Chapter J1: The claimant commitment

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Legislation Used in Chapter J1

Abbreviation	Full Title
WR (NI) Order 15	The Welfare Reform (Northern Ireland) Order 2015 No. 2006
UC Regs (NI) 16	The Universal Credit Regulations (Northern Ireland) 2016 No. 216

Chapter J1: The claimant commitment

What the claimant commitment is

Introduction

J1001 It is a condition of entitlement to Universal Credit that a claimant has accepted a claimant commitment[1]. For joint claimants, it is a condition of entitlement that each of them has accepted a claimant commitment[2]. Unless a claimant commitment

1. has been accepted **or**

2. can be treated as having been accepted

then there can be no entitlement to Universal Credit (see further guidance at J1006). For joint claimants if either member of the couple refuses to accept a claimant commitment then the couple are not entitled to Universal Credit.

Note 1: There is a fundamental difference between an undertaking being accepted by a claimant and a mandatory requirement being imposed by the Department. A failure to comply with the requirements within the claimant commitment does not entail any breach of the conditions of entitlement or mean that it has ceased to be accepted. Such failures would lead to consideration of a sanction (see J1002). However there can be no entitlement to Universal Credit if the claimant has not accepted a claimant commitment and failure to accept a claimant commitment at the outset of the claim will result in a disallowance of Universal Credit.

Note 2: There may be circumstances where the requirement to accept a claimant commitment can be removed temporarily or permanently. For guidance on acceptance of the claimant commitment see J1008. For guidance on the exceptions to the requirement to accept the claimant commitment see J1020.

Note 3: Where commitments are reviewed during an award see the guidance at J1030 et seq.

1 WR (NI) Order 15, art 9(1)(e); 2 art 8(2)(a) & art 9(1)(e)

J1002 Once accepted the claimant commitment is a record of a claimant's responsibilities during an award of Universal Credit[1]. A failure to comply with a work-related requirement for no good reason will result in a reduction in the award of Universal Credit[2].

Note: Although a reduction (sanction) may be imposed for failures to comply for no good reason with work-related and connected requirements that are recorded in the claimant commitment, there is no direct sanction for a failure to comply with a requirement just because it is included in the claimant commitment. A failure to comply with any requirement imposed by the Department is a matter for a potential sanction, and consideration of whether what was specified is unreasonable and whether a sanction is applicable is to be considered under good reason. For full guidance on failures to comply, good reason and sanctions see ADM Chapters K1 to K9. In particular see guidance regarding the public law principles of fairness at K1151 et seq. For the relevance of the claimant commitment when considering whether a sanction can be imposed see guidance at ADM K1176.

1 WR (NI) Order 15, art 19(1); 2 art 31 & 32

J1003 It is the responsibility of the Department to prepare for each Universal Credit claimant a claimant commitment. A claimant commitment can be

1. reviewed **and**

2. updated

at such times as the Department sees fit[1].

Note 1: At the outset of a claim, the claimant commitment should be set out after a full and cooperative discussion with the claimant where the claimant accepts that the requirements within it are reasonable and achievable (also see J1004, J1010 and J1011). The claimant commitment should be tailored to the individual claimants' circumstances taking account of any restrictions or limitations, complex needs and vulnerabilities (also see **Note 2** at J1004).

Note 2: Where the commitments are to be reviewed during an award see the guidance at J1030 et seq.

1 WR (NI) Order 15, art 19(2)

Information included in the claimant commitment

J1004 A claimant commitment **must** include[1]

1. a record of the requirements that the claimant must comply with in connection with an award of Universal Credit, or such of them as the Department considers it appropriate to include **and**

2. any information specified in regulations **and**

3. any other information that the Department considers appropriate.

Note 1: The claimant commitment may also include a connected requirement[2] see ADM Chapter J3 for information.

