

## **Requirement to accept a claimant commitment / temporary removal**

There may be circumstances where the requirement to accept a Commitment is temporarily removed. This is expected only when the claimant is prevented from accepting due to exceptional circumstances. An example is where the claimant is suddenly or unexpectedly incapacitated or where there is administrative failure or crisis. Once the crisis is over, a Commitment will need to be accepted.

Where the claimant lacks capacity and are either physically or mentally unable to accept a Commitment and this is unlikely to change we will lift the requirement to accept one.

Appointees are not able to accept a Commitment on behalf of a claimant.

Examples where the requirement can be temporarily lifted are:

- a person is undergoing medical treatment as an in-patient in a hospital
- a claimant or office has an exceptional domestic emergency such as fire or flood
- the office the person would be required to attend to accept their Commitment is closed and alternative arrangements are not possible

This list is not complete and is to show some circumstances that are exceptional.

### **Cooling off period**

Claimants should be given a reasonable time to accept a Commitment. A period of 5 working days is normally allowed but there is flexibility. In certain circumstances this period can be extended. For example where a claimant has moved into work or where a claimant moves from a high intensity regime to a lower intensity regime.

### **Second Opinion**

A claimant may request a second opinion on the detail and reasonableness of work availability and work search requirements they have been set. Only one request is allowed for every new or updated Commitment. This is only relevant to claimants subject to intensive conditionality.

If the claimant refers their first Commitment for a second opinion review and the Secretary of State considers the grounds for referral to be reasonable then this should be dealt with in the same way as a normal claim and backdated to the date of claim. This is only if after the referral has been considered the claimant subsequently accepts a revised Commitment.

If the claimant decides to refer their first Commitment for a second opinion review and the Secretary of State subsequently considers the grounds for referral to be unreasonable, the date of claim will be moved to the date the Commitment is accepted. The consequences of meritless referrals will need to be set out clearly for a claimant before they take a decision to refer for a second opinion.

Having reasonable grounds for referral does not necessarily mean that you have agreed with the claimant and made revisions. It means that the referral had some merit and is worthy of consideration.

Each time a Commitment is updated with new requirements the claimant will have the ability to ask for a review of their requirements. This will involve a different person interviewing the claimant to review the Commitment that the claimant has not accepted. If they decide that the requirements originally set were reasonable, the claim will be ended and the claimant will need to submit a new claim.

If it is decided that the original requirements were unreasonable, they should be amended and a new Commitment created. If the claimant does not accept this Commitment they are advised that the claim will end. This includes where this is a couple claim.

During the review period the claimant should be informed of the consequences of not accepting their Commitment and their partner should be informed that their claim will also close. The review process will supersede the cooling off period of 5 working days. If a review finds the claimant's concerns meritless then a new claim will be required (even if the full 5 days of a cooling period have not yet expired).

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