

D) Universal Credit Draft Requirements Regulations

Summary of illustrative regulations

1. This paper contains an initial, illustrative set of regulations on the requirements that will be placed on Universal Credit claimants. These regulations relate to clauses 19(2)(d) and 22(2) of the Welfare Reform Bill. They do not represent a final version of the regulations, but are intended to inform debate on these aspects of the Bill in the House of Lords. They form part of the legislative framework that will allow for a tailored conditionality regime for Universal Credit claimants.
2. Clause 19 of the Bill provides that work-related requirements must not be imposed on claimants who fall within it. Subsection (2)(d) provides a regulation making power to set out descriptions of other claimants who will fall within clause 19, and therefore be subject to no work-related requirements. Regulation 1 sets out descriptions of such claimants.
3. Clause 22(2) of the Bill provides work search and work availability requirements must be imposed on claimants in the all work-related requirements group, except in prescribed circumstances. Subsection (3) gives the Secretary of State discretion to impose a work preparation requirement or a WFI requirement on such claimants.

Regulation 1: claimants in the no work-related requirements group

4. Regulation 1 describes claimants who will fall into the group subject to no work-related requirements (in addition to those claimants who fall into this group as a consequence of provisions on the face of the Bill, such as claimants with limited capability for work and limited capability for work related activity).
5. Regulation 1(4) and (5) make provision for claimants who but for a particular circumstance would fall in this group because they would be above the work-related threshold (a separate note provides information on how we intend to define the work related threshold). Regulation 1(5) lists the circumstances which would lead to a claimant continuing to fall in the group – e.g. claimant is a juror, a prisoner, on maternity or paternity leave, entitled to SSP, on strike. The regulations do not currently include a definition for work, but we intend work to include self-employed work.
6. Regulation 1(6) makes provision for claimants of a particular description to fall into the group that would have no work-related requirements imposed on them because of their circumstances – including a claimant

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who has reached the qualifying age for state pension credit or a claimant who is in full-time education. Full-time education is yet to be defined. It is our intention to align the definition used here with regulations to be made in respect of the basic conditions of entitlement for Universal Credit (Clause 4(6) of the Bill).

7. Regulation 1(6) also includes circumstances when a claimant is pregnant for at least 24 weeks, or when a claimant is adopting a child. In the case of a pregnant woman, she will be in the no work-related requirements group for 11 weeks before her due date and 15 weeks after the birth of her child (including any period between her due date and actual date of the birth of the child). Where a claimant is adopting a child, these regulations allow for the claimant to be in the no work-related requirements group for a period of up to 52 weeks either from the date that the child is placed with the claimant or 14 days earlier.

Regulation 2: claimants in the all work-related requirements group

8. Regulation 2 provides for the circumstances in which work search and availability requirements must not be imposed on claimants in the group subject to all work-related requirements. Regulation 2(1) makes clear that these requirements would not be imposed for as long as the circumstance continues, and that requirements imposed previously would not apply (Regulation 2(3)).
9. Regulation 2(4) lists the circumstances which would lead to work search and availability requirements not being imposed, including circumstances when a claimant is a juror, a prisoner, on maternity or paternity leave. Regulation 2(2) and 2(4)(e) provide that a claimant who self certifies they are not fit for work would have their work search and availability requirements switched off for a period of 7 days, but restricts this exemption to two occasions in any one year.
10. Regulation 2(4)(f) provides for a work search and availability requirement not to be imposed on a claimant who is required to participate in training under a work preparation requirement, where the claimant cannot reasonably meet such requirements.
11. Regulation 2(4)(g) provides a discretion for Jobcentre Plus (acting as the Secretary of State) to consider individual claimant's temporary change of circumstances on a case by case basis. In cases where it would be unreasonable to require the claimant to comply with a work search requirement or a work availability requirement, including if such requirements were limited in accordance with section 17(4) and section

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18(3), the work search and availability requirements would not be imposed.

12. Further work to refine the Requirements Regulations will be completed to ensure the definitions used here align with regulations made using other powers in the Bill (Universal Credit payment regulations) and in other legislation.

ILLUSTRATIVE REGULATIONS

STATUTORY INSTRUMENTS

2011 No.

UNIVERSAL CREDIT

Draft Requirements Regulations

<i>Made</i> - - - -	***
<i>Laid before Parliament</i>	***
<i>Coming into force</i> - -	***

Interpretation

1.—(1) In these Regulations—

“adopter” means a person who has been matched with a child for adoption who is, or is intended to be, the responsible carer for the child, but excluding a person who is a foster carer, step-parent, relative or step-relative of the child;

“full-time education” means [*to be defined in line with regulations made under section 4(2)-regulations providing exceptions to the requirement to meet the basic entitlement conditions, including not to be receiving education under section 4(1)(e)*];

“maternity leave” means ordinary maternity leave and any additional maternity leave under sections 71 and 73 of the Employment Rights Act 1996;