Note 2: The requirements within a claimant commitment **must** be reasonable and achievable and be tailored to the individual claimant, fully taking into account all their circumstances, the local job market and any extenuating circumstances or relevant restrictions at the time. Requirements must be based on the claimant's personal circumstances, including considering the impact of their health and wider situation. Claimants with a health condition or disability, including those who are immunocompromised, should have commitments based on their personal circumstances. For example, claimant commitments would have to acknowledge the reality of the local jobs market and the claimant's personal circumstances. The claimant has to be allowed to adhere to any current public health advice including local and national related restrictions. It is important to respect and be considerate of those who may wish to retain a more cautious approach to protect themselves and others. The claimant commitment should reflect any personal limitations, restrictions and special requirements the claimant may have. For full guidance on setting work-related requirements see ADM Chapter J3.

Note 3: Acceptance of a claimant commitment does not mean the claimant has agreed with the requirements nor does it mean there is a personal commitment to carrying out the stated requirements. The information within it is insufficiently specific and the requirements are often merely generic. The claimant commitment imposes requirements but further communications are required to set the requirement of a specific activity on a given date at a specific time. For example the claimant commitment may require the claimant to take part in interviews with their work coach but a further notification will be required, usually set via a 'To do' in the claimant's journal detailing the specific time, date, place and reason of the appointment in basic terms. For further guidance on the relevance of the information included within the claimant commitment see the section on the public law principles of fairness in ADM Chapter K1 (Sanctions – general principles).

Note 4: If the requirements have to be reviewed see the guidance at J1030 et seq.

1 WR (NI) Order 15, art 19(4); 2 art 28(4)

J1005 The claimant commitment can be in any form as the Department sees fit[1]. The claimant commitment will be a written document which can be accepted in various ways (see J1007).

1 WR (NI) Order 15, art 19(3)

Accepting the claimant commitment

J1006 In order to be entitled to Universal Credit, a claimant can only be said to have accepted a claimant commitment where it is

1. the most up-to-date version **and**

2. accepted by the claimant in the manner specified in regulations and further by the Department[1].

Note 1: If the claimant declines to accept a claimant commitment at the outset of the claim to Universal Credit this would result in a disallowance of the claim.

Note 2: If during an award there is a requirement to accept revised commitments see the guidance at J1030.

1 WR (NI) Order 15, art 19(5); UC Regs (NI) 16, reg 15(4)

J1007 The methods by which a claimant commitment can be accepted by a person is set out in regulations as

1. electronically **or**

2. by telephone **or**

3. in writing[1].

The Department can specify which of these methods are to be used by a person to accept their claimant commitment.

1 UC Regs (NI) 16, reg 15(4)

Date of acceptance of the claimant commitment

J1008 There will often be a gap of time between the date of

1. claim **and**

2. acceptance

of the claimant commitment.

J1009 Where there is such a gap then the claimant can be treated as having accepted the claimant commitment on the first day in respect of which the claim has been made. However, the claimant commitment has to be accepted within a time specified by the Department[1]. This may be referred to as a “cooling off” period.

1 UC Regs (NI) 16, reg 15(1)

J1010 At the outset of a claim to Universal Credit, the claimant commitment is usually generated as a result of a conversation with the claimant (see J1011). There may be occasions where the claimant refuses to accept their claimant commitment. The claimant must be offered a "cooling off" period so that they can reconsider. The "cooling off" period should be a maximum of seven calendar days.

J1011 Claimants who fall into the

1. all work-related requirements group **or**

2. the work preparation group

will need to have a discussion with a work coach before a claimant commitment can be drawn up and accepted. Claimant commitments for claimants not in either the all work-related requirements group or the work preparation group may be accepted as part of the normal claims process.

Note 1: The requirements within the claimant commitment must be reasonable and achievable and fully take into account all the claimant's individual circumstances, the local job market and any extenuating circumstances (also see J1004).

Note 2: See guidance at J1030 where a change to the claimant commitment is required during an existing award.

Example 1

Jack made his claim to Universal Credit on 20.10.17, however he was unable to be seen by the Jobs and Benefits Office to discuss and accept his claimant commitment straightaway. An appointment was made for 28.10.17. When Jack attends the Jobs and Benefits Office on 28.10.17 he accepts his claimant commitment and is treated as having accepted it on 20.10.17. This therefore allows Jack to meet that particular condition of entitlement for Universal Credit from the date of claim.

