Chapter K6: Lowest-level sanctions

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Legislation Used in Chapter K6

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

Chapter K6: Lowest-level sanctions

Introduction

K6001 This Chapter should be read with ADM Chapter K1 (Sanctions - general principles). This gives guidance on

1. the meaning of terms

2. the compliance condition

3. the public law principles of fairness that apply when imposing work-related requirements **and**

4. what considerations apply when determining what reduction period applies.

See ADM Chapter K8 for guidance on when the reduction has effect, and ADM Chapter K9 for guidance on the amount of the reduction.

When does a lowest-level sanction apply

K6002 A lowest-level sanction is a reduction of Universal Credit for a sanctionable failure by a claimant who[1]

1. falls within the work-focused interview requirement only group[2] **and**

2. fails without good reason to take part in a work-focused interview[3].

See ADM Chapter J2 for guidance on work-related requirements groups, and ADM Chapter J3 for guidance on work-related requirements. See ADM Chapter K1 for the meaning of a sanctionable failure and ADM Chapter K2 for guidance on good reason.

Note : In every case the Department has to be able to show any work-related requirement was validly imposed and adequately notified to the claimant in line with the public law principles of fairness established in case law[4]. For full guidance on the public law principles of fairness see ADM Chapter K1: Sanctions – general principles.

1 WR (NI) Order 15, art 25 & 32; UC Regs (NI) 16, reg 102(1); 2 WR (NI) Order 15, art 18(2)(a); 3 art 20
4 R (Reilly) v SSWP [2014] AC 453; R (Reilly 2) v SSWP [2016] ECWA Civ 413

K6003 – K6009

What is the reduction period

K6010 The reduction period is the number of days[1]

1. beginning with the date of the sanctionable failure **and**

2. ending with

2.1 the day before the day on which the claimant meets a compliance condition specified by the Department **or**

2.2 the day before the day on which the claimant falls into the "no work-related requirements" group[2] **or**

2.3 the day on which the award terminates (other than because the claimant ceases to be, or becomes, a member of a couple)

whichever is soonest.

1 UC Regs (NI) 16, reg 102(2); 2 WR (NI) Order 15, art 24

Note: See ADM Chapter K1 for the meaning of compliance condition, and ADM Chapter K8 for guidance on when the reduction begins, including where there is more than one sanctionable failure.

Example 1

Clive is entitled to Universal Credit, and is the responsible carer for his 4 year old grandson Paul while Paul's mother is serving a prison sentence. Clive is required to take part in a work-focused interview on 10.9.18, but fails to attend. He rings the Jobs and Benefits office on 14.9.18 to say he forgot about the interview, and makes an appointment for a further work-focused interview. The decision maker determines that Clive had no good reason for the failure to attend. As Clive met the compliance condition on 14.9.18 his Universal Credit is reduced for a total period of 4 days.

Example 2

Abigail is a lone parent and lives with her children Daniel aged 6 and Julie aged 3. Abigail is required to take part in a work-focused interview on 25.11.18, but does not attend. She does not reply when asked for reasons for the failure to attend. The decision maker determines that a reduction should be imposed for the sanctionable failure.

Later Abigail notifies that on 20.12.18 she moved in with her partner Marco who is also entitled to Universal Credit. Abigail's assessment period begins on the 24th of the month, so her award of Universal Credit as a single claimant is terminated on 23.11.18. Marco's assessment period begins on the 19th of the month, so his

entitlement as a single claimant ends on 18.12.18. Marco and Abigail are entitled to Universal Credit as joint claimants from 24.11.18. Abigail is nominated as the responsible parent, and remains in the work-focused interview requirement only group. Abigail's sanction continues until she complies with the requirement to take part in a work-focused interview, because although her award terminated, that was only because she became a member of a couple.

Example 3

Colin and Lisa are joint claimants, and foster Kerry, a child aged 11. Colin is in the all work-related requirements group, and as the responsible foster parent, Lisa falls within the work-focused interview requirement only group. Colin and Lisa's assessment period begins on the 4th of every month.

Lisa is required to attend a work-focused interview on 10.8.18, but fails to do so. In response to a written query, she says that she forgot. She does not make a further appointment for a work-focused interview. The decision maker decides to impose a reduction for the sanctionable failure.

On 27.8.18 Lisa contacts the Department to say that on 22.8.18 she started fostering Neil, a child aged 4 months. The reduction period ends on 21.8.18, as from 22.8.18. Lisa is no longer subject to any work-related requirements.

Example 4

Heather is a lone parent with a daughter aged 3. She is entitled to Universal Credit, and is in the work-focused interview requirement only group. Heather fails to attend a work-focused interview on 22.8.18. She does not respond to requests for reasons as to why she failed to attend. The decision maker imposes a reduction for the sanctionable failure.

On 7.11.18 Heather notifies that she has inherited £54,000 from a distant relative. The money was credited to her account on 29.9.18. Heather's assessment period begins on the 25th of every month, so her Universal Credit award is terminated from 25.9.18. The reduction period ends on 24.9.18, the last day of Universal Credit entitlement.

K6011 – K6999

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