

Chapter R4: Jobseeker's Allowance claimant responsibilities - work-related requirements

Contents

Introduction	R4001
Dual entitlement to Universal Credit and Jobseeker's Allowance.....	R4008
Carers.....	R4010
Relevant carer	R4011
Responsible carer	R4012
Responsible foster parent	R4013
Responsible carer and responsible foster parent - couples and nominations	R4014
Requirements in connection with work-related requirements	R4020
 The work-focused interview requirement	
Introduction.....	R4030
What a work-focused interview is.....	R4031
 The work preparation requirement	
Introduction.....	R4040
Types of action	R4042
 The work search requirement	
Introduction.....	R4050
All reasonable action	R4053
Expected hours of work.....	R4060
Exceptions to the expected number of hours of work	R4062
Temporary circumstances	R4071
Voluntary work.....	R4073
Time spent on work search which is less than the claimant's expected hours of work	R4075
Examples of reasonable action	R4076
Any particular action.....	R4078
Best prospects of obtaining work	R4080
Interviews	R4085

Community orders, community disposals or anti-social behaviour orders	R4086
Skills, qualifications, abilities and limitations	R4087
Action taken in previous weeks	R4091
Homeless claimants	R4095
Evidence	R4100
Proof	R4105

The work availability requirement

Introduction	R4110
Willing and able immediately to take up paid work	R4112
Forbidden by law to take paid work	R4128
Interviews	R4140
Prisoners	R4141
Treated as having complied with a work availability requirement	R4142
Carers	R4143
Voluntary work	R4145
Employed under a contract of service	R4150

Limitations on the work search and work availability requirement

Introduction	R4160
Location	R4161
Previous paid work	R4163
Physical and mental impairments	R4165
Expected hours of work	R4170

Imposition of work-related requirements

Claimants with no requirements imposed on them: domestic violence	R4180
Definitions	R4182
Domestic violence	R4183
Health care professional	R4185
Person acting in an official capacity	R4186
Registered social worker	R4187
Victims of domestic violence	R4188
Circumstances in which requirements must not be imposed	R4192
Attending a court or tribunal	R4194

Temporarily absent from Northern Ireland	R4197
Within six months of a death	R4200
Structured recovery orientated course	R4203
Protection of persons involved in investigations and proceedings	R4204
Unreasonable to comply with a work search requirement	R4216
Temporary child care responsibilities	R4217
Temporary circumstances	R4218
Carrying out a public duty	R4219
Work preparation requirement and voluntary work preparation.....	R4221
Unfit for work	
Short periods of sickness	R4230
Extended period of sickness	R4240
The work search requirement	R4232
The work availability requirement	R4234

Appendix - Examples of domestic abuse

Legislation Used in Chapter R4

Abbreviation	Full Title
JS (NI) Order 95	The Jobseekers (Northern Ireland) Order 1995 No. 2705
JSA Regs (NI) 16	The Jobseeker's Allowance Regulations (Northern Ireland) 2016 No. 218
Prison Act (NI) 1953	Prison Act (Northern Ireland) 1953
ER (NI) Order 96	The Employment Rights (Northern Ireland) Order 1996 No. 1919
National Health Service Reform and Health Care Professions Act 02	National Health Service Reform and Health Care Professions Act 2002
Serious Organised Crime and Police Act 05	Serious Organised Crime and Police Act 2005
Tribunal and Inquiries Act 1992	Tribunal and Inquiries Act 1992
ESA Regs (NI) 16	The Employment and Support Allowance Regulations (Northern Ireland) 2016 No. 219
SS (Med Ev) Regs (NI) 76	The Social Security (Medical Evidence) Regulations (Northern Ireland) 1976 No. 175
UC Regs (NI) 16	The Universal Credit Regulations (Northern Ireland) 2016 No. 216

Chapter R4: Jobseeker's Allowance claimant responsibilities - work-related requirements

Introduction

R4001 If a claimant does not comply with their work-related requirements then their Jobseeker's Allowance may be reduced¹. ADM Chapters S4 - S7 provide guidance on the sanctions which may apply to claimants who do not comply with a work-related requirement.

1 JS (NI) Order 95, art 8J & 8K

R4002 The Jobseeker's Allowance work-related requirements are¹ the

1. work-focused interview requirement (see R4030 et seq)
2. work preparation requirement (see R4040 et seq)
3. work search requirement (see R4050 et seq)
4. work availability requirement (see R4110 et seq).

1 JS (NI) Order 95, art 8(2)

R4003 A work-related requirement when imposed on a claimant can be subject to change and can be revoked. The Department has the power to change or revoke what has been specified or imposed on a claimant¹.

1 JS (NI) Order 95, art 8H(4)

R4004 The claimant has to be aware of any work-related requirement that has been imposed on them. Where a claimant is subject to a work-related requirement then this should be recorded on the claimant's claimant commitment. If not, it should be notified to the claimant in a manner that the Department sees fit. This includes where a work-related requirement has been changed or revoked¹.

1 JS (NI) Order 95, art 8H(6)

R4005 A Jobseeker's Allowance claimant must, except in certain circumstances, have a

1. work search requirement **and**
2. work availability requirement

imposed on them¹.

1 JS (NI) Order 95, art 8F(1)

R4006 A claimant may also have either or both of a

1. work-focused interview requirement
2. work preparation requirement

imposed on them¹.

1 JS (NI) Order 95, art 8F(2)

R4007

Dual entitlement to Universal Credit and Jobseeker's Allowance

R4008 Where a claimant is entitled to both Jobseeker's Allowance and Universal Credit then the Jobseeker's Allowance work-related requirements do not apply¹. Please refer to the Universal Credit guidance in ADM Chapter J3.

1 JSA Regs (NI) 16, reg 5(1) & (2)

R4009

Carers

R4010 The requirements that a claimant may be subject to can be affected by their caring responsibilities. In this guidance the following terms are defined.

Relevant carer

R4011 A relevant carer means¹

1. a parent of a child who is not the responsible carer but does have caring responsibilities for the child **or**
2. a person who has caring responsibilities for a person who has a

2.1 physical **or**

2.2 mental

impairment which makes those caring responsibilities necessary.

1 JSA Regs (NI) 16, reg 4(1)

Responsible carer

R4012 A claimant is a responsible carer where¹ they are a

1. the only person who is responsible for the child **or**
2. member of a couple where

2.1 both members are responsible for the child **and**

- 2.2** the claimant has been nominated by the couple jointly as responsible for the child.

1 JSA Regs (NI) 16, reg 4(1)

Responsible foster parent

R4013 In relation to a child, a responsible foster parent means¹

- 1.** a person who is the only foster parent of that child **or**
- 2.** a person who is a member of a couple where
 - 2.1** the couple are foster parents in relation to that child **and**
 - 2.2** the person has been nominated by the couple jointly as the responsible foster carer.

1 JSA Regs (NI) 16, reg 4(1)

Responsible carer and responsible foster parent - couples and nominations

R4014 Members of a couple can nominate¹ which one of them can be regarded as either the

- 1.** responsible carer **or**
- 2.** responsible foster parent.

1 JSA Regs (NI) 16, reg 4(1)

R4015 At any one time, only one person can be nominated as a responsible carer or a responsible foster parent¹.

1 JSA Regs (NI) 16, reg 4(3)

R4016 Where there is more than one child, the nomination applies to all the children for whom the claimant is responsible¹.

1 JSA Regs (NI) 16, reg 4(4)

R4017 A nomination can be changed

- 1.** once in a 12 month period starting from the date of the previous nomination **or**
- 2.** on any occasion where the Department considers that there has been a change of circumstances which is relevant to the nomination.

1 JSA Regs (NI) 16, reg 4(2)

R4018 – R4019

Requirements in connection with work-related requirements

R4020 The Department can require¹ that a claimant participate in an interview for any purpose relating to

1. the imposition of a work-related requirement on a claimant **and**
2. verifying the claimant's compliance with a work-related requirement **and**
3. helping the claimant to comply with a work-related requirement.

1 JS (NI) Order 95, art 86G(1)

R4021 The Department may specify¹

1. how **and**
2. when **and**
3. where

the interview should take place. This applies to claimants where interviews form part of their conditionality regime.

1 JS (NI) Order 95, art 8G(2)

R4022 Failure by the claimant to participate without good reason in the interview may result in a sanction¹.

1 JS (NI) Order 95, art 8K(2)(b)

R4023 In order to verify that the claimant has complied with a work-related requirement, the Department can require¹ a claimant to

1. provide information and evidence as specified **and**
2. confirm compliance as specified.

