**Universal Credit DWP safeguarding guidance**

GWRS are unable to say with certainty what safeguards are in UC as information DWP release through FOI changes regularly.

***Vulnerability and complex needs***

Definitions of vulnerability in UC are based on the DWP Approach to Vulnerability guidance[[1]](#footnote-1). It appears that a definition of vulnerability based around claimants with mental ill health, learning difficulties, and conditions affecting cognition is no longer used. This means that DWP staff are expected to use their own discretion based on the information available to them. This may well be problematic given the number of times failure to identify vulnerability has been an issue raised during a DWP Peer Review (carried out following serious incident or death)[[2]](#footnote-2).

The Approach to Vulnerability guidance introduces a new description of vulnerability as ‘an individual who is identified as having complex needs and/or requires additional support to enable them to access DWP benefits and use our services’. Complex needs are described as ‘difficult personal circumstances and/or life events that affect the ability of the individual to access DWP benefits and use our services’[[3]](#footnote-3).

The guidance has stated that the DWP approach to vulnerability aims to move away from using the term ‘vulnerable customer’[[4]](#footnote-4). It does not define vulnerability by customer group in favour of a focus on life events and/or personal circumstances and states that claimants may move in and out of situations where they do/do not require support[[5]](#footnote-5). The guidance goes on to state that some individuals may not require support even though they are experiencing difficult life events and/or complex personal circumstances, health issues or disability[[6]](#footnote-6).

The guidance lists some life events and personal circumstances[[7]](#footnote-7) including adoption, leaving the armed forces, bereavement, debt/indebtedness, divorce, domestic violence and abuse, addiction, retirement, age – older person, lone parent, suicide and/or self-harm declaration, MAPPA claimants (Multi Agency Public Protection Arrangements).

***Home Visits***

It seems that Core Visits continue to exist within Universal Credit guidance. The most recent round of FOIs supplied two documents which referred to core visits or home visits[[8]](#footnote-8). One other document, not released by FOI but dated October 2016, has been lodged with the House of Lords library. It is unclear whether the document lodged with the House of Lords is still current, however it states that:

*“A sanction referral is not considered until at least 2 attempts have been made to complete a home visit and all other attempts to contact the claimant have failed. This is only the case for customers who have complex needs and helps identify reasons for them failing to attend.”* [[9]](#footnote-9)

This quote seems to differ from the Work Programme version of the guidance which limits the payment groups the guidance can apply to but also enables sanction referrals to take place without any home visit if the mandation was conducted face to face. It is also unclear whether this would apply for people at risk of sanctions referred by Jobcentre Plus (as opposed to a WPP), if it does apply to JCP clients then this effectively removes the notification to third parties which would take place in the event of failed safeguarding for ESA claimants.

The other two documents set out actions for processing centre staff to take once a referral has been received from a ‘provider such as the work programme’ (possibly not limited to the work programme).

Claimants with complex needs will have 5 days in which to show that they had good reason for their actions[[10]](#footnote-10). When a claimant with complex needs fails to respond to the request to provide good reason then DWP will attempt to contact them by telephone to collect good reason, with assistance provided to the claimant by a member of their household if the claimant is unable to understand[[11]](#footnote-11). If the claimant with complex needs is unable to be contacted by telephone a referral is made to DWP Visits, once they receive a response the referring agent can choose whether to continue with the sanction referral. If they do continue with the sanction referral they will forward any new good reason information to a Decision Maker[[12]](#footnote-12).

These extracts from guidance suggest that home visits will take place before any referral and then again if there is no response from the claimant to requests for good reason. However, the difficulty of getting hold of this guidance and uncertainty whether this represents all of the relevant guidance means that this should be treated with caution.

**Universal Credit Work Programme Provider safeguarding guidance**

Note that referrals to the Work Programme stopped from 01/04/17. Existing Work Programme Participants will continue to be supported by their Work Programme Provider. The Work Programme is due to be replaced by the Work and Health Programme but the scheme has not started and no guidance has been published.

