



Department
for Work &
Pensions

Peter Schofield CB
Permanent Secretary

Department for Work and Pensions
Caxton House
Tothill Street
LONDON
SW1H 9DA

Rt Hon Stephen Timms MP
Chair
Work and Pensions Select Committee
House of Commons
London
SW1A 0AA
Sent electronically

psd@dwf.gsi.gov.uk
www.gov.uk/dwf

Dear Stephen

26

March 2021

Work and Pensions Select Committee appearance 3 February 2021

Following my appearance at the Work and Pensions Select Committee, I agreed to write to you with further information once I had looked into the matters you raised on the following three points.

Work Coach guidance to sanctions

Work Coaches are supported by resources such as the District Provision Tool and Complex Needs Toolkits, both of which are resources that allow work coaches (and other frontline staff) to identify and signpost to local services offering the type of support required by an individual claimant. There are, in addition to the Universal Learning Intranet site along with a suite of Bite Size learning products to consolidate their learning which they can access at any time through Universal Learning.

The existing guidance for Work Coaches on Claimant Commitments still applies. Work Coaches have the discretion to tailor conditionality requirements and must take into account any health conditions and caring responsibilities a claimant may have, including any additional impacts Covid-19 lockdown restrictions have on what a claimant can reasonably do. All conditionality requirements are agreed in discussion with claimants as would be the case in normal business.

Our Work Coaches are able to use their discretion to apply a range of easements, for example, to support claimants with health conditions and disabilities by adjusting the required hours, type of activity and means of contact to be reasonable in view of their

health condition, while still providing support and the option to refer to relevant specialist support and provision, including the Work and Health Programme, Access to Work or other local initiatives.

Work Coaches will work to ensure that commitments made by claimants are reasonable and allow them to continue to adhere to continuing local and national public health advice in regards to Covid-19, while also doing what they can to engage with the labour market. A claimant can still take steps to look for work where it is safe to do so. This would also include support and advice from a work coach

When considering if a sanction is warranted, and where a claimant has failed to meet their requirements, we will look at the available evidence of good reason, including whether they are self-isolating or have ad-hoc responsibilities due to COVID.

This guidance is published in the House of Commons Library with the most recent deposit made in October 2020, and the next due this spring. The guidance can be found at <https://depositedpapers.parliament.uk/depositedpaper/2282591/files> and I have included two further documents with additional information as annexes.

Food Banks and DWP research

I can confirm that the external research project looking at food bank growth, initially considered in March 2018, was not commissioned and did not go past the initial planning phase.

The Ministerial answer referred to in the hearing is on a different project, a literature review which the department reprioritised resource away from due to COVID. A literature review summarises publicly available information and does not contain any new research carried out by the department. Work on the literature review is on-going as we constantly review food bank and food insecurity research done by third parties and filter this into our understanding.

Industrial Injuries Disablement Benefit (IIDB) face to face assessments and backdating lump sum payment

I know that the Minister for Disabled People wrote to you in November on this issue. As was the case in November, the Department is still not currently able to lift the suspension on face to face assessments for IIDB claims due to the restrictions in place to control the spread of COVID-19. We are carefully considering the implications of the Prime Minister's Roadmap out of lockdown, and what it means for how we safely reopen assessment centres as soon as we are able to.

Since the suspension of all face to face health and disability benefit assessments last March we have been considering options for undertaking IIDB assessments in other ways. The nature of the assessment, the need to establish the occupational link to the disease or accident, and the potential interaction with other conditions and medications mean this is not straightforward. In November, we began paper-based assessments for some

prescribed diseases in cases where clinicians feel confident they can be assessed on paper and result in a robust recommendation. However, it remains the case that in order to clear all pending IIDB assessments, it will be necessary to resume face to face appointments.

For successful applications to IIDB, award payments will be backdated to the date of application to ensure claimants will not lose out on payments they are entitled to. I can also confirm that reassessment awards have been extended to ensure that payments continue. Any deteriorations which would have resulted in an increase in award will be backdated to the date of application once face-to-face assessments recommence.

Our priority is to ensure people with a terminal illness or with life threatening conditions continue to receive their awards without disruption. Claims from these groups are already usually considered on paper evidence alone. Anyone with Mesothelioma, claiming a lump sum payment under the diffuse Mesothelioma 2008 scheme, will continue to be unaffected by the suspension of face to face assessments. Similarly, anyone claiming an award under the Pneumoconiosis etc. Workers Compensation Act 1979 scheme for diffuse Mesothelioma, or primary carcinoma of the lung, including where there is accompanying evidence of asbestosis, will have their claims processed as normal.