1 JS (NI) Order 95, art 8G(3)

Example

Gail is in receipt of Jobseeker's Allowance. As part of her work-search requirement, she was asked to draw up an up to date Curriculum Vitae. This action was recorded on Gail's claimant commitment. Gail's adviser at the Jobs & Benefits Office arranges an interview for Gail to attend to discuss her work search and to bring with her the up-dated Curriculum Vitae. The adviser asks Gail to bring the up to date Curriculum Vitae with her to the interview so that compliance with that work-related requirement can be confirmed.

R4024 – R4027

R4028 A claimant can be required¹ to report to the Department any specified changes in their circumstances which are relevant to the

1. imposition of work-related requirements on them **and**
2. claimant's compliance with a work-related requirement.

1 JS (NI) Order 95, art 8G(4)

R4029

The work-focused interview requirement

Introduction

R4030 The work-focused interview requirement is a requirement that a claimant take part in one or more work-focused interviews as specified by the Department¹.

1 JS (NI) Order 95, art 8B(1)

What a work-focused interview is

R4031 A work-focused interview is an interview which the claimant is required to participate in which relates to work or work preparation¹. The Department may specify

1. how
2. when **and**
3. where

a work-focused interview is to take place².

1 JS (NI) Order 95, art 8B(2); 2 art 8B(4)

Example

Clive is in receipt of Jobseeker's Allowance. Clive is notified by an officer of Jobs & Benefits Office to attend a work-focused interview on 15.7.16 at 10 a.m. in person at his local Jobs & Benefits Office.

R4032 The purposes¹ of a work-focused interview for a claimant are any or all of

1. assessing the claimant's prospects for remaining in or obtaining work
2. assisting or encouraging the claimant to remain in or obtain work
3. identifying activities that the claimant may undertake that will make remaining in or obtaining work more likely
4. identifying
 - 4.1 training **or**
 - 4.2 educational **or**
 - 4.3 rehabilitationopportunities that may make the claimant more likely to remain in or obtain work or be able to do so
5. identifying current or future work opportunities that are relevant to the claimant's needs and abilities.

1 JS (NI) Order 95, art 8B(3) & JSA Regs (NI) 16, reg 10

Example

Connor attends his work-focused interview at his local Jobs & Benefits Office. At the interview Connor's adviser discusses obtaining the paid work that fits within Connor's capabilities and circumstances and whether there are any issues which require addressing in order for Connor to be able to successfully find work. Connor says that he would like to work in an office environment but has little recent experience of this. Connor and his adviser discuss the activities that will make it more likely that Connor will be successful in obtaining paid work. These include a programme of work experience and also a basic Information Technology course.

R4033 The activities discussed in a work-focused interview are activities that will make it more likely that the claimant will obtain

1. paid work **or**
2. more paid work **or**
3. better-paid work.

The activities may be actions to be taken by the claimant immediately or in the future.

Note: Paid work includes self-employment.

R4034 Examples of such activities include

1. employment programmes
2. work experience
3. voluntary work
4. gaining relevant qualifications.

R4035 – R4039

The work preparation requirement

Introduction

R4040 The Department can require that a claimant take particular action for the purpose of making it more likely that the claimant will obtain

1. paid work **or**
2. more paid work **or**
3. better paid work¹.

This is known as the work preparation requirement.

Note: It is the Department's opinion that matters as to whether the particular action will enable the claimant to obtain **1.**, **2.** or **3.**.

1 JS (NI) Order 95, art 8C(1)

R4041 The amount of time that has to be spent on any particular action can be specified by the Department¹.

1 JS (NI) Order 95, art 8C(2)

Types of action

R4042 The kinds of action which may be specified by the Department include¹

1. attending a skills assessment
2. improving personal presentation
3. taking part in training
4. taking part in an employment programme
5. undertaking
 - 5.1 work experience **or**
 - 5.2 a work placement
6. developing a business plan
7. any other prescribed action.

Note: No action has been prescribed in legislation for **7.**.

1 JS (NI) Order 95, art 8C(3)

Example 1

Joanna works for a few hours a week on a self-employed basis as a free-lance web designer and wishes to make this work her main employment. At the moment, the work is ad-hoc. Joanna adviser at the Jobs & Benefits Office advises that in order to

have a better chance of getting more of this work, Joanna should develop a business plan setting out who she sees as her potential clients, how these clients should be approached, how her work can be marketed and how her resources should be best employed. This is Joanna's work preparation requirement and is recorded on her claimant commitment. If Joanna doesn't develop this business plan within timescales agreed with her adviser then her Jobseeker's Allowance could be sanctioned.

Example 2

Chris has claimed Jobseeker's Allowance following his release from prison. His employment history is made up mainly of temporary jobs and casual work. Upon making his claim for Jobseeker's Allowance, Chris agreed with his adviser at the Jobs & Benefits Office that he would undertake a skills assessment in order to clarify what work he would be best placed to look for. This is part of a work preparation requirement and is recorded on Chris's claimant commitment.

Example 3

Diane is homeless and has been sleeping rough for the last week. Her adviser at the Jobcentre has decided to temporarily lift the requirement to comply with her work availability and work search requirement (see ADM R4218). Diane's lack of having an address is making it difficult for her to find paid work. In order to improve her chances of finding paid work, Diane's adviser at the Jobs & Benefits Office advises her that she should register with the Northern Ireland Housing Executive on the housing waiting list. This is Diane's work preparation requirement and is recorded on her claimant commitment.

R4043 – R4049

The work search requirement

Introduction

R4050 The work search requirement is a requirement that a claimant takes

1. all reasonable action **and**
 2. any particular action that has been specified by the Department
- to obtain paid work or more paid work or better paid work¹.

Note: Paid work includes self-employment.

1 JS (NI) Order 95, art 8D(1)

R4051 The amount of time that a claimant has to spend on any particular action can also be specified by the Department¹.

1 JS (NI) Order 95, art 8D(2)

R4052 When deciding if the work search “all reasonable action” requirement has been met, decision makers should have regard to the

1. time spent by the claimant searching for work **and**
2. quality of the claimant’s work search including the range of actions that they have taken (for example, contacting employers, registering with employment agencies, investigating self-employment opportunities etc).

All reasonable action

R4053 A claimant who has not taken all reasonable action to obtain paid work has to be treated as not having complied with a work search requirement¹.

1 JSA (NI) Regs 16, reg 12(1)

R4054 In order to meet the requirement to take all reasonable action in any week

1. a claimant must
 - 1.1 take action to get paid work for their expected hours of work per week minus any relevant deductions¹ **or**
 - 1.2 satisfy the Department that they have taken all reasonable action despite the time spent doing this being less than the claimant’s expected hours of work² **and**
2. the claimant’s action must be action which gives them the best prospects of obtaining work³.

1 JSA Regs (NI) 16, reg 12(1)(a)(i); 2 reg 12(1)(a)(ii); 3 reg 12(1)(b)

R4055 Relevant deductions means¹ the total of any time agreed by the Department for the claimant to

1. carry out in that week
 - 1.1 paid work **or**
 - 1.2 voluntary work **or**
 - 1.3 a work preparation requirement **or**
 - 1.4 voluntary work preparation **or**
2. deal with
 - 2.1 temporary childcare responsibilities **or**
 - 2.2 a domestic emergency **or**
 - 2.3 funeral arrangements **or**
 - 2.4 other temporary circumstances.

Note 1: Voluntary work preparation in **1.4** is action taken by the claimant and agreed by the Department for the purpose of making it more likely they will obtain paid work but which has not been specified by the Department as part of a work preparation requirement².

Note 2: A relevant deduction should also include the travel time it takes for a person to travel to and from the place to under **1.1**, **1.2**, **1.3** and **1.4**.

Note 3: See R4071 for guidance on temporary circumstances.

1 JSA Regs (NI) 16, reg 12(2); 2 reg 4(1)

Example 1

Peter is in receipt of Jobseeker's Allowance. Peter agrees with his adviser that his expected hours of work a week are 35 and that he would spend 35 hours a week on his work search requirement. This is recorded on his claimant commitment. Including travel time, Peter spends five hours a week helping out at his local youth club on a voluntary basis. This was agreed with his adviser. For the purposes of all reasonable action in searching for work, Peter's relevant deductions are five hours a week. This means that Peter spend 30 hours a week on his work search requirement taking action that gives him the best prospects of finding paid work.

Example 2

Joe's expected hours of work are 35 a week. He has just started working for a few hours a week on a self-employed basis as delivery driver and wishes to make this work his main employment. At the moment, the work is sporadic. Joe's adviser at the Jobs & Benefits Office advises that in order to have a better chance of getting

more of this work, Joe should develop a business plan setting out who he sees as his potential clients, how these clients should be approached and how his work can be advertised. This is Joe's work preparation requirement and is recorded on his claimant commitment. It has been agreed that Joe should spend five hours a week on the work preparation requirement. This means that Joe should normally spend 30 hours a week on his work search requirement taking action that gives him the best prospects of finding paid work.

