an interview to arrange a variation to my Claimant Commitment, or if you require further information.

Thank you for your consideration in this matter.

Yours faithfully

UC CD12: REQUEST FOR MANDATORY RECONSIDERATION - CLAIMANT COMMITMENT NOT VARIED WHEN WORK-RELATED REQUIREMENTS NO LONGER APPLY AS EARNING ABOVE ADMINISTRATIVE EARNINGS THRESHOLD

Claimant Name
Claimant Address
NINo.
Date:

Universal Credit
Mail Opening Unit
Post Handling Site B
Wolverhampton
WV99 1AJ
London,
WV99 1AJ.

Dear Sir / Madam

RE: Mandatory reconsideration of refusal to vary Claimant Commitment.

I am writing to ask you to accept my request for a reconsideration of your decision dated **xx/xx/xxxx**.

Please revise your decision dated **xx/xx/xxxx** not to alter my Claimant Commitment with effect from **xx/xx/xxxx**, when I notified you that I was now working and earning above my Administrative Earnings Threshold.

When I began working and earning **£xxx.xx** per week/month, which is more than **£338.43 / £541.02** a month, the Administrative Earnings Threshold for a **single person / couple**, I notified my Work Coach at **Name** Job centre and asked that my Claimant Commitment be varied to remove work-related requirements. Note that I was not part of the In Work Support Pilot scheme.

This was refused. I was advised on **xx/xx/xxxx** by **my Work Coach / other member of staff** at **Name** Job Centre that despite already working and earning above the Administrative Earnings Threshold, I must continue to prepare for further work / look for further work as a condition of receiving Universal Credit.

I have since found out that this advice was incorrect, because of Universal Credit Regulation 99 which states:

Regulation 99 - Circumstances in which requirements must not be imposed

(1) Where paragraph (3), (4)2, (4A), (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)2, (4A), 3 or (6) no longer apply.

.....

(6) 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 1996); or

(b) in the case of 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).

Please could you therefore revise the decision and remove the work-related requirements from my Claimant Commitment. Should my circumstances change I will of course notify my Work Coach immediately and agree a new Claimant Commitment accordingly.

Thank you for your consideration in this matter.

Yours faithfully