We are aware of a potential issue for claimants with asbestosis (D1) and Pleural Thickening (D9) due to the suspension of face to face assessments as awards are calculated based on age at the time of assessment. I would like to reassure you that we are actively looking at this issue. This issue does not impact our ability to backdate IIDB payments for these claimants. We have now begun paper-based assessments for certain prescribed diseases, this includes claims for asbestosis (D1) and Pleural Thickening (D9).

We continue to work at pace to find solutions to outstanding issues and improve customer experience for all our claimants.

*Yours sincerely
for Inshild*

Peter Schofield
Permanent Secretary

Annex A

Universal Credit Guidance



Bitesize - Tailoring
Commitments.pdf



Spotlight First
commitments - Extrac

Tailoring expectations: Bitesize accessible version

- Monday, 1 March, 2021 - 12:15

Contents

[Expected hours](#)

[Expectations and availability](#)

[Tailoring Expectations](#)

[Setting requirements relevant to circumstances](#)

[Earnings rules](#)

[Administrative Earnings Threshold](#)

[Conditionality Earnings Threshold](#)

[Earnings and labour market regimes](#)

[Earnings rule](#)

[Tailoring, earning threshold and regimes](#)

[Summary](#)

When tailoring commitments, we only ask what is reasonable of our claimants, taking into account their individual circumstances, their capacity and capability, and offer the right level of support to those who most need it.

This Bitesize product aims to provide you with a greater understanding of how to tailor what we expect of claimants in line with the labour market regimes framework and their individual circumstances.

The Bitesize will also cover any caps that apply and how these tailored expectations link to the earning thresholds and can change a claimant's conditionality.

[Expected hours](#)

'Expected hours' are the maximum hours a claimant can be expected to spend on work related activities. These MUST be adjusted to take into account any health condition, disability or caring responsibilities the claimant may have.

A claimant's labour market regime and their individual circumstances will determine the amount of hours we expect from them.

Please read the guidance on 'expected hours' to answer the following questions.

Scenarios

Question:

Jane is in the Intensive Work Search regime and the lead carer for her youngest child, aged 3. Select the maximum number of hours that will be expected of Jane.

- 35
- 25
- 16

The correct answer is 16 hours.

Universal Credit safeguards claimants with childcare responsibilities. The lead carer will only be expected to undertake work/work related activities with consideration to their childcare responsibilities and the expected maximum hours are dependent on the age of their child.

Question:

Bella has been determined to have Limited Capability for Work (LCW) and therefore is in the Work Preparation regime. Select the maximum number of hours that will be expected of Bella.

- a. 35
- b. 25
- c. 16

The correct answer is 16 hours.

If a claimant wants to do more than the maximum number of hours they can do these voluntarily.

If the claimant wants to search for work this would also be voluntarily.

No sanctions will apply to either of these cases.

Question:

Amanda is in the Intensive Work Search regime and is the lead carer of her youngest child, aged 6. Select the maximum number of hours that will be expected of Amanda.

- a. 35
- b. 25
- c. 16

The correct answer is 25 hours

Universal Credit safeguards claimants with childcare responsibilities.

The lead carer is not expected to work when they are taking care of their child.

The expectation is that a lead carer with a child age 5-12 is only available a maximum of 25 hours (based on average school hours).

Question:

Dexter has been determined to have Limited Capability for Work and Work Related Activity. He is in the No Work Related Requirements regime. Select the maximum number of hours that will be expected of Dexter.

- a. 25
- b. 16
- c. zero

The correct answer is zero.

As Dexter has been found to have Limited Capability for Work and Work Related Activity, there is no legal requirement for him to have any expected hours or attend Work Focused Interviews.

Question:

Curtis is in the Intensive Work Search regime and is the lead carer of his youngest child, aged 14. Select the maximum number of hours that will be expected of Curtis

- a. 35
- b. 25
- c. 16

Correct answer is 35 hours

The claimant's regime and any child care responsibilities can set caps on the maximum hours that a claimant can be expected to be engaged in work related activities.

As with all of these examples the individuals other caring responsibilities and/or any health conditions may reduce these hours still further.

Expectations and availability

For those who are expected to look for work, the maximum availability that can be applied to claimants is 48 hours a week.

This limit is set by the working time directives.

A claimant's maximum availability for work can be impacted by the type of work they are looking for.

Where a claimant has a strong track record of previous employment, work coaches can agree to limit their availability requirements to jobs that are similar in nature.

Expected hours of work related activity may vary depending on the claimant's circumstances.

Check the guidance on 'availability' for more information.