R4056 – R4059

Expected hours of work

R4060 When determining all reasonable action in a work search requirement, the decision maker has to have regard to the expected number of hours of work per week.

R4061 The general rule is that, unless an exception applies, the expected number of hours of work per week is normally 35¹.

1 JSA Regs (NI) 16, reg 9(1)

Example

Phil is a single unemployed man and has made a claim for Jobseeker's Allowance. Phil's expected hours of work are normally 35 per week. This is recorded on his claimant commitment. Phil is expected to normally spend 35 hours per week on his work search.

Exceptions to the expected number of hours of work

R4062 The expected hours of work for a claimant

1. who is a
 - 1.1 relevant carer **or**
 - 1.2. responsible carer **or**
 - 1.3. responsible foster parent **and**
2. where the Department is satisfied that the claimant has reasonable prospects of obtaining paid work

are the number of hours that the Department considers is compatible with those caring responsibilities¹.

1 JSA Regs (NI) 16, reg 9(2)(a)

R4063 When considering whether a claimant has reasonable prospects of obtaining paid work for the hours that meet their caring responsibilities, circumstances which should be taken into account include

1. the type and number of vacancies within 90 minutes normal travelling distance of their home
2. their skills, qualifications and experience
3. how long it is since they last worked
4. the job applications that they have made and the outcomes.

R4064 Where there are no current vacancies which fit the claimant's caring responsibilities in their particular locality, it should be considered whether the claimant has done all that they can (and continue to do so) to give themselves reasonable prospects of finding work when it is available in their locality.

R4065 Where a claimant is a responsible carer for a child aged under the age of 13, the expected hours of work are the lower number that the Department considers is compatible with the child's normal school hours (including the normal time it takes the child to travel to and from school)¹. The claimant does not have to show that they have reasonable prospects of obtaining paid work.

1 JSA Regs (NI) 16, reg 9(2)(b)

Example

Jerry is the responsible carer for his son who is aged 12 years old. It has been agreed with Jerry's adviser at the Jobs & Benefits Office that Jerry's expected hours of work should be 28 hours a week because this fits in with his son's normal school hours including the time it takes for Jerry's son to travel to and from school.

R4066 Where a claimant is the responsible carer of a child aged 13 or over, the claimant's work search and work availability requirements can be limited to fit in with those caring responsibilities. The decision maker should take into account any mental or physical impairments of the child (see R4062). The claimant has to show reasonable prospects of obtaining work notwithstanding those limitations¹.

1 JSA Regs (NI) 16, reg 9(2)(a)

R4067 The expected hours of work for a claimant who has a

1. physical **or**
2. mental

impairment are the lower number of hours that the Department considers is reasonable as a result of the impairment¹. The claimant does not have to show that they have reasonable prospects of obtaining paid work.

1 JSA Regs (NI) 16, reg 9(2)(c)

Example

Colin has claimed Jobseeker's Allowance. He suffers from rheumatoid arthritis which can cause him a degree of pain and discomfort but he does not have limited capability for work. Colin's adviser considers the evidence and decides that Colin cannot be expected to work for 35 hours a week but that it is not unreasonable for him to work for ten hours a week. Colin's expected number of hours a week for the purposes of Jobseeker's Allowance are therefore ten per week.

- R4068 A claimant may have their hours of work limited in any way provided the limitations are reasonable in the light of their physical or mental condition.

Example

Hank suffers from emphysema. He asks that the type of work that he can do should be limited

1. to avoid working in smoke or fumes
2. regarding the number of hours of work in a week or the number of hours in a shift due to fatigue/limitations.

This is determined to be reasonable in the light of Hank's condition.

- R4069 Where it is agreed with the claimant that there are acceptable limitations due to their physical or mental impairments then they do not have to show they have reasonable prospects of getting paid work. However, the claimant must show that all the limitations are reasonable and are directly connected with their physical or mental impairment.

R4070

Temporary circumstances

- R4071 A temporary circumstance is any relevant change affecting the claimant that is likely to be for a limited period of time only and is a question of fact. The fact that there may be no end date for the temporary circumstance does not prevent the change being temporary. It is also possible in time for a temporary circumstance to become a permanent circumstance. Claimants do need to report relevant changes in their circumstances. Where this happens the claimant's adviser will need to consider with the claimant new work-related requirements. An updated claimant commitment would also be required to reflect their new circumstances.

Example 1

When Moin claimed Jobseeker's Allowance it was agreed with his adviser that his weekly expected hours of work were 35 and that he would spend 35 hours a week on his work search requirement. This is recorded on his claimant commitment. Moin is

to move house in the week commencing 20 April. Moin's adviser agrees that during this week, Moin needs to only spend 20 hours a week on his work search requirement because 15 hours a week can be a relevant deduction to take account of the time spent moving house. The act of moving from one house to the other is a temporary circumstance for Moin.

Example 2

Sara is in receipt of Jobseeker's Allowance and her weekly expected hours of work are 35. Her daughter Amelia is at secondary school but has been excluded for a week due to her bad behaviour. As a result of Amelia's exclusion and other issues associated with it, Sara has not been able to devote 35 hours a week to her work search and has spent about 10 hours on this. Sara's adviser agrees that for the week this work search is sufficient because Amelia's exclusion from school is a temporary circumstance for Sara.

R4072

Voluntary work

- R4073 Where the Department has agreed that the claimant can carry out voluntary work in a week then for the purposes of calculating the relevant deduction, the time agreed cannot exceed 50% of the number of the claimant's number of expected hours of work¹.

1 JSA Regs (NI) 16, reg 12(3)

- R4074 Claimants can do as much voluntary work as they wish but for the purposes of Jobseeker's Allowance, only 50% of their expected hours of work can be a relevant deduction against their work search activities for the week.

Example

Carol is in receipt of Jobseeker's Allowance. It has been agreed that she should be looking for paid work of 35 hours a week. Carol also performs voluntary work at her daughter's school. The amount of time that will be allowed as a maximum deduction in respect of the voluntary work cannot exceed 17.5 hours a week even if Carol performs voluntary work in excess of 17.5 hours a week.

Time spent on work search which is less than the claimant's expected hours of work

- R4075 There will be times where a claimant has spent less time on work search than their expected hours of work. In such cases, where a claimant has taken all reasonable

action to find paid work, then the work search requirement is satisfied¹. What all reasonable action will be will depend on the claimant's circumstances.

1 JSA Regs (NI) 16, reg 12(1)(a)(ii)

Examples of reasonable action

R4076 Activities such as

1. verbal or written or on-line applications for employment to persons who
 - 1.1 have advertised job vacancies **or**
 - 1.2 who appear to be able to offer employment **and**
2. looking for information on job vacancies
 - 2.1 in advertisements **or**
 - 2.2 from people who have placed advertisements indicating employment is available **or**
 - 2.3 from employment agencies and employment businesses **or**
 - 2.4 from employers
 - 2.5 on-line **and**
3. registering with an employment agency or employment business **and**
4. appointing someone else to help the claimant find employment **and**
5. seeking specialist advice which will help the claimant to get employment, taking into account the claimant's
 - 5.1 needs **and**
 - 5.2 mental or physical impairments **and**
6. drawing up a Curriculum Vitae **and**
7. seeking a reference or testimonial from a previous employer **and**
8. drawing up a list of employers who may be able to offer employment with a view to seeking information from them on possible job vacancies **and**
9. seeking information about employers who may be able to offer employment to the claimant **and**
10. seeking information on an occupation with a view to getting employment in that occupation

are examples of reasonable action to obtain work but this is not exhaustive. The better the quality of the activity, the more likely that the action that the claimant has taken has provided the best prospects of obtaining paid work.

Example

Darren is in receipt of Jobseeker's Allowance. His expected number of hours of work are 35 a week. On a typical day, Darren spends

1. two hours on-line looking through recruitment sites
2. one hour reading the "situations vacant" pages in the press (local papers, national papers and trade journals)
3. one hour and a half completing a job application and covering letter
4. half an hour reviewing and updating his Curriculum Vitae
5. half an hour pursuing further information on suitable advertised vacancies
6. half an hour speaking to friends, family and former colleagues about possible employment opportunities
7. one hour researching the possibility of setting up in business as self-employed.

R4077 Where a claimant has done all that could be reasonably be expected of them in terms of

1. applying for all suitable vacancies
2. undertaking all the activities set out in their work search and work preparation plan
3. suitable work search action in addition to 1. and 2.

then this will normally be sufficient even where the time taken was less than the claimant's expected hours of work.

Any particular action

R4078 The Department can specify that the claimant takes particular action as part of a work search requirement in order for the claimant to get

1. paid work **or**
2. more paid work **or**
3. better-paid work¹.

