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for Work &  
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[www.gov.uk/dwp](http://www.gov.uk/dwp)

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*Dear Frank,*

### **BENEFIT SANCTIONS ENQUIRY – UPDATE FOLLOWING 27 JUNE HEARING**

Following the oral evidence session of 27 June, both Neil Couling and I agreed to come back to the Committee on a number of points. Your letter of 18 July covered many of these points and I will respond separately to that letter.

I now write to provide an update on a number of the additional points not covered in your letter of 18 July.

#### **Conditionality Easements**

At the hearing I committed to outline the easements process as this is another vital tool for ensuring sanctions are appropriate. I have outlined the process below.

In some circumstances, a claimant's work-related commitments may need to be switched off for a period of time. This can be a legal requirement or at work coach discretion. See Annex 1, which sets out the mandatory and discretionary easements that can be applied.

Easements can be identified at the outset of a claim or at subsequent contacts with individuals. They may also arise from a notified change of circumstances. The work coach will, through their one-to-one relationship with the claimant, identify easements which may be needed.

In each case, there must be a specific review of what the claimant has accepted in their 'Commitment' to determine whether it is appropriate to switch off all requirements, or tailor the commitments to meet the claimant's current circumstances. The Claimant Commitment must be reviewed again when the work-related requirements are restarted.

Unless there is another reason for doing so, the claimant remains in the same Labour Market regime during the period any work-related requirements have been switched off.

If a claimant does not fulfil the requirements agreed in the Claimant Commitment then the work coach, in certain circumstances, can apply good reason, which means that the case does not need to be sent for a sanction consideration. Annex 2 sets out the list of good reasons that can be applied.

**Q337**

The draft Universal Credit (Transitional Provisions) (Managed Migration) Amendment Regulation 2018 were sent to the Social Security Advisory Committee (SSAC) for their consideration on 20th June 2018. SSAC is currently undertaking a public consultation on these regulations and this is scheduled to end on 20th August 2018. For further information please see:

<https://www.gov.uk/government/consultations/moving-claimants-to-universal-credit-from-other-working-age-benefits>

The Department is unable to provide precise detail of the timetable for the introduction of the measures in these provisions, including those related to the Severe Disability Premium proposals until the Universal Credit (Transitional Provisions) (Managed Migration) Amendment Regulations 2018 are agreed by Parliament.

**Q242**

You also asked for details of the reports where we show the percentage of claimants that believe that sanctions are more likely to make them comply. The reports can be found as follows:

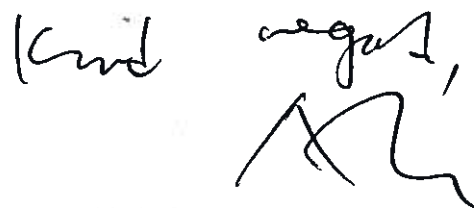
The Jobcentre Plus Offer: Final Evaluation Report

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/261656/rrep852.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/261656/rrep852.pdf)

Universal Credit Extended Gateway Evaluation

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/481865/universal-credit-extended-gateway-evaluation.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/481865/universal-credit-extended-gateway-evaluation.pdf)

Finally, I know you have written to Neil to establish how Universal Support is treated for accounting purposes in Universal Credit. Neil will respond separately on that point.



**Alok Sharma MP**  
**Minister of State for Employment**

**Annex 1 – Easement Table**

Easement	Duration	Information
Mandatory		
Unfit for work	Work search and availability requirements must be switched off for up to the first 14 days of a period of sickness, when it is the first or second episode of sickness in a rolling 12 month period	<p>WFI and work preparation requirements may be set at any point, if this is reasonable based on the claimant's health condition. Currently, while claimants have a valid fit note, they are not expected to take up a new job, so have no availability requirements.</p> <p>If the claimant reports a third episode of sickness in a rolling 12 month period or the sickness continues beyond 14 days this does not warrant an automatic lifting of work search requirements. Discretion should be used to decide whether to switch off or tailor work related requirements to reflect the claimant's health condition and capabilities.</p>
'Treated as' Limited capability for work or Limited Capability for work and work-related activities (including terminally ill)	Until outcome of WCA.	For claimants treated as LCW work search and work availability requirements must be switched off (WFI and work preparation may still be set if reasonable based on the claimant's health condition) pending outcome of work capability assessment. For claimants treated as LCW/WRA, all work-related requirements must be switched off pending outcome of work capability assessment.
Temporary absence to receive medical treatment abroad	Up to 6 months	Switch off requirements if receiving medically approved treatment abroad or accompanying partner or child.