“paternity leave” means ordinary paternity leave and any additional paternity leave under sections 80A and 80AA of the Employment Rights Act 1996;

“prisoner” means a person who—

- (a) is being detained in custody pending trial or sentence upon conviction or under a sentence imposed by a court;
- (b) is being detained—
 - (i) under section 45A or 47 of the Mental Health Act 1983 (power of higher courts to direct hospital admission; removal to hospital of persons serving sentences of imprisonment etc); and
 - (ii) before the day on which the Secretary of State certifies to be that person’s release date within the meaning of section 50(3) of that Act (in any case where there is such a release date);
- (c) is being detained under—
 - (i) section 59A of the Criminal Procedure (Scotland) Act 1995 (hospital direction); or
 - (ii) section 136 of the Mental Health (Care and Treatment) (Scotland) Act 2003 (transfer of prisoners for treatment of mental disorder); or

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(d) is on temporary release in accordance with the provisions of the Prison Act 1952 or the Prisons (Scotland) Act 1989,

other than a person who is detained in hospital under the provisions of the Mental Health Act 1983 or, in Scotland, under the provisions of the Mental Health (Care and Treatment) (Scotland) Act 2003 or the Criminal Procedure (Scotland) Act 1995;

“relative” means grand-parent, grand-child, uncle, aunt, nephew or niece;

“self-certify” means a declaration made by the claimant in such manner and form as the Secretary of State approves;

“statutory sick pay” means payment made to a claimant in accordance with Part 11 of the Social Security Contributions and Benefits Act 1992;

“strike” has the same meaning as in section 246 of the Trade Union and Labour Relations (Consolidation) Act 1992;

“trade dispute” has the same meaning as in section 244 of the Trade Union and Labour Relations (Consolidation) Act 1992;

“tribunal” means any tribunal listed in Schedule 1 to the Tribunals and Inquiries Act 1992;

(2) For the purpose of these Regulations, a person is matched with a child for adoption when it is decided by an adoption agency that the person would be a suitable adoptive parent for the child.

Claimants subject to no work-related requirements

2.—(1) Subject to paragraphs (2) and (3), a claimant who is of a description set out in paragraph (4) or (6) falls within section 19 (claimants subject to no work-related requirements).

(2) A claimant who falls under paragraph (6)(a), falls within section 19 for 11 weeks before her due date, and 15 weeks after her pregnancy ends.

(3) A claimant who falls under paragraph (6)(c), falls within section 19 for 52 weeks from whichever of the following dates that the claimant chooses—

(a) the date that the child is placed with the adopter; or

(b) 14 days before the child is expected to be placed with the adopter.

(4) A single claimant or joint claimants who but for the circumstances set out in paragraph (5), would have been above the work-related threshold.

(5) The circumstances referred to in paragraph (4) are that the single claimant or at least one of joint claimants—

(a) attends a court or tribunal as a justice of the peace, a party to any proceedings, a witness or a juror;

(b) is a prisoner;

(c) is on maternity leave;

(d) is on paternity leave;

(e) is entitled to statutory sick pay; or

(f) is on strike because of an ongoing trade dispute.

(6) A claimant who—

(a) is pregnant for at least 24 weeks;

(b) has reached the qualifying age for state pension credit;

(c) is an adopter; or

(d) is in full-time education.

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Circumstances in which a work search requirement and a work availability requirement must not be imposed on claimants subject to all work-related requirements

3.—(1) Subject to paragraph (2), the Secretary of State must not impose a work search requirement under section 17, or a work availability requirement under section 18, on a claimant who falls within section 22 (claimants subject to all work-related requirements) for the period that the circumstances set out in paragraph (4) apply.

(2) The Secretary of State must not impose a work search requirement or a work availability requirement on a claimant who falls within section 22, and to whom the circumstances set out in paragraph (4)(e) apply, for a maximum of 7 consecutive days from the date that the claimant self-certifies, and on no more than 2 such periods in any period of 52 weeks.

(3) Any requirements previously applying to the claimant cease to have effect from the date that the circumstances set out in paragraph (4) apply.

(4) The circumstances referred to in paragraph (1) are that the claimant—

- (a) attends a court or tribunal as a justice of the peace, a party to any proceedings, a witness or a juror;
- (b) is a prisoner;
- (c) is on paternity leave;
- (d) is on maternity leave;
- (e) self-certifies that the claimant is unfit for work from a particular date;
- (f) is required to participate in training specified by the Secretary of State as a work preparation requirement under section 16, and the Secretary of State is satisfied that it would be unreasonable to require the claimant to comply with a work search requirement or a work availability requirement, including if such requirements were limited in accordance with section 17(4) and section 18(3), because of the time to be devoted to the training; or
- (g) is subject to a temporary change of circumstances, and the Secretary of State is satisfied that it would be unreasonable to require the claimant to comply with a work search requirement or a work availability requirement, including if such requirements were limited in accordance with section 17(4) and section 18(3).