1 JS (NI) Order 95, art 8D(1)(b)

R4079 The types of action that may be specified includes¹

1. carrying out work searches
2. making job applications
3. creating and maintaining an online profile in connection with finding work

4. registering with an employment agency
5. seeking references
6. any other action as the Department thinks fit.

I JS (NI) Order 95, art 8D(3)

Example

John's previous work experience is in Information Technology. He is searching for further work in this profession. There are a number of employment agencies which specialise in finding work for Information Technology professionals but John has not yet approached them. As part of John's work search requirement, his adviser now specifies that John must register with these specialist employment agencies.

Best prospects of obtaining work

R4080 What is the best chance of getting paid work will vary from claimant to claimant. Claimants must take such action that offers them their best chance of getting

1. paid work **or**
2. more paid work **or**
3. better-paid work.

R4081 – R4082

R4083 If claimants take action that does not offer them any chance of getting an offer of paid work, this action cannot help them satisfy the work search requirement.

Example

Zac's claimant commitment records that he is looking for office work and retail work. He is a keen video gamer and spends a considerable amount of time playing these games at home and at friends' houses. Ideally, Zac would like to be a games designer and says that the time spent playing games is good experience and could help him get paid work. There is no evidence that Zac has applied for any jobs in that field and there is no evidence that Zac's time spent playing games has made him more attractive to any would be employer. The time that Zac spends playing video games does not help him to satisfy the work search requirement.

R4084 The type of work that claimants are or should be looking for is taken into account when deciding which actions would give them their best chance of getting paid work.

Interviews

- R4085 A work search requirement may require a claimant to apply for a particular vacancy. Failure to participate in an interview in connection with that vacancy means that the claimant has to be treated as having not complied with a work search requirement¹.

1 JSA Regs (NI) 16, reg 11

Example 1

Anna has been required by her adviser to apply for a vacancy at the local nursery. Anna applied for the vacancy but when offered an interview, she declined to attend on the grounds that she had heard from family and friends that the nursery has a poor reputation. Anna has not complied with a work search requirement.

Example 2

Damien has been required by his adviser to apply for a vacancy as a credit controller. Damien applied for the post and completed a satisfactory application but was not short listed for an interview. Damien has complied with a work search requirement.

Community orders, community disposals or anti-social behaviour orders

- R4086 If claimants are subject to
1. community orders **or**
 2. community disposals **or**
 3. anti-social behaviour orders

that require them to be at home during the day, then this should be taken into account when the work-search requirement is set. Examples of searching for work from home are reading newspapers, accessing the internet, using the phone and writing to employers.

Skills, qualifications, abilities and limitations

- R4087 Claimants'
1. skills **and**
 2. qualifications **and**
 3. abilities **and**
 4. limitations

may affect the type of action that they can reasonably be expected to take.

R4088 Claimants with

1. mental impairments **or**
2. physical impairments **or**
3. communication difficulties **or**
4. learning difficulties

may not be able to cope with the amount or type of job search that could reasonably be expected of a claimant without these disabilities or difficulties.

R4089 Some may not be able to make many personal visits to employers or employment agencies because

1. of travelling difficulties **or**
2. they may need to make travelling arrangements well in advance.

However they should still take whatever action they can reasonably be expected to take, allowing for their impairments and the facilities available to them.

R4090 If claimants are illiterate they cannot reasonably be expected to write to employers or read advertisements. But they could

1. arrange for someone else to help them search for work, for example by passing on information about suitable job advertisements **and**
2. take other action that they can reasonably be expected to take, for example visiting or telephoning employers' premises or sites.

Action taken in previous weeks

R4091 The action that claimants took in previous weeks to search for work often affect what they can reasonably be expected to do in the week in question. For example, if claimants have already written to employers enquiring about vacancies, and they

1. are still awaiting a reply **or**
2. have been told that no work is available

they cannot reasonably be expected to write to that employer again until a reasonable time has passed.

R4092 If claimants

1. have already registered with an employment agency or business **and**
2. they have promised to let them know of any suitable vacancies

it is reasonable for claimants to wait, for a time, for the agency to contact them. But there will usually be other action that they could reasonably be expected to take.

R4093 As vacancies are constantly being filled and new vacancies advertised, it may be reasonable to expect claimants to

1. continue to make use of internet job sites which they are registered with
2. visit a local Jobs & Benefits Office in the week in question to check whether any new vacancies have been advertised, even if they visited in previous weeks
3. apply for a vacancy newly advertised by an employer, even if they are waiting for the result of other applications they have made to that employer.

R4094

Homeless claimants

R4095 If claimants have nowhere to live

1. it may be difficult for them to be contacted by
 - 1.1 employers **or**
 - 1.2 employment agencies **or**
 - 1.3 those who may be able to help them find employment **and**
2. they may have to spend much of their time in the week in question looking for somewhere to live.

Both these factors should be taken into account in deciding what it was reasonable to expect them to do in any week.

R4096 Some homeless claimants may be able to arrange for friends or relatives to receive their mail. But all the facts must be taken into account when deciding whether this is reasonable in the claimant's case.

R4097 Being homeless may limit the action claimants can take. However homeless claimants can still search for work by

1. reading advertisements **and**
 2. making personal calls on
 - 2.1 employers **and**
 - 2.2 employment agencies **and**
 3. making use of services in
 - 3.1 the Jobcentre **or**
 - 3.2 their local library
- to apply for jobs and create a Curriculum Vitae.

The above is not exhaustive.

R4098 – R4099

Evidence

R4100 Where there is a doubt about whether a claimant is meeting their work search requirement, the case will usually be referred to the decision maker with

1. a copy of the claimant commitment **and**
2. details of any other action to seek work that an officer of the Jobs & Benefits Office suggested the claimant take in the week or weeks in question **and**
3. evidence of what action the claimant took to seek work in those weeks **and**
4. evidence of what action the claimant took in previous weeks **and**
5. evidence of any advice about searching for work that the Jobs & Benefits Office had previously given the claimant.

R4101 The decision maker does not have to accept that the action suggested by the Jobs & Benefits Office is the action that the claimant can reasonably be expected to take to give them their best chance of getting work. For example, the decision maker may have, or obtain, other evidence that suggests

1. it was not reasonable to expect the claimant to take the action expected by the Jobs & Benefits Office and that action did not offer the claimant their best chance of getting work **or**
2. it would have been reasonable to expect the claimant to take other action (whether or not the claimant took them) and that they offered the claimant their best chance of getting work.

In the absence of such evidence, the decision maker should accept that the actions expected by the Jobs & Benefits Office were reasonable and offered the claimant their best chance of obtaining work.

R4102 Evidence of work search includes

1. evidence from employers, employment agencies or other bodies that the claimant has contacted
2. copies of letters or applications that the claimant has sent to employers on-line, by post or in person
3. the claimant's uncorroborated written evidence (claimants should keep a record of their job search and other efforts to find work)

4. the claimant's own verbal evidence, recorded by an officer of the Jobs and Benefits Office.

R4103 Corroboration of the claimant's evidence is not essential (see ADM Chapter A1). Decision makers should note that

1. claimants will not always be able to obtain corroborative evidence if they state that they have

- 1.1 "asked around" **or**

- 1.2 applied for jobs that are normally advertised and filled by word of mouth **and**

2. employers do not always reply to written enquiries.

R4104 If the decision maker has reason to doubt whether a claimant has contacted certain employers or agencies those employers or agencies may be asked whether they

1. keep a record of enquiries by job seekers **and**
2. are able to confirm that a particular person approached them for employment.

But such enquiries should only be necessary if the evidence before the decision maker is inconsistent or seems unlikely.

Proof

R4105 Before determining whether the claimant was meeting the work search requirement in any week the decision maker

1. must decide what the claimant did in that week to search for work **and**
2. may also have to decide what they did to search for work in previous weeks.

The onus is on the claimant to show what steps have been taken¹.

1 JSA Regs (NI) 16, reg 31

R4106 Determining whether claimants were meeting the work search requirement in any week requires a comparison between

1. what they in fact did to search for work in that week **and**
2. what the law required them to do.

R4107 Claimants must take the work search actions that give them the best prospects of securing work; it will not be enough just to spend time looking for a job. They must be doing so in an effective manner.

R4108 – R4109

The work availability requirement

Introduction

R4110 A work availability requirement is a requirement that a claimant be available for work¹.

1 JS (NI) Order 95, art 8E(1)

R4111 To be available for work, a claimant must be

1. able **and**

2. willing

immediately to take up paid work or more paid work or better-paid work¹.

1 JS (NI) Order 95, art 8E(2)

Willing and able immediately to take up paid work

R4112 To be available for employment claimants must

1. be available in an active, positive sense **and**

2. draw attention to their availability.