Example 2

Chris made his claim for Universal Credit on 10.11.17. A claimant commitment is drawn up but Chris is not entirely happy with the requirements recorded on it. Chris's work coach allows Chris time to consider the contents of the claimant commitment and the consequences for Chris and his household of not accepting the claimant commitment. Chris is given up to seven calendar days to consider this. After four days, Chris decides to accept the claimant commitment and so it takes effect from 10.11.17.

Example 3

Michelle made her claim for Universal Credit on 21.11.17. A claimant commitment is drawn up but Michelle is not entirely happy with the requirements recorded on it. Michelle's work coach allows Michelle time to consider the contents of the claimant commitment and the consequences for Michelle and her household of not accepting the claimant commitment. She is given up to seven calendar days to consider this. Seven days pass and Michelle makes no contact regarding the claimant commitment. The decision maker decides that in respect of the claim for Universal Credit made on 21.11.17 Michelle is not entitled. This is because a claimant commitment has not been accepted.

J1012 Where an award of Universal Credit may be made

1. without the claimant making a claim **and**

2. where the claimant commitment has been accepted by the claimant within the time specified by the Department

the claimant commitment is treated as having been accepted on the first day of the first assessment period of that award[1].

Note: ADM Chapter A2 provides guidance on circumstances where an award of Universal Credit can be made without a claim being required.

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

Example

Madelene was entitled to Universal Credit but her award came to an end when her income exceeded the prescribed minimum. Two months later Madelene's income drops so that she would be entitled to Universal Credit again. An award of Universal Credit is made without the requirement for Madelene to make a new claim. Madelene is required to accept a new claimant commitment in respect of this latest award of Universal Credit. This claimant commitment takes effect from the first day of the assessment period of the latest award of Universal Credit. Madelene therefore satisfies that condition of entitlement for Universal Credit and her award of Universal Credit will begin from the first day of that assessment period.

J1013 – J1014

Extending the period of time to accept the claimant commitment

J1015 The period of time within which a person is required to accept

1. a claimant commitment **or**

2. an updated claimant commitment

can be extended.

J1016 The extended period of time applies where the claimant has requested that the Department review

1. any action proposed as

1.1 a work search requirement **or**

1.2 a work availability requirement **or**

2. whether any limitation should apply to

2.1 a work search requirement **or**

2.2 a work availability requirement

so long as the Department considers the request as reasonable[1].

1 UC Regs (NI) 16, reg 15(3)

J1017 – J1019

Exceptions to the requirement to accept the claimant commitment

J1020 A claimant is not required to meet the basic condition of entitlement of having to accept a claimant commitment if[1]

1. they lack capacity to do so (see J1021) **or**

2. exceptional conditions apply and it would be unreasonable to expect the claimant to accept one (see J1204 **or**

3. they are terminally ill (see J1027).

1 UC Regs (NI) 16, reg 16

Lacking capacity

J1021 A claimant does not have to meet the basic condition of accepting a claimant commitment where they lack the capacity to do so[1].

Note: Where it is accepted that a claimant lacks capacity then the requirement to accept a claimant commitment is lifted. Each individual case is considered on its own facts, circumstances and evidence in consideration of whether the claimant lacks capacity to accept a claimant commitment.

1 UC Regs (NI) 16, reg 16(1)(a)

Appointee in place

J1022 If the claimant has an appointee in place this would usually indicate that the claimant lacks the capacity to accept a claimant commitment. The decision to waive the requirement to accept a claimant commitment must be considered on a case-by-case basis by the work coach but in most cases where the claimant has an appointee, the requirement will be waived.

J1023 Some claimants with an appointee in place may wish to do voluntary work-related activity (see further guidance in ADM Chapter J3) but the requirement to accept a claimant commitment would be waived. An appointee is not required to accept a claimant commitment on the claimant's behalf and should not be asked to do so. However, the claimant, appointee and work coach can agree voluntary work-related activities together.

Example 1

Fiona has severe learning disabilities. She has made a claim to Universal Credit with an appointee completing the claim on Fiona's behalf. After a discussion with the appointee, Fiona's work coach at the Jobs and Benefits Office decides that Fiona is not required to accept a claimant commitment because her learning disabilities mean that Fiona cannot understand the expectations or requirements in connection with a claim to Universal Credit. The requirement to accept a claimant commitment is waived.