**Annex 1 – Easement Table**

<p>Bereavement of partner or child</p>	<p>6 months</p>	<p>Mandatory work related requirements are switched off for all claimants subject to them. Claimants should be exempt from conditionality for the first 3 payment periods following the loss of a partner or child. After the initial 3 months, optional support, such as re-introduction of Work Focused Interviews (WFI) may apply for a further 3 months without sanctions.</p>
<p>Domestic violence or abuse</p>	<p>3 months, extended to 6 if the claimant is the main carer of a child</p>	<p>Those in the Intensive Work Search and Light Touch regimes will be offered voluntary WFIs after the first 13 weeks (where they have children and are eligible for the 26 week easement).</p>
<p>Responsible carer for a child in considerable distress</p>	<p>One month in any 6 month period for a maximum of 2 years</p>	<p>Switch off requirements if there is a need to provide additional support to a child:</p> <ul style="list-style-type: none"> <li>• following the death of a parent, sibling, previous responsible carer or a person living in the same household as the child (excluding lodgers)</li> <li>• if the child witnessed or experienced violence or abuse</li> </ul>
<p>Drug/alcohol dependent</p>	<p>Up to 6 months</p>	<p>Work related requirements will not be applied so long as the claimant remains in structured recovery orientated treatment for drug or alcohol dependency. A claimant may only have one such period in any rolling 12 month period, calculated from the last day of any previous drug or alcohol related switch off.</p>
<p>Witness protection</p>	<p>Up to 3 months</p>	<p>For claimants for whom arrangements have been made under section 82 of the Serious</p>

**Annex 1 – Easement Table**

		Organised Crime and Police Act 2005
Carrying out public duty	Period covered by the circumstances	<p>Examples of public duty include:</p> <ul style="list-style-type: none"> <li>• volunteer fire fighter</li> <li>• lifeboat crew member</li> <li>• volunteer coastguard</li> <li>• councillor</li> <li>• Armed Forces reservist</li> <li>• attending Jury service</li> <li>• core participants in a public inquiry</li> </ul>
Discretionary		
Homeless	Normally up to one month	For recently homeless, need to determine if it's unreasonable to impose work related requirements. If so, switch off requirements temporarily so long as the claimant moves to resolve their accommodation issues
Domestic Emergency	No defined duration but normally up to one month	Covers a wide range of circumstances not defined in legislation allowing us to respond appropriately on a case by case basis.
Temporary childcare responsibilities	No defined duration but one month used as a guideline	<p>Examples include:</p> <ul style="list-style-type: none"> <li>• usual carer is unavailable</li> <li>• paternity leave</li> <li>• legal order to provide care for child.</li> </ul>

### **Good reason framework (Universal Credit)**

- Claimant was suffering a temporary period of sickness or medical emergency
- Claimant was attending a funeral of a close friend or relative on the day of the appointment
- Serious illness, death or emergency affecting a relative or close friend
- Death of someone for whom the claimant is caring
- Claimant was detained in police custody for 96 hours or less, then released
- Claimant was required to attend court or tribunal in any capacity
- Claimant has attended a job interview
- Adverse weather conditions
- At the time of their appointment the claimant was undertaking duties in any of the following:
  - crew member on a lifeboat
  - part-time fire fighter
  - working for the benefit of others in an emergency, for example special constable, reservist, member of St Johns ambulance
- Claimant was at work or travelling to work
- Claimant was temporarily looking after a child full time, because the normal carer is:
  - ill
  - temporarily ill
  - temporarily absent from home
  - looking after a family member who is ill
- National or local transport industrial action
- Claimant has a recorded mobility issue and there was an unforeseen issue with transportation

### **JSA Failed To Attend (FTA) Good reason framework**

- Voluntary work or caring responsibilities
- Providing a service
- Attending a residential work camp
- Taking a child or young person abroad for medical treatment
- Crew member of a lifeboat/ p/t fire-fighter/working for the benefits of others in an emergency
- Member of couple and needed to care for child while usual carer is abroad
- Attending Open University residential course
- Temporarily looking after a child full-time because the normal carer is ill or temporarily absent from home, or looking after a family member who is ill
- Claimant was suffering a temporary period of sickness, including a mental health condition, or was undergoing emergency medical or dental treatment which prevented them attending
- Domestic emergency (including serious illness, death, funeral or emergency affecting a relative or close friend or death of someone the claimant is caring for)
- Other domestic emergency such as dealing with a burglary/vandalism, flood, boiler breakdown etc.
- Claimant was detained in police custody for 96 hours or less then released
- Claimant was required to attend court, or tribunal for up to 8 weeks
- Claimant was participating in annual continuous training as a member of the reserve forces

## **Annex 2**

- Claimant has attended a job interview and can provide sufficient evidence for example, letter from employer / name of interviewer
- Claimant declares part time work which does not result in claim termination
- Adverse weather conditions
- Industrial action with the transport provider which prevented the claimant from attending the appointment
- Claimant has known mobility problems
- Claimant is caring for a child and is subject to a parenting order or a parenting contract. The child may be excluded from school
- Claimant is caring for a child because of school holidays and they can not obtain affordable and appropriate childcare