Claimants will not be available for paid work if they are passive and merely wait for someone to find and offer them work¹.

1 R(U) 5/80

R4113 In order to demonstrate that they are willing and able immediately to take up paid work, claimants should

1. be physically able to take up work within the appropriate timescale

2. be contactable (through mail, e-mail or phone) for interviews or work

3. be willing and able to give up any commitments which may interfere with their ability to start work

4. attend all interviews that have been arranged for them

5. consider their appearance and behaviour to ensure this does not reduce their prospects of finding paid work.

Example

Kevin is in receipt of Jobseeker's Allowance and has a work availability requirement with no limitations. In order to improve his prospects of finding work as an Information Technology engineer, Kevin has enrolled at his own expense on a training course. He did not discuss this with his adviser at the Jobs & Benefits Office. The training course has cost Kevin a significant amount of money in fees and Kevin says that he is not prepared to take time off the course or give it up in order to attend any job

interviews that may arise. The decision maker determines that Kevin is not complying with his work availability requirement.

R4114 The decision maker determines whether the

1. type **or**
2. types of employment

that the claimant is available for are paid work¹.

1 R(U) 14/51

R4115 The decision maker can decide that claimants are not available for paid work, even if they have not refused an offer of work¹.

1 R(U) 44/53

R4116 Whether claimants are available for paid work depends on their intentions and attitude towards taking paid work. It should generally be accepted that people are available for paid work if

1. they say they are available **and**
2. they do all that is required of them to prove their availability **and**
3. they give the promises that are normally accepted as proving availability **and**
4. there is nothing in their statements or actions to suggest they are not available¹.

Note: There may be evidence that claimants have taken action to seek paid work. However they may not be able and willing to start work at once, for example because they are engaged in some other activity that they are unable or unwilling to leave.

1 R(U) 3/65

R4117 – R4127

Forbidden by law to take paid work

R4128 To be available for paid work a claimant must be able to take up employment in accordance with the law of the United Kingdom¹.

1 R(U) 13/57; R(U) 1/82(T)

Example 1

Hassan who does not have a right to live in the United Kingdom, is granted a work permit that is valid for one particular type of employment. He is not allowed to take other employment without permission of the Home Office. When his employment ends he claims Jobseeker's Allowance. Any offer of employment made to Hassan is subject to a work permit being obtained, from the Home Office, first. Without obtaining a work permit he is not able to take employment, at once, in accordance with United Kingdom legislation. Hassan is not available for work.

Example 2

Maria from Brazil has a permit to stay in the United Kingdom and take up employment. She does not comply with the conditions of the permit and it is withdrawn. Maria is ordered to leave the country by a certain date in a deportation order. She is not available for paid work unless the deportation order is revoked and the permit reinstated.

R4129 – R4139

Interviews

R4140 A claimant has to be treated as having not complied with a work availability requirement if the claimant is not

1. willing and
2. able

immediately to attend an interview in connection with getting paid work¹.

1 JSA Regs (NI) 16, reg 13(1)(a)

Example 1

Jeff is reluctant to immediately attend a job interview that could result in him getting paid work. He takes the view that he needs to spend time on preparation and research before attending any interview in order to give himself the best chance of success. In any case, Jeff thinks that he has a decent prospect of a job interview in about a fortnight's time - he is just waiting for an employer to get back to him - and he wants to concentrate his efforts on that possible interview. Despite being advised by the Jobs and Benefits Office about the requirement to be willing and able to immediately attend an interview, Jeff won't change his mind. The decision maker determines that Jeff does not comply with a work availability requirement.

Example 2

Roy is in receipt of Jobseeker's Allowance. His adviser at the Jobs & Benefits Office has spotted a vacancy which Roy would be suitable for. The employer wishes to fill the vacancy as quickly as possible and can interview applicants straight away. Roy's adviser contacts Roy about the vacancy and tells him that the employer can see him that afternoon. Roy says he will not attend the interview because he thinks it's too short notice and in any case, he was planning on completing an application form for another vacancy that afternoon. The decision maker determines that Roy does not comply with a work availability requirement.

Prisoners

- R4141 A prisoner on temporary release¹ has to be treated as having not complied with a work availability requirement².

1 Prison Act (NI) 1953; 2 JSA Regs (NI) 16, reg 13(1)(b)

Treated as having complied with a work availability requirement

- R4142 Even though a claimant is not actually able to immediately take up paid work, a claimant has to be treated as having complied with a work availability requirement where¹ they are

1. a responsible or relevant carer **or**
2. engaged in voluntary work **or**
3. employed under a contract of service.

However certain conditions apply and the following paragraphs provide guidance on those conditions.

1 JSA Regs (NI) 16, reg 13(2)

Carers

- R4143 Where the

1. claimant is a
 - 1.1 responsible carer **or**
 - 1.2 relevant carer **and**
2. the Department is satisfied that as a result the claimant needs
 - 2.1 a period of up to one month to take up paid work **or**
 - 2.2 up to 48 hours to attend an interview in connection with obtaining paid worktaking into account alternative care arrangements
and
3. claimant is able and willing to
 - 3.1 take up paid work **or**
 - 3.2 attend an interviewon being given notice for the period in **2.1** or **2.2**

then the claimant is to be treated as having complied with a work availability requirement¹.

1 JSA Regs (NI) 16, reg 13(3)

Example 1

Tammy and George are each in receipt of Jobseeker's Allowance. They have a child aged 14 at secondary school. For the purposes of their awards of Jobseeker's Allowance, Tammy has been nominated as the responsible carer. In order to satisfy her work availability requirement, Tammy is not required to be able and willing to immediately take up work. She must, however, be able and willing to attend an interview on 48 hours' notice and take up paid work on one month's notice. If Tammy is not able and willing to do this then she does not satisfy the work availability requirement. George is required to be able and willing immediately to take up work.

Example 2

Sally lives with her mother. Sally's mother is elderly and is becoming quite forgetful and frail. She needs Sally's help occasionally through the day. Sally usually cooks her mother's meals and accompanies her if she has to go anywhere. She also helps her mother in dealing with any official communications, for example, sorting out doctor's appointments and completing benefit forms. Sally's adviser has agreed that Sally does not need to be able and willing to immediately take up paid work. Instead she only needs to be able to take up paid work given a month's notice and to attend an interview given 48 hours notice. This is recorded on Sally's claimant commitment. Sally is a relevant carer and satisfies the work availability requirement.

R4144

Voluntary work

R4145 Where the

1. claimant is doing voluntary work **and**
2. the Department is satisfied that as a result the claimant needs
 - 2.1 a period of up to one week to take up paid work **or**
 - 2.2 up to 48 hours to attend an interview in connection with obtaining paid work **and**
3. claimant is able and willing to
 - 3.1 take up paid work **or**
 - 3.2 attend an interviewon being given notice as in **2.1** or **2.2**

then the claimant is to be treated as having complied with a work availability requirement¹.

Note: Voluntary work includes any work carried out for no payment.

1 JSA Regs (NI) 16, reg 13(4)

Example

Claire is the secretary of the local sports association. The work is unpaid. As part of her voluntary duties, Claire is heavily involved in all aspects of the administration of the sports association and is often at the club doing paperwork, attending meetings, taking enquiries and tidying up. In addition, Claire helps run the local junior football league. Claire says that, although she can't always immediately take up paid work due to commitments to the sports association, she could attend a job interview if given the appropriate notice of up to 48 hours and take up paid work if given the appropriate notice of up to a week. Claire does comply with a work availability requirement.

R4146 – R4149

Employed under a contract of service

R4150 Where the claimant is

1. employed under a contract of service **and**
2. required to give notice to end their contract
 - 2.1 under relevant legislation¹ **or**
 - 2.2 under the contract of employment **and**
3. able and willing to take up paid work once the notice period has expired **and**
4. able and willing to attend an interview on being given 48 hours notice

then the claimant is to be treated as having complied with a work availability requirement².

1 ER (NI) Order 96, art 118; 2 JSA Regs (NI) 16, reg 13(5)

Example

Chris works 10 hours a week for a supermarket. He is not immediately available for other paid work because under his contract of employment Chris is required to give one week's notice. However, he is willing and able to take up other paid work on the expiry of this notice period. Chris is also able and willing to attend a job interview on being given 48 hours' notice. Chris is treated as complying with a work availability requirement so long as he is subject to his contract of employment.

R4151 – R4159

Limitations on the work search and work availability requirement

Introduction

R4160 In certain circumstances limitations can be imposed on a claimant's

1. work search requirement **and**
2. work availability requirement¹.

1 JS (NI) Order 95, art 8D(4) & 8E(3)

Location

R4161 A work search requirement and a work availability requirement must be limited to work that is in a location which would normally take the claimant a maximum of 90 minutes each way to travel from

1. home to the location **and**
2. the location to home¹.