Example 2

David makes a claim for Universal Credit with the help of his neighbour. The neighbour isn't David's appointee but is helping him with the claiming process. During the new claim interview with his work coach, it becomes apparent that David does not understand what is required of him with regards to entitlement to Universal Credit. The adviser decides that David should be referred for appointee action. An appointee is later authorised to act on David's behalf. David is not required to accept a claimant commitment.

Example 3

Donald has learning difficulties and has an appointee in place. He lives in supported accommodation and is unable to manage his financial affairs. Although Donald has an appointee he is able to engage with a work coach and undertake some appropriate voluntary work-related activity. Donald is not considered to have the capacity to accept his claimant commitment and will not be expected to do so.

Exceptional circumstances

J1024 The claimant is not required to accept a claimant commitment where[1]

1. exceptional circumstances apply **and**

2. it would be unreasonable to expect the claimant to accept a claimant commitment.

Note: Reasonable means fair and sensible in the circumstances. It would be for the decision maker to consider each case on its own individual merits, facts and circumstances when considering whether exceptional conditions apply as per J1024 **2.** and whether it would be unreasonable.

1 UC Regs (NI) 16, reg 16(b)

J1025 Examples of when exceptional circumstances apply may include where

1. the claimant is incapacitated in hospital and is likely to be there for a considerable time

2. the Jobs and Benefits Office is closed due to an emergency, for example, a fire or a flood

3. there is a domestic emergency preventing the claimant from accepting the claimant commitment[1].

This list is not exhaustive. When determining whether or not exceptional circumstances apply, the decision maker should remember that the normal everyday meaning of "exceptional" is **"unusual; not typical"**. Each case would be considered on its own individual merits, facts, circumstances and evidence and whether it was reasonable on the balance of probabilities.

Note: Once the exceptional circumstances have passed then the claimant is required to accept a claimant commitment.

1 UC Regs (NI) 16, reg 2

J1026 The decision maker has to take into account the circumstances of each individual case in deciding whether it is also unreasonable to expect the claimant to accept the claimant commitment.

Example 1

Nina made a claim to Universal Credit but due to a fire at the Jobs and Benefits Office was unable to attend the meeting with her adviser to accept her claimant commitment. The decision maker treated Nina as having accepted her claimant commitment and so Nina became entitled to Universal Credit. Now that the Jobs and Benefits Office

is re-opened, Nina is required to accept a claimant commitment drawn up by her adviser.

Example 2

Rose has made a claim to Universal Credit. On the day that she is due to meet her adviser to accept her claimant commitment she is, at short notice, given an appointment at her hospital to have a long awaited operation. Rose is expected to be in hospital for some time but is unsure for exactly how long at this stage. It would be unreasonable to expect Rose to cancel her operation in order to accept her claimant commitment. Once she has been discharged from hospital, another appointment can be booked with her adviser to accept her claimant commitment.

Example 3

Kevin has made a claim to Universal Credit. On the day that he is due to accept his claimant commitment, he phones the Jobs and Benefits Office to say that he cannot attend because his boiler has broken and an engineer is due to fix it that day so he has got water and heating. The work coach asks Kevin to accept his claimant commitment by telephone appointment at a convenient time on that day so he can also be at home for the engineer to fix the boiler.

Terminally ill

J1027 Terminally ill means

1. that the claimant is suffering from a progressive disease **and**

2. that death in consequence of that disease can reasonably be expected within 12 months[1].

Note: Legislation uses the terminology 'terminally ill' but for operational purposes and communications the term 'end of life' is used. Decision makers may see reference to either terminology but both have the same meaning as defined in J1027.

1 UC Regs (NI) 16, reg 2

J1028 A claimant will not have to meet the basic condition of entitlement to have accepted a claimant commitment to be entitled to Universal Credit if the person is terminally ill[1] as per J1027.

1 UC Regs (NI) 16, reg 16(2)

J1029

Reviewing the claimant commitment

J1030 A claimant commitment can be reviewed and updated at such time as the Department sees fit[1].