***Defining vulnerability for Universal Credit work programme claimants***

The Universal Credit WPP guidance states that the work programme definition of ‘vulnerable’ should only be used for UC claimants in Payment Groups 5, 6a, 6b and 7 (this seems to be almost equivalent to ESA WRAG claimants although appearing to omit payment group 6 – parent with a child aged 3 or 4, and with limited capability for work due to a medical condition with a 3 or 6 month prognosis)[[13]](#footnote-13), who are in the work preparation regime, and have a WCA prognosis[[14]](#footnote-14). Vulnerable UC claimants meeting those criteria are those who have mental health conditions, learning disabilities, or conditions affecting communication/cognition[[15]](#footnote-15).

***Vulnerable Universal Credit claimant fails to comply with an activity they have been mandated to undertake by a Work Programme Provider***

*The safeguarding process*

Safeguarding is described in guidance as a 'high level must do'[[16]](#footnote-16). The WPP must use information from the DWP referral, DWP updates, and their own information to determine whether a claimant is vulnerable[[17]](#footnote-17). Before raising a compliance doubt (which could lead to a sanction) for a vulnerable claimant a Work Programme Provider (WPP) must ensure that the claimant understood the requirement placed on them and the possible consequences of not complying by having a face to face discussion[[18]](#footnote-18) with the claimant for each mandated activity[[19]](#footnote-19). . If the claimant was mandated to carry out an activity in a face to face appointment then the guidance says that the WPP have fulfilled the safeguarding requirement and there is no requirement to have another face to face meeting if they then fail to comply[[20]](#footnote-20). If the claimant was not mandated in a face to face meeting then there must be a further attempt at safeguarding after any failure to comply, this can be done by a home visit if necessary[[21]](#footnote-21). If the WPP meets with the claimant face to face and decides that they did understand the requirements and possible consequences then they will raise a compliance doubt, including details of safeguarding activity, so that a DWP decision maker can consider a sanction[[22]](#footnote-22). If the WPP has attempted to safeguard and has been unsuccessful in meeting the claimant, they will raise a compliance doubt which explains their attempts to carry out safeguarding, the DWP will then consider whether to apply a sanction[[23]](#footnote-23). If the WPP carries out safeguarding and decides that the claimant did not understand the mandatory activity then the WPP should not make a compliance doubt referral[[24]](#footnote-24). The guidance also states that if the claimant has given the WPP written consent to talk to a third party representative then the WPP is free to do so[[25]](#footnote-25).