Note: Travelling time **includes** the time spent waiting for transport connections after the journey has started.

1 JSA Regs (NI) 16, reg 14(2)

R4162 When considering how long it would normally take to travel, regard should be given to

1. the claimant's normal method of transport
2. the availability of transport such as frequency of public transport and cover in rural areas
3. any personal factors, for example a driving ban
4. impairments which may cause travelling independently between locations to take longer than it would for someone without such an impairment.

Example

Martin has made a claim for Jobseeker's Allowance and is subject to all work-related requirements. Although Martin has passed his driving test and has a driving licence, he has no car and is reliant on public transport. Martin's work search and work availability requirement must be limited to locations which would take him up to 90 minutes to travel to each way by public transport.

Previous paid work

R4163 A claimant who has previously carried out work

1. of a particular nature **or**
2. paid at a particular level

must have their work search requirement and work availability requirement limited to work of that nature or level of pay where the Department is satisfied that the claimant has reasonable prospects of getting paid work with those limitation(s)¹.

1 JS (NI) Order 95, art 8D(5)(a) & (b) & art 8E(4)(a) & (b), JSA Regs (NI) 16, reg 14(3)

Example

Rennick has claimed Jobseeker's Allowance after losing his job as a secondary school teacher. Before he was made redundant, he was a main scale teacher with no leadership responsibilities. On making his claim to Jobseeker's Allowance, Rennick informed the work coach that he wanted to remain in the teaching profession at the same level as he had been before his redundancy. There are a number of secondary schools within 90 minutes travelling distance of where Rennick lives. Rennick's work coach is satisfied that Rennick has reasonable prospects of returning to work as a main scale teacher and so Rennick's work search and work availability requirement are limited to that profession for a period as per R4164 from the date of claim to Jobseeker's Allowance.

Period of limitation

R4164 The determination to apply the period of limitation in R4163 can only be for a period not exceeding

1. three months if the claim is prior to 23.2.24 (however see the guidance on transitional provision at r4166) **or**
2. four weeks if the claim is on or after 23.2.24¹.

1 JSA Regs (NI) 16, reg 14(3)

R4165 The period of limitation takes effect from the date of claim¹.

Note: See guidance at R4166 if a limitation was already in place on 23.2.24.

1 JSA Regs (NI) 16, reg 14(3)

Example

Jake claims Jobseeker's Allowance from 14.3.24. He has been made redundant from his job as a computer skills training officer. He wishes to look for work in this field and the work coach is satisfied that there are plenty of opportunities in his locality in this type of work and so thinks Jake has reasonable prospects of getting work soon in the

computer skills training sector. Limitations on Jake's work search and work availability requirements are set for four weeks from 14.3.24.

Transitional provision

R4166 Where a work search requirement or work availability requirement is already limited on 23.2.24, the limitation is to end on

1. the day before the date on which the limitation no longer applies **or**

2. 21.3.24

whichever is soonest¹.

1 The Universal Credit and Jobseeker's Allowance (Work Search and Work Availability Requirements - limitations) (Amendment) Regulations (Northern Ireland) 2024, reg 4

Example

Lizzy was made redundant from her job as a personal trainer at a local gym and claims Jobseeker's Allowance from 10.1.24. She has already applied for several vacancies at other gyms in her locality and the work coach is satisfied she has a reasonable prospect of getting another job as a personal trainer and so applies a limitation on her work search and work availability requirements for 3 months. Lizzy is still claiming Jobseeker's Allowance on 23.2.24 so the limitation is lifted after 21.3.24. From 22.3.24 no limitation will apply and Lizzy will have to extend her work search and work availability to other jobs.

Physical and mental impairments

R4165 A claimant who demonstrates that

1. they have a

1.1 physical **or**

1.2 mental impairment **and**

2. their ability to carry out work

2.1 of a particular nature **or**

2.2 in particular locations

is substantially adversely affected due to the impairment, must not have a work search requirement or work availability requirement related to work of that nature or in those locations¹.

1 JSA Regs (NI) 16, reg 14(4)

R4166 – R4169

Expected hours of work

R4170 If a claimant has limited their expected hours of work on the grounds of

1. being a relevant carer **or**
2. being a responsible carer **or**
3. having a physical or mental impairment

then their work search requirement and work availability requirement must be limited to the same number of hours per week¹. R4062 et seq provides guidance on the exceptions to the expected number of hours of work.

1 JSA Regs (NI) 16, reg 14(5)

Example

Chloe is the responsible carer for her son, Jim who is aged 14. As a result of having to care for Jim, Chloe's agreed expected weekly hours of work are 30. Chloe's work search and work availability requirement are therefore also limited to 30 hours a week of paid work. Chloe need only be available for paid work of 30 hours a week and need only spend 30 hours a week searching for this work.

R4171 – R4179

Imposition of work-related requirements

Claimants with no requirements imposed on them: domestic violence

R4180 In certain circumstances a claimant who has been a recent victim of domestic violence cannot have any work-related requirements imposed on them and any existing requirement ceases. A recent victim of domestic violence means a person who has had domestic violence

1. threatened **or**

2. inflicted

upon them in the last six months¹.

1 JSA Regs (NI) 16, reg 15(2)

R4181 The domestic violence has to have been inflicted or threatened against the claimant by the¹

1. claimant's

1.1 partner **or**

1.2 former partner if the claimant is no longer a member of a couple **or**

2. claimant's

2.1 grandparent

2.2 grandchild

2.3 parent

2.4 parent-in-law

2.5 son

2.6 son-in-law

2.7 daughter

2.8 daughter-in-law

2.9 step-parent

2.10 step-son

2.11 step-daughter

2.12 brother

2.13 step-brother

2.14 brother-in-law

2.15 sister

2.16 step-sister

2.17 sister-in-law.

Note: For any of the people listed at **2.1** to **2.17**, this also includes their partner if they are a member of a couple.

1 JSA Regs (NI) 16, reg 15(3)(a) & (4)

Definitions

R4182 In paragraphs R4180 to R4191 a number of terms are defined.

Domestic violence

R4183 Domestic violence means¹ any incident or pattern of incidents of controlling behaviour, coercive behaviour or abuse including (but not limited to)

1. psychological abuse
2. physical abuse
3. sexual abuse
4. emotional abuse
5. financial abuse

regardless of the gender or sexuality of the victim. The Appendix to this Chapter provides examples of domestic abuse.

Note 1: Coercive behaviour means² an act of assault, humiliation, intimidation or other abuse that is used to harm, punish or frighten the victim.

Note 2: Controlling behaviour means³ an act designed to make the victim subordinate or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance or escape or regulating their everyday behaviour.

1 JSA Regs (NI) 16, reg 15(5); 2 reg 15(5); 3 reg 15(5)

Example 1

Abdul and Gita are married. Gita threatens Abdul with a kitchen knife during an argument after Abdul tells her that he wishes to give up work and return to education. She doesn't actually use the knife but it is intended to frighten Abdul. This is an example of coercive behaviour.

Example 2

Susan is married to Jim. Jim does not allow Susan to contact her parents or other members of her family. Jim tells Susan that she cannot communicate with them in any way unless he gives her permission. This is an example of controlling behaviour because Jim is isolating Susan from a source of support.

R4184

Health care professional

R4185 In R4186 a health care professional means¹ a person who is a member of a profession regulated under relevant legislation².

1 JSA Regs (NI) 16, reg 15(5); 2 National Health Service Reform and Health Care Professions Act 02, sec 25(3)

Person acting in an official capacity

R4186 A person acting in an official capacity means¹

1. a health care professional
2. a police officer
3. a registered social worker
4. the claimant's employer
5. a representative of the claimant's trade union
6. any public, voluntary or charitable body which has had direct contact with the victim in connection with domestic violence.

1 JSA Regs (NI) 16, reg 15(5)

Registered social worker

R4187 Registered social worker means¹ a person registered as a social worker on a register maintained by the

1. Health and Care Professions Council
2. Care Council for Wales
3. Scottish Social Services Council
4. Northern Ireland Social Care Council.

1 JSA Regs (NI) 16, reg 15(5)

Victims of domestic violence

R4188 Where a claimant who has recently been a victim of domestic violence then

1. any requirement imposed on them ceases to have effect for a period of 13 consecutive weeks¹ **and**
2. the Department must not impose any other requirement on that claimant during that 13 week period².

1 JSA Regs (NI) 16, reg 15(1)(a); 2 reg 15(1)(b)

R4189 The 13 week period in R4188 1. begins on the date that the claimant notified the Department of the threatened or inflicted domestic violence¹.