1 WR (NI) Order 15, art 19(2)

Note: It is important that the claimant commitment should be reviewed and revised on a regular basis to ensure it is up to date and accurately reflects the work-related requirements that are appropriate to the claimant's individual circumstances and the local jobs market to support the claimant to obtain paid work (more or better-paid work). A claimant's circumstances can change suddenly and frequently and a requirement that was reasonable at the time they entered into their claimant commitment may no longer be reasonable. Any changes in circumstances must be dealt with promptly to reflect any new or changed requirements in light of emerging claimant needs and fluctuating individual and local circumstances.

J1031 **[See ADM Memo 9/26]** Where a claimant commitment has been reviewed and updated then the claimant is required to accept it as the most up to date version to retain entitlement to Universal Credit[1].

Note 1: A claimant accepts a claimant commitment if, and only if, the claimant accepts the most up-to-date version of it in such manner as may be prescribed.

Note 2: It is important to be clear about the stage of the claimant's Universal Credit journey that is being considered in each individual case. Where specifically the claimant has been required to attend an interview where the revised claimant commitment would be drawn up for acceptance, only a sanctionable failure could be considered where the claimant fails to comply with the interview requirement because the previous claimant commitment would remain in place until the updated or revised commitments have been created and offered for acceptance[2] (see **Note 3**). However, where the scenario is that a revised claimant commitment is prepared and the claimant is properly advised that the revised claimant commitment must be accepted and of the consequence of not accepting it, a decision can be made to terminate the award on the basis that the claimant no longer meets the requirements to have accepted the most up to date version. See further guidance at J1032 to J1036.

Note 3: Reliance on the case law[2] is restricted to scenarios where the claimant has failed to attend an appointment and should not be relied on in scenarios where the claimant commitment has been revised, offered for acceptance and the claimant has been properly notified of the requirement to accept it and the consequences if not. In

such cases if the claimant fails or refuses to accept the new commitments by the deadline set the decision maker will end the award.

1 WR (NI) Order 15, art 19(5); 2 FO c SSWP (UC) [2022] UKUT 56 (AAC)

Participating in an interview to review commitments

J1032 To update and set new commitments may require the claimant to participate in an interview to discuss, draw up and accept the revised commitments.

Note 1: If J1032 applies, until the claimant takes part in an interview to draw up and accept new commitments the previous claimant commitment would remain in place until the updated or revised commitments have been created.

Note 2: If the claimant fails to take part in (including attend) the interview, the decision maker will consider a sanction (see J1034). If the claimant takes part in the interview but fails or refuses to accept the new commitments, a cooling off period (usually 7days) will be set for the claimant to reconsider (see J1033). If by the end of the cooling off period the new commitments have not been accepted then the Universal Credit award will end.

Note 3: It will be crucial that the claimant is fully aware of what is expected of them and the consequences of failing to comply see **Note 2** in line with the public law principles of fairness (see ADM K1151 et seq for further guidance).

Example

Waasif is in receipt of Universal Credit and is in the no work related requirement group. His joint claim partner, Fajar, has a current claimant commitment based on her caring responsibilities for their 2 children. Due to a change in the youngest child's age, new commitments are required. Fajar is asked to take part in an interview to set new commitments based on the change. Fajar fails to attend the interview. The decision maker considers whether a sanction applies. Fajar makes contact and a new interview date is set. Fajar attends the interview and new commitments are drawn up. These are placed in the journal with a 7 day deadline to accept them and a warning that if Fajar does not accept the commitments by the deadline the award of Universal Credit will end.

J1033 A 'cooling off' period (see J1009) can apply when a claimant commitment is reviewed. During this period the claimant commitment previously accepted remains in place and the claimant will be expected to comply with any work-related requirements accepted as part of that, unless to do so would be unreasonable in the individual circumstances. For guidance on what to consider when deciding what may be unreasonable see the guidance on good reason in ADM Chapter K2.

Note: If the claimant has failed or refused to accept the new commitments at the end of the cooling off period the decision maker will end the award of Universal Credit.