1. <http://www.rightsnet.org.uk/?ACT=39&fid=3&aid=1127_9dYjThKR7tVqm8FEYf0V&board_id=1> [↑](#footnote-ref-1)
2. See documents 1, 6, 14,15,26, 27, 32, 36, 38, and 48 in redacted peer reviews <https://www.gov.uk/government/publications/dwp-foi-releases-for-may-2016> [↑](#footnote-ref-2)
3. Para.4 <http://www.rightsnet.org.uk/?ACT=39&fid=3&aid=1328_0yKlSHrlTPKYIJHfWKPI&board_id=1> [↑](#footnote-ref-3)
4. Pg.1 <http://www.rightsnet.org.uk/?ACT=39&fid=3&aid=1127_9dYjThKR7tVqm8FEYf0V&board_id=1> [↑](#footnote-ref-4)
5. Para.9 <http://www.rightsnet.org.uk/?ACT=39&fid=3&aid=1328_0yKlSHrlTPKYIJHfWKPI&board_id=1> [↑](#footnote-ref-5)
6. Para.20 <http://www.rightsnet.org.uk/?ACT=39&fid=3&aid=1328_0yKlSHrlTPKYIJHfWKPI&board_id=1> [↑](#footnote-ref-6)
7. Para.20 <http://www.rightsnet.org.uk/?ACT=39&fid=3&aid=1328_0yKlSHrlTPKYIJHfWKPI&board_id=1> [↑](#footnote-ref-7)
8. Old UC guidance released through FOI is not described in this document. Those interested can find the guidance here: <http://www.rightsnet.org.uk/?ACT=39&fid=3&aid=1131_QG5X8oHloZVEyTvflppG&board_id=1> [↑](#footnote-ref-8)
9. <http://data.parliament.uk/DepositedPapers/Files/DEP2016-0778/Corrected_Home_visits_V2.0.pdf> [↑](#footnote-ref-9)
10. Pg. 1133 of 2017/18 CPAG Handbook and ‘Recording the sanctionable failure on Work Services Platform’ in <http://www.rightsnet.org.uk/?ACT=39&fid=3&aid=1406_IEhPNX8YZtEn4pEtwufh&board_id=1> [↑](#footnote-ref-10)
11. ‘Claimant with complex needs contacted by telephone’ in <http://www.rightsnet.org.uk/?ACT=39&fid=3&aid=1406_IEhPNX8YZtEn4pEtwufh&board_id=1> [↑](#footnote-ref-11)
12. ‘Claimant with complex needs unable to be contacted by telephone’ in <http://www.rightsnet.org.uk/?ACT=39&fid=3&aid=1406_IEhPNX8YZtEn4pEtwufh&board_id=1> and <http://www.rightsnet.org.uk/?ACT=39&fid=3&aid=1405_MiCwMZHaaJPCNVoycHeW&board_id=1> [↑](#footnote-ref-12)
13. Pg. 12 of <https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/608073/uc-work-programme-dwp-provider-guidance.pdf> [↑](#footnote-ref-13)
14. Note that vulnerable ESA claimants without a WCA prognosis (i.e. awaiting a WCA prognosis) were included in the group of claimants who could be safeguarded [↑](#footnote-ref-14)
15. Para.4.04 & 4.05 <http://www.rightsnet.org.uk/?ACT=39&fid=3&aid=1403_4lmWg3GPuJ2KJ7IVs12A&board_id=1> [↑](#footnote-ref-15)
16. Para. 4.01 <http://www.rightsnet.org.uk/?ACT=39&fid=3&aid=1403_4lmWg3GPuJ2KJ7IVs12A&board_id=1> [↑](#footnote-ref-16)
17. Para. 4.10-4.15 <http://www.rightsnet.org.uk/?ACT=39&fid=3&aid=1403_4lmWg3GPuJ2KJ7IVs12A&board_id=1> [↑](#footnote-ref-17)
18. Para. 4.08 <http://www.rightsnet.org.uk/?ACT=39&fid=3&aid=1403_4lmWg3GPuJ2KJ7IVs12A&board_id=1> [↑](#footnote-ref-18)
19. Para. 4.26 <http://www.rightsnet.org.uk/?ACT=39&fid=3&aid=1403_4lmWg3GPuJ2KJ7IVs12A&board_id=1> [↑](#footnote-ref-19)
20. Para. 4.20-4.22 <http://www.rightsnet.org.uk/?ACT=39&fid=3&aid=1403_4lmWg3GPuJ2KJ7IVs12A&board_id=1> [↑](#footnote-ref-20)
21. Para. 4.23 <http://www.rightsnet.org.uk/?ACT=39&fid=3&aid=1403_4lmWg3GPuJ2KJ7IVs12A&board_id=1> [↑](#footnote-ref-21)
22. Para 4.31 <http://www.rightsnet.org.uk/?ACT=39&fid=3&aid=1403_4lmWg3GPuJ2KJ7IVs12A&board_id=1> [↑](#footnote-ref-22)
23. Para.4.36 <http://www.rightsnet.org.uk/?ACT=39&fid=3&aid=1403_4lmWg3GPuJ2KJ7IVs12A&board_id=1> [↑](#footnote-ref-23)
24. Para. 4.34 <http://www.rightsnet.org.uk/?ACT=39&fid=3&aid=1403_4lmWg3GPuJ2KJ7IVs12A&board_id=1> [↑](#footnote-ref-24)
25. Para.4.37 <http://www.rightsnet.org.uk/?ACT=39&fid=3&aid=1403_4lmWg3GPuJ2KJ7IVs12A&board_id=1> [↑](#footnote-ref-25)