1 JSA Regs (NI) 16, reg 15(1)(a)

R4190 In order for the easement in R4188 to apply, the claimant

1. must notify the Department in the specified manner that domestic violence has been
 - 1.1 inflicted on **or**
 - 1.2 threatened against
 them during the period of six months ending on the day of the notification¹ **and**
2. must not have had the benefit of the easement for a period of 12 month period immediately prior to the date of the notification² **and**
3. must not on the date of the notification be living at the same address as the person who inflicted or threatened the domestic violence³ **and**
4. must provide evidence as soon as possible (and no later than one month from the date of the notification) from a person acting in an official capacity that shows that
 - 4.1 their circumstances are consistent with having had domestic violence inflicted or threatened against them during the six month period ending on the date of the notification **and**
 - 4.2 they made contact with the person acting in an official capacity regarding the incident during the six month period⁴.

1 JSA Regs (NI) 16, reg 15(3)(a); 2 reg 15(3)(b); 3 reg 15(3)(c); 4 reg 15(3)(d)

R4191 In order for the full 13 week easement to apply, evidence must be supplied within the timescale described in R4190 4.. If evidence is not supplied within this limit then the easement ends after one month after the claimant notifies the Department as in R4190 1..

Example 1

Henry is in receipt of Jobseeker's Allowance and is in the all work-related requirements group. He notifies the Jobs and Benefits Office that his partner Tony attacked him in their home and that the police are dealing with the incident. Henry

and Tony share the same house and neither intends to move out. The decision maker refuses to lift the work-related requirements imposed on Henry because at the date of the notification Henry was living at the same address as Tony.

Example 2

Andi is in receipt of Jobseeker's Allowance. She reports to the Jobs and Benefits Office on 1.10.17 that her then partner physically attacked her two weeks earlier and that he has now moved out of the family home. The decision maker determines that the work-related requirements imposed on Andi do not apply for four weeks from 1.10.17 to 31.10.17 (both dates inclusive). Andi must also supply before 1.11.17 evidence from a person acting in an official capacity that demonstrates that her circumstances are consistent with her notification of 1.10.17. If this is done then no work-related requirements can be imposed on Andi for a further nine weeks the period 1.11.17 to 30.12.17. Therefore, the total easement, if evidence is supplied, is 13 weeks.

Circumstances in which requirements must not be imposed

R4192 In certain circumstances the Department must not impose a work search requirement on claimants¹ and any existing requirements cease for as long as the circumstances apply². So long as those circumstances apply then the claimant **also** does not have to be able and willing to immediately take up work or attend an interview³.

1 JSA Regs (NI) 16, reg 16(1)(a); 2 reg 16(2); 3 reg 16(1)(b)

R4193 The circumstances where R4192 applies are where

1. the claimant is attending a court or tribunal as a party to any proceedings or as a witness¹
2. the claimant is temporarily absent from Northern Ireland for a period not expected to (and does not) exceed six months because they are²
 - 2.1 taking their child outside Northern Ireland for medical treatment **or**
 - 2.2 attending a job interview outside Northern Ireland **or**
 - 2.3 receiving medical treatment outside Northern Ireland
3. it is within six months of the death of³
 - 3.1 the claimant's partner, where the claimant was the member of a couple **or**
 - 3.2 a child for whom the claimant or their partner is responsible for **or**
 - 3.3 a child of whom the claimant is the parent

4. the claimant is receiving and participating in a structured recovery orientated course of
 - 4.1 alcohol **or**
 - 4.2 drug
 dependency treatment for a period of up to six months⁴
5. the claimant is under protection due to their involvement in investigations or proceedings for a period of up to three months⁵.

1 JSA Regs (NI) 16, reg 16(3)(a); 2 reg 16(3)(b); 3 reg 16(3)(c); 4 reg 16(3)(d); 5 reg 16(3)(e); Serious Organised Crime and Police Act 2005, sec 82

Attending a court or tribunal

R4194 Where the claimant attends a court or tribunal as a

1. party to the proceedings **or**
2. witness

then a work search requirement must not be imposed and the claimant **also** does not have to be able and willing to immediately take up work or attend an interview¹. Tribunal means any tribunal listed in specific legislation².

Note: A party to the proceedings in 1. includes defendants, appellants and respondents.

1 JSA Regs (NI) 16, reg 16(3)(a); 2 reg 16(6); Tribunal and Inquiries Act 1992, Sch 1

R4195 – R4196

Temporarily absent from Northern Ireland

R4197 Where a claimant is temporarily absent from Northern Ireland solely because they are

1. taking their child outside Northern Ireland for medical treatment **or**
2. attending a job interview outside Northern Ireland **or**
3. receiving medical treatment outside Northern Ireland

then a work search requirement must not be imposed and the claimant **also** does not have to be able and willing to immediately take up work or attend an interview¹.

1 JSA Regs (NI) 16, reg 16(3)(b)

R4198 Guidance on deciding on whether an absence is temporary can be found ADM Chapter C3.

R4199

Within six months of a death

R4200 Where it is within six months of the death of

1. the claimant's partner¹ **or**
2. a child or qualifying young person² for whom the
 - 2.1 claimant **or**
 - 2.2 claimant's partneris responsible **or**
3. a child, for whom the claimant is the parent³

a work search requirement must not be imposed and the claimant **also** does not have to be able and willing to immediately take up work or attend an interview.

1 JSA Regs (NI) 16, reg 16(3)(c)(i); 2 reg 16(3)(c)(ii); 3 reg 16(3)(c)(iii)

R4201 A child means¹ a person aged under 16.

1 JS (NI) Order 95, art 2(2)

R4202

Structured recovery orientated course

R4203 For a period of up to six months a claimant who is receiving and participating in a structured recovery orientated course of

1. alcohol **or**
2. drug

addiction treatment¹ cannot have a work search requirement imposed on them and the claimant **also** does not have to be able and willing to immediately take up work or attend an interview.

Note: Where the course is for more than six months, R4203 only applies for the first six months.

1 JSA Regs (NI) 16, reg 16(3)(d)

Protection of persons involved in investigations and proceedings

R4204 For a period of up to three months a work search requirement cannot be imposed on a claimant who is under protection whilst involved in criminal investigations or proceedings¹. The claimant **also** does not have to be able and willing to immediately take up work or attend an interview.

Note: Where the arrangements are for more than three months, R4204 only applies for the first three months.

1 JSA Regs (NI) 16, reg 16(3)(e)

Example

Joe has provided the police with information relating to a gang that he was an associate of. The gang is believed by the police to be involved in criminal activity. The police also believe that, as a result of providing this information, Joe is at risk from intimidation and attack by gang members. The police have therefore arranged for Joe to be placed under protection. For a period of up to three months whilst these arrangements are in place, a work search and a work availability requirement cannot be imposed on Joe.

R4205 The protection arrangements have to be made by a provider under relevant legislation¹.

1 Serious Organised Crime and Police Act 2005, s 82

R4206 – R4215

Unreasonable to comply with a work search requirement

R4216 Where the Department is satisfied that it would be unreasonable for the claimant to comply with a work search requirement (including one that has been limited) because the claimant is

1. responsible for caring for a child on a temporary basis¹ **or**
2. subject to temporary circumstances² **or**
3. carrying out a public duty³ **or**
4. carrying out⁴
 - 4.1 a work preparation requirement **or**
 - 4.2 voluntary work preparation

then the claimant cannot have a work search requirement imposed on them and any work search requirement that has previously been imposed must come to an end. The claimant **also** does not have to be able and willing to immediately take up work or attend an interview

1 JSA Regs (NI) 16, reg 16(4)(a); 2 reg 16(4)(b); 3 reg 16(4)(c); 4 reg 16(4)(d)

Temporary child care responsibilities

- R4217 Where the claimant has temporary child care responsibilities then the claimant does not have to comply with a work search requirement if it would be unreasonable to do so. The claimant **also** does not have to be able and willing to immediately take up work or attend an interview¹.

1 JSA Regs (NI) 16, reg 16(4)(a)

Example

Linda is subject to a work availability requirement that is not limited which means she has to be able and willing immediately to take up paid work. Her sister has been rushed into hospital. Whilst her sister is in hospital, Linda is looking after her 12 year old niece because there is nobody else to look after her. Linda will be looking after her niece until her sister is discharged from hospital. Whilst Linda is looking after her niece, she is not required to comply with her work availability requirement and no work search requirement can be imposed.

Temporary circumstances

- R4218 Where the claimant is subject to temporary circumstances then the claimant does not have to comply with a work search requirement if it would be unreasonable to do so. The claimant **also** does not have to be able and willing to immediately take up work or attend an interview¹. R4071 provides guidance on temporary circumstances.