Example

Rory is in receipt of Universal Credit. He has no work and has failed to find any since losing his job in retail prior to his claim for Universal Credit. Rory has worked in retail for all of his working life. Rory's claimant commitment includes his work search requirements which are mainly focused on looking for work in the retail sector. Rory's work coach decides that Rory's work search should be broadened to include work other than just retail work. Rory's claimant commitment needs updating to reflect this wider work search requirement. Rory is required to participate in an interview to discuss and accept updated commitments. If Rory fails to attend the interview the decision maker will consider a sanction. If Rory attends the interview and new commitments are prepared, but he fails or refuses to accept the new commitments, the decision maker will set a cooling off period of 7 days and if Rory has still not accepted the new commitments at the end of the cooling off period, the Universal Credit award will end.

Change in conditionality group

J1034 When there is a change of circumstances that means a claimant moves between conditionality groups, they will be required to accept a revised claimant commitment to reflect their new circumstances. Changes in circumstances are taken into account immediately for conditionality purposes and the conditionality group is changed when the change of circumstances is notified. Claimants (and their partners) must always be placed in the correct group. They must

1. know exactly what they are expected to do in return for Universal Credit **and**

2. have an up-to-date claimant commitment which reflects their current individual circumstances.

Note 1: A change in conditionality group may require the claimant to take part in a commitments review interview (see J1035) or in some circumstances new commitments may be automatically generated by the Universal Credit system and placed in the journal for acceptance (see J1036).

Note 2: It is important claimants are made aware of any change promptly including any consequences of sanctions or of the award ending that are appropriate, so they can continue to meet their conditionality requirements and understand the consequences if they fail to comply.

Taking part in an interview to set new commitments

J1035 Where a claimant commitment is to be reviewed due to a change in circumstances, taking part in an interview can be set as a requirement for the claimant even if taking part in an interview is not included on the current claimant commitment[1]. The claimant must be separately and correctly informed of the date, time and place of the appointment, the reasons for the interview and the consequences of failing to take part in that appointment.

Note 1: Requirements can be set outside of the claimant commitment, if it is reasonable to do so, by requiring participation in an interview to set the new requirements (see further guidance in ADM Chapter K5321 et seq). If the claimant is required to take part in an interview to set new requirements, there is no legal basis to consider ending the award of Universal Credit for not having a new claimant commitment since the previous claimant commitment still applies (see J1031 and J1032 **Note 1**). Any failure to comply with a requirement to participate in a commitments review for no good reason, e.g. they fail to attend the interview, is a sanctionable failure and not reason to suspend or terminate the award of Universal Credit. The guidance on low-level sanctions in ADM Chapter K5 will apply.

Note 2: Only if the claimant attends the interview as required and new commitments are drawn up and offered for acceptance but they refuse or fail to accept the new commitments can the decision maker consider terminating the award of Universal Credit after a cooling off period (see J1010 and J1032).

1 WR (NI) Order 15, art 19(2); art 28

Auto-generated claimant commitments

J1036 In some cases the Universal Credit system produces a new claimant commitment when a change of circumstances automatically applies. In such a case the decision maker does not normally require the claimant to take part in an interview. The revised claimant commitment is placed into the claimant's journal with an instruction to accept the revised commitments within 7 days and with a warning that if the commitments are not accepted within that 7day period the award of Universal Credit will end.

Note: In every case the Department must be able to demonstrate that it was made absolutely clear to the claimant that the new commitments must be accepted within a certain time scale (usually 7 days) and the consequence of not accepting the revised claimant commitment would be that the award of Universal Credit would end.

Example 1

Katie is in receipt of Universal Credit and has a daughter whose 1st birthday is on 14.2.21. This means Katie will be moved from the no work-related requirements group into the work-focused interview only group from 14.2.21 and a new claimant commitment will be required to reflect the new work-related group. The Universal Credit system automatically generates a new claimant commitment to reflect the change of circumstances. This is placed in Katie's journal with an instruction to accept the new commitments within 7 days with a warning that if she does not, the award of Universal Credit will end.

Example 2

Boris is in the no work-related requirements group as his earnings exceed his individual threshold, with an appropriate claimant commitment in place to reflect his circumstances. The company that Boris works for is downsized with the result that Boris' hours of work are reduced to a level that now bring his earnings below his individual threshold and move him into the all work-related requirements group. A new claimant commitment is placed in Boris' journal with the instruction to accept the new commitments within 7 days with the consequence that if he fails to do so the award of Universal Credit will end.

J1037 – J1999

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