

Universal Credit (UC) regulations: conditionality January 2013

Issue

For the first time, UC will extend conditionality within the benefits system to claimants who are **already in work**. Working claimants will be expected to meet a new “higher” **conditionality earnings threshold**. Conditionality won't apply once someone has reached his or her earnings threshold.

The Government has stated that this “conditionality threshold” will be calculated based on the claimant's circumstances. The earnings threshold is based on the number of hours required (maximum 35) multiplied by the relevant national minimum wage amount. Requirements for some claimants who do not meet the threshold can therefore include an expectation to look for full-time work of 35 hours a week. This will be dependent on circumstance (i.e. earnings threshold may be lower for some) and will take into account, for example, if someone has caring responsibilities or physical or mental health problems.

Universal Credit draft regulations

Part eight, clause 88 states that the Secretary of State can allow for a less number of hours (than the 35):

"(c) where the claimant has a physical or mental impairment, the number of hours that the Secretary of state considers is reasonable in light of that impairment."

What we want

(1) We see clarity on exemptions to the 35 hour 'conditionality threshold' based on someone's "physical or mental impairment", and further detail about how a decision about hours is made.

(2) Confirmation that this applies only to those claimants subject to all work-related requirements (i.e. equivalent to JSA within the UC).

Although we would hope that the majority of people with a learning disability would not be in the "all work-related requirements" group, we know that there are high numbers of people failing the current WCA and missing eligibility for ESA at all. In these cases, JSA (and full conditionality) apply.

While we support the ambition of full-time employment opportunities for people with a learning disability, this can be a real challenge for some people. There can be multiple reasons for this – people may have complex and additional health needs which need daily management or may struggle to manage their home lives in addition to full-time employment. There may be issues with an individual's levels of concentration. These sorts of issues will need to be taken into account when exempting people from the 35 hour conditionality threshold.