1 JSA Regs (NI) 16, reg 16(4)(b)

Example 1

Charlotte is subject to a work availability requirement that is not limited which means she has to be able and willing immediately to take up paid work. Her daughter Chloe has been excluded from school until further notice following an incident. Chloe is to remain away from school until the incident has been investigated. Despite every effort, Charlotte has been unable to sort out other arrangements to look after Chloe and so has to be at home with her. Whilst Chloe is excluded from school, Charlotte is not required to comply with her work availability requirement to be able and willing immediately to take up paid work and no work search requirement can be imposed.

Example 2

Sally is subject to a work availability requirement that is not limited which means she has to be able and willing immediately to take up paid work. Following an argument with her parents, Sally has been told to leave the family home. She has nowhere to go and has been sleeping rough whilst trying to find somewhere to live. She has now been given a place in a direct access hostel until something more permanent can be

found. Whilst Sally is dealing with this temporary circumstance, she is not required to comply with her work availability requirement to be able and willing immediately to take up paid work and no work search requirement can be imposed. This will continue to be the case until Sally has moved out of the direct access hotel but should be reviewed on a regular basis. The requirements should not normally be lifted for more than a month.

Carrying out a public duty

R4219 Whilst the claimant is engaged in carrying out a public duty then the claimant does not have to comply with a work search requirement if it would be unreasonable to do so. The claimant **also** does not have to be able and willing to immediately take up work or attend an interview¹.

1 JSA Regs (NI) 16, reg 16(4)(c)

R4220 Examples of public duties include

1. volunteer firefighters
2. lifeboat volunteers
3. special constables.

Work preparation requirement and voluntary work preparation

R4221 Whilst the claimant is engaged in carrying out a

1. work preparation requirement **or**
2. voluntary work preparation

then the claimant does not have to comply with a work search requirement if it would be unreasonable to do so. The claimant also does not have to be able and willing to immediately take up work or attend an interview¹.

1 JSA Regs (NI) 16, reg 16(4)(d)

R4222 R4040 et seq provides guidance on the work preparation requirement.

R4223 Voluntary work preparation is action taken by the claimant and agreed by the Department for the purpose of making it more likely they will obtain paid work but which has not been specified by the Department as part of a work preparation requirement¹.

1 JSA Regs (NI) 16, reg 4(1)

Example

As part of a voluntary work preparation requirement, Danny is doing a week's jobshadowing at an accountancy firm. This has been agreed with his adviser because Danny wants to work in accountancy. Whilst performing this jobshadow, Danny is not required to comply with his work availability requirement to be able and willing immediately to take up paid work and no work search requirement can be imposed.

R4224 – R4229

Unfit for work

Short periods of sickness

R4230 Work-related requirements – i.e. a work search¹ and/or a work availability requirement² must not be imposed³ where a claimant is unfit for work for a maximum of 14 consecutive days, and for no more than two periods in any 12 month period, where a self-certificate is provided for the first seven days and a Doctor's note⁴ for any further days of sickness.

1 JS (NI) Order 95, art 8D; 2 art 8E; 3 JSA Regs (NI) 16, reg 16; 4 SS (Med Ev) Regs (NI) 76, Sch 1, Part 1

Note: Work-focused interview and work preparation requirements can be set where paragraph J4230 applies and the Secretary of State considers it reasonable to do so.

Example

Hilary is in receipt of Jobseeker's Allowance and reports that she is suffering from a back condition (her first period of sickness whilst in receipt of Jobseeker's Allowance). She provides a self-certificate for the first seven days, followed by a Doctor's note as medical evidence for a further seven days. No work search and work availability requirements are imposed for the first 14 days of sickness. Hilary's condition continues and two weeks later she submits another self-certificate for the first seven days, followed by a Doctor's note. No work search or availability requirements are imposed for a further 14 days. Hilary's work coach decides that from the 15th day of this second period of illness and in addition to work-focused interview and work preparation requirements, Hilary can undertake some reasonable work-related activity and her work search and work availability requirements are tailored appropriately. Hilary accepts a revised claimant commitment with the new requirements.

Extended period of sickness

R4231 Where a period of sickness continues or is expected to continue¹ for

1. more than two weeks **but**

2. not more than 13 weeks **and**
 3. the claimant provides a Doctor's note for the extended period of sickness²
- the rules on when work-related requirements should be imposed are modified³ (see R4232 - R4237).

Note: Claimants that can no longer benefit from R4230 who declare that they are unable to work or expect to be unable to work for 2 weeks or less are only required to provide self-certification of unfitness⁴. If the period exceeds or is expected to exceed 2 weeks but not more than 13 weeks R4231 **3.** applies⁵.

*1 JSA Regs (NI) 16, reg 46; 2 reg 46(2)(a); SS (Med Ev) Regs (NI) 76, Sch 1, Part 1;
3 JSA Regs (NI) 16, reg 17; 4 reg 46(3); 5 reg 46(3A)*

The work search requirement

R4232 The guidance in R4233 applies to a claimant where

1. the claimant is within an extended period of sickness **and**
2. it would be unreasonable to expect the claimant to comply with a work search requirement¹.

1 JSA Regs (NI) 16, reg 17(1)

R4233 For a claimant to whom this paragraph applies

1. a work search requirement must not be imposed on the claimant **and**
2. a work search requirement which previously applied ceases to have effect from the date the claimant was first unable to work¹.

1 JSA Regs (NI) 16, reg 17(2)

The work availability requirement

R4234 For a claimant to whom R4235 applies "able and willing to take up work" under a work availability requirement means¹

1. able and willing to take up paid work **or**
2. to attend an interview once the claimant ceases to be within an extended period of sickness.

1 JSA Regs (NI) 16, reg 17(4)

R4235 This paragraph applies to a claimant where it would be unreasonable to require the claimant to comply with a work availability requirement to be able and willing to

1. take up paid work **and**

2. attend an interview because the claimant is within an extended period of sickness¹.

1 JSA Regs (NI) 16, reg 17(3)

R4236 For a claimant to whom R4237 applies “able and willing to take up work” under a work availability requirement means¹

1. able and willing to take up paid work once the claimant ceases to be within an extended period of sickness **and**
2. able and willing to attend an interview before the claimant ceases to be within an extended period of sickness.

1 JSA Regs (NI) 16, reg 17(6)

R4237 This paragraph applies where it would be

1. unreasonable to require the claimant to comply with a work availability requirement to be able and willing to take up paid work because the claimant is within an extended period of sickness **and**
2. reasonable to require the claimant to comply with a work availability requirement to be able and willing to attend an interview¹.

1 JSA Regs (NI) 16, reg 17(5)

R4238 Where R4231 applies the claimant is to be treated as capable of work or as not having limited capability for work for the continuous period beginning on the first day on which the claimant is unable to work on account of the disease or disablement and ending on

1. the last day on which the claimant is unable to work **or**
2. 13 weeks after the first day if the period would otherwise exceed 13 weeks¹.

1 JSA Regs (NI) 16, reg 46(4)

R4239 The provision in R4231 does not apply to a claimant on more than one occasion in any period of 12 months¹.

1 JSA Regs (NI) 16, reg 46(5)

Example

Hilary (as in the example above) continues to experience symptoms from a back condition and continues to submit Doctor's notes. As Hilary can no longer benefit from the provision in R4230, she is now within an extended period of sickness and her work coach carefully considers whether work search and work availability requirements are reasonable. Whilst Hilary is submitting Doctor's notes, she can be treated as capable of work for a period of 13 weeks beginning on the first day on which she was unable to work on account of the back condition. Hilary continues to

be unable to work due to her back condition after 13 weeks have passed. She can no longer be treated as capable of work.

R4240 – R4999

The content of the examples in this document (including use of imagery) is for illustrative purposes only

Appendix

Examples of domestic abuse

- 1 Victims of domestic violence are not confined to one gender or ethnic group. Domestic violence can encompass, but is not limited to, the following types of abuse.

Psychological	Includes intimidation, insulting, isolating a person from friends and family, criticising, denying the abuse, treating a person as an inferior, threatening to harm children or take them away, forced marriage.
Physical	Includes shaking, smacking, punching, kicking, presence of finger or bite marks, starving, tying up, stabbing, suffocation, throwing things, using objects as weapons, genital mutilation, "honour violence". Physical effects are often in areas of the body that are covered and hidden (i.e. breasts, legs or stomach).
Sexual	Includes forced sex, forced prostitution, ignoring religious prohibitions about sex, refusal to practise safe sex, sexual insults, sexually transmitted diseases, preventing breastfeeding.
Emotional	Includes swearing, undermining confidence, making racist remarks, making a person feel unattractive, calling a person stupid or useless, eroding a person's independence.
Financial	Includes not letting a person work, undermining efforts to find work or study, refusing to give money, asking for an explanation of how every penny is spent, making a person beg for money, gambling, not paying bills.

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