For a claimant who has caring responsibilities, a health condition or disability, that affects their capacity for work, their hours of availability may be limited to match their expected hours.

This does not mean the claimant cannot look for more work just that we cannot expect them to, or sanction them, if they do not.

Expectations: Emma

Emma is in the Work Preparation regime and has expected hours of 16 hours a week.

We have a training course available for 20 hours a week. We encourage Emma to take part in the training course as it would be good for her development. If Emma decides to take part, this would be on a voluntary basis.

The maximum hours we could mandate is equivalent to their tailored expected hours.

Emma took the opportunity and completed the training. With the qualification, she felt ready to start work and look for work immediately. She attended a commitments meeting with her work coach and agreed work search requirements. However, because she is in work preparation regime, these must be voluntary.

Whilst expected hours are applied to Work Preparation and Work Focused Interview only regimes, this is for Conditionality Earning Threshold (CET) calculation purposes.

In the case of Work preparation regimes, it sets the maximum that we can ask of the claimant. Claimants in this group are expected to undertake reasonable activities and/or actions to prepare for work, however we do not closely monitor the number hours they spend doing it.

Expectations: Nicola

Nicola is in the Intensive Work Search regime and is the sole carer for her 8 year old daughter.

For claimants with children aged 5 to 12 a safeguarding cap of a maximum of 25 hours applies.

Nicola takes her daughter to and from school but a difficult journey means it takes her an extra hour each day.

She will only be expected to work or look for work up to 20 hours a week.

Her availability and expected hours are tailored to fit what she can do.

Nicola is expected to be available 25 hours outside school hours, but we have agreed her travel time to and from school, which means she is only available 20 hours a week.

However we would encourage Nicola to explore other childcare arrangements, such as after school clubs, to support her ability to consider more work opportunities.

When tailoring expectations, you must be sure you safeguard childcare responsibilities.

This may mean claimants can only be expected to look for work:

- closer to home
- closer to schools
- closer to any child care
- less than the maximum 90 minutes travel time from home

Expectations: Wayne

Wayne is in the Intensive Work Search regime. He has no circumstances limiting what he can do. It is expected Wayne will be available for full time work and expected to complete 35 hours of work related activity each week.

Wayne has been offered 20 hours of voluntary work each week for a local charity shop. His work coach agrees this will help him prepare for work but his priority is to find paid work.

His work coach can offset a maximum of 50% of Wayne's expected hours against any voluntary work.

It's explained to Wayne he can do more voluntary work if he wants, but only 17.5 hours (50% of 35) can be offset against his total expected hours.

Tailoring Expectations

It is important when talking to claimants that we don't discuss regimes or work groups.

We must focus on tailoring to individual claimants and setting requirements that give them the best chance of moving into work, increasing their earnings and staying in work.

Tailoring expectations must account for individual circumstances and comply with any maximum hours set by policy. Claimants are not asked to do more than what is reasonably expected of them and we must ensure we offer the right level of support.

Relevant support can include:

- starting with zero work-search and work-preparation mandatory commitments for claimants with a health condition or disability. Taking their individual circumstances into account and tailor up their commitments by adding voluntary and mandatory commitments to suit their personal needs
- reducing hours of availability and expected work related activity
- reducing the time that the claimant can be expected to travel to work
- tailoring the amount of time they need before attending a job interview or job start to allow them time to make alternative arrangements, including childcare
- allowing the claimant to limit their work search to their usual type of work and salary for a maximum of 3 months (it is then expected claimants will expand their work search to include all jobs paying at least the national minimum wage or national living wage)

These tailored expectations and requirements should be reflected in their commitment.

For more information, check the Universal Learning on Claimant Commitment.

Setting requirements relevant to circumstances

Aside from a claimant's on-going circumstances, there are some events and circumstances which can occur that do not change the claimant's overall conditionality or regime.

It does mean it may become unreasonable for them to meet their expectations and some or all of their requirements may need to be switched off for a period of time.

For example: if a claimant becomes homeless or is at risk of becoming homeless, there is discretion to switch off their work availability and/or work search requirements. The claimant must take all reasonable steps to find accommodation, and any switch off must be reviewed to check the claimant's progress and if the switch off is still appropriate. The claimant's regime will not change.

For more information on switching off requirements, please complete the ['Switching off requirements'](#) Bitesize on Universal Learning.

Earning rules

There are two thresholds to determine the requirements placed on individuals who are in work and earning or those in a household with earnings: administrative earnings threshold and conditionality earning threshold.

These thresholds have been introduced to ensure claimants have the right conditionality requirements applied to them based on their circumstances.

Administrative Earnings Threshold

The Administrative Earnings Threshold (AET) is a legally set threshold for individuals and households.

It is used to ensure claimants earning below it or with no earnings receive the most intensive support.

The threshold is currently set at £343 per month for a single person and £549 per month for a couple and is assessed against gross taxable pay / earned income. (Self Employed earnings do not count towards this threshold.)

Conditionality Earnings Threshold

The Conditionality Earnings Threshold (CET) ensures claimants earning above a certain level will not be asked to carry out any work-related activity.

The CET is calculated on an individual basis by multiplying the National Minimum Wage (NMW) or National Living Wage by the number of tailored hours a claimant is expected to complete work-related activity. This is up to a maximum of 35 hours each week.

Both employed and self-employed earnings are taken into account for CET.

For couples living in the same household the individual CETs for both adults are combined to create what is known as the Household

Conditionality Earnings

Threshold. If their combined earnings meet this then they will both be in the Working Enough regime.

Check the Universal Learning guidance for full information on [Earnings](#) and labour market regimes

If the claimant earns less than the Administrative Earnings Threshold (AET) they will be in the Intensive Work Search regime

If the claimant earns over the Administrative Earnings Threshold (AET) but below Conditionality Earnings Threshold they will be in the Light Touch regime

If the claimant earns above the Conditionality Earnings Threshold they will be in the Working Enough regime.

Earnings rule

Ruth is the lead carer for her child aged 2 and is in the Work Preparation regime. The Administrative Earnings Threshold (AET) does not apply in this regime. Ruth can be expected to spend up to 16 hours a week on work preparation.

Ruth's child is now 3 so she will move into Intensive Work Search regime and the AET now applies to her. She is now expected to spend maximum of 16 hours on work related activities, including looking for and being available for work.

Question:

Which labour market regimes does the AET apply to?

- a. Intensive Work Search
- b. Working Enough
- c. Light Touch
- d. No Work Related Requirements
- e. Work Preparation
- f. Work Focused Interview

The correct answers are: a. Intensive Work Search and c. Light Touch

Question:

What earning threshold does the National Minimum Wage apply to?

- a. Conditionality Earnings Threshold
- b. Administrative Earnings Threshold

The correct answer is a. Conditionality Earnings Threshold

Question:

If a claimant is earning between the AET and CET, which labour market regime will they be in?

- a. Light Touch regime
- b. Intensive Work Search regime

The correct answer is a. Light Touch regime

Question:

If a claimant is earning above the CET, which labour market regime will they be in?

- a. Work Preparation
- b. Working Enough

The correct answer is b. Working Enough

Expectations: Mark

Mark is in the Intensive Work Search regime. Let's look at what is expected of Mark:

He is completing 25 hours of work search activities and 8 hours of work preparation. He is attending several CV building courses and interview skills improvement courses.

Mark is expected to prepare for, travel to and attend a face to face weekly work search review.

Mark regularly uses his journal to tell his work coach how his work search is going.

This takes him 2 hours a week.

Mark has taken a job in IT support.

Although he is working 30 hours a week, he earns more than the National Minimum Wage (NMW). His earnings are over his Conditionality Earning Threshold.

This changes his conditionality group to the Working Enough regime.

He no longer has any work related requirements to complete as he is now earning and doing enough.

30 hours a week x £9.25 = earns over CET.

Mark's CET (35 hours x NMW)

Tailoring, earning threshold and regimes

There is a crucial link between the tailoring of expectations, a claimant's earnings threshold and their labour market regime.

Example:

Rosie: "Hi, I'm Rosie. I am a single parent and have a 3 year old daughter.

I am currently working 8 hours a week and earn £65 per week. I have recently been promoted which starts next month. I will be contracted 20 hours a week and will earn £165 per week.

I am worried about taking this promotion as my mum can't look after my daughter for that amount of time."

Rosie's work coach should consider:

- she is currently in intensive work search regime
- she has childcare responsibilities
- what Rosie's availability is and her expectations are:
 - as a lead carer of child aged 3, her expected hours should be no more than the maximum of 16 hours per week

- her current wages are below the Administrative Earnings Threshold but the new promotion will take her over the Conditionality Earnings Threshold
the new promotion will move her from the Intensive Work Search regime into the Working Enough regime

Rosie: "I was worried about the promotion but I have discussed this with my work coach and they have been really helpful and reassured me. They have provided a lot of information on childcare and also explained how Universal Credit can support and help towards paying for childcare costs.

I have decided to take the promotional opportunity and was able to find and organise childcare for my daughter for when I start my new job next month.

I will no longer have a work coach but I will keep my account up to date online if anything changes."

This also means the work coach:

- is no longer assigned as Rosie's work coach
- can spend their time with other claimants needing more immediate support, for example, claimants in the Intensive Work Search regime

Summary

Remember:

- expected hours are the maximum hours a claimant can be expected to spend on work related activities
- a claimant's labour market regime and individual circumstances will determine the amount of hours we expect from them
- the CET is calculated on an individual basis using a claimant's expected hours
- for Couples living in the same household the individual CETs for both adults are combined to create what is known as the Household Conditionality Earnings Threshold
- a claimant may move between regimes depending on how much they earn, determined by their individual or household AET or CET
- the AET is a legally set threshold for individuals and households and there are standard amount set for each threshold
- where a claimant is working enough, they will be in the No Work Related Requirement regime and not be expected to do anything else. They will still be required to notify DWP

Spotlight on: First commitments by phone appointment

Last updated

- Friday, 19 February, 2021 - 11:07
Spotlight: July 2020

Introduction

Government easing of coronavirus (COVID-19) restrictions means that the requirement for a claimant to accept a claimant commitment has been reinstated.

All new claimants must accept a claimant commitment regardless of what Labour Market regime they are allocated to.

Claimants in the Intensive work search, Work preparation and Work focused interview only regimes will now need to have a First Commitments appointment by phone.

This helps work coaches to:

- provide individuals with the information, advice and help they need
 - address barriers that make finding work more difficult, for example, a health problem, poor work search skills or coronavirus restrictions
 - identify the work a claimant is expected to look for and be available for
 - agree work search and work preparation activities
- Whenever there are work related requirements, claimants must be advised that there is a risk of Universal Credit payments being reduced if not carried out.

First commitments appointment by phone

It is essential that the claimant's identity is confirmed before discussing any personal details.

The appointment should facilitate:

- a positive, individual and supporting relationship that treats each claimant as an individual
- an understanding of how close the claimant might already be to getting work, moving closer to work or increasing their earnings
- confirmation the claimant fully understands their responsibilities and the consequences of not carrying them out
- confirmation the claimant understands to tell us of any changes in circumstances
- a summary of what has been agreed in the meeting

Building claimant commitments

Guidance around claimant commitments has not changed. Work coaches should consider current coronavirus restrictions and National and local health advice when supporting claimants.

It is important that claimants are only asked to do what is reasonable under the current coronavirus restrictions and health advice.

Work coaches are able to tailor a claimant's availability on an individual basis because of a health condition or caring responsibilities, even if that means reducing to zero hours.

For more information on easements please see [Switching-off requirements \(easements\) for Labour Market regime interventions](#).

Work coaches should tailor claimant commitments for all claimants.

These should be personalised, whilst taking into consideration those claimants who:

- have declared a health condition that restricts their ability to work
- are self-isolating
- are caring for vulnerable relatives, friends and neighbours
- have child care responsibilities

This list is not exhaustive.

For claimants who can prepare and look for work, work coaches must provide information on the support available to help them get back to work.

Work search activities must be reasonable and allow claimants to look for work safely.

Work coaches must also tailor the hours that the claimant is available for work.

Work coaches must ensure the claimant is clear on the potential consequences if they fail to comply with mandatory requirements.

Labour market activities

It is important that work coaches continue to identify and support claimants who:

- are self-employed
- should be on the health journey
- have complex needs

Claimants must not be required to undertake any activities that would put them at unreasonable risk or in breach of existing national and local public health guidelines on coronavirus.

The coronavirus pandemic may continue to place restrictions on many services claimants rely on, including public transport, recruitment, childcare, and other facilities – for example libraries/community centres.

Coronavirus restrictions must be taken into account when setting claimant requirements around:

- travel
- availability for work
- reasonable work search expectations
- availability of jobs

Telephone interviews tips

Work coaches should preview the claim before calling the claimant.

1. Tell the claimant what they can expect

Be clear about the purpose of the appointment.

Be clear about what the claimant commitment is for and the claimant's

responsibilities.

Tell the claimant that the meetings will last 30 minutes.

2. Let them know you're listening

Verbal nods let the claimant know that you are listening without interrupting their flow. Saying "OK" or verbal affirmations, gives the claimant cues that you're still on the line and listening.

3. Take notes

Make a note of points you want to talk about. Don't interrupt the flow of the conversation early on.

4. Ask questions

Asking open questions can help claimants to consider things from another point of view.

How do you think you could do that?

What help do you think you would need?

How might the other person think